

COUNCIL ASSESSMENT REPORT

WESTERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PAN-602697 (DA13/2025)
PROPOSAL	Demolition of existing buildings & improvements and construction of new Multipurpose Centre including 1 x indoor and 1 x outdoor sports courts, indoor gymnasium, youth and community facilities, playground and water play area and associated landscaping.
ADDRESS	4/-/DP834798, 2/-/DP834798, 3/-/DP834798 60-70 Bathurst Street and 17 Doyle Street, Brewarrina.
APPLICANT	Suneil Adhikari - Director of Engineering, Brewarrina Shire Council
OWNER	Brewarrina Shire Council
DA LODGEMENT DATE	16/01/2026
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2.19(1) and Clause 3 of Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> declares the proposal regionally significant development as: Council related development over \$5 million 3 Council related development over \$5 million <i>Development that has an estimated development cost of more than \$5 million if—</i> (a) a council for the area in which the development is to be carried out is the applicant for development consent, or (b) the council is the owner of any land on which the development is to be carried out, or (c) the development is to be carried out by the council, or (d) the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).
CIV	\$13,270,301 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
LIST OF ALL RELEVANT PLANNING CONTROLS (S4.15(1)(A) OF EP&A ACT)	• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i>

	• <i>State Environmental Planning Policy (Planning Systems) 2021</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>Brewarrina Local Environmental Plan 2012</i> • <i>Brewarrina Development Control Plan 2023</i>
AGENCY REFERRALS	Essential Energy – under clause 2.48 of the SEPP(Transport & Infrastructure) 2021 Transport for NSW – under clause 2.122 of the SEPP (Transport & Infrastructure) 2021
TOTAL & UNIQUE SUBMISSIONS	Nil
KEY ISSUES	Traffic management Servicing – water, sewer, stormwater NCC/BCA issues
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects (Planning & Co) Architectural Plans (AJC Architects) NABERS Embodied Emissions Materials form Survey Plan Traffic Impact Assessment (TTW) Acoustic report (Marshall Day Acoustics) Waste Management Plan (AJC Architects) Part J4 Compliance Design Report (E-LAB Consulting) Stormwater Management Plan Landscape Report (Arcadia) DA Civil Engineering Report (TTW) Preliminary Site Investigation (Enviroscience Solutions) Safe Design Report (AJC Architects) BCA and Access Statement Achitectural Design Response Statement Geotechnical Investigation Report (Macquarie Geotech) Design Report (AJC Architects)
RECOMMENDATION	Draft report and determination completed
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	30 June 2026
PREPARED BY	Melissa Ward (Ward Planning and Consulting) on behalf of Brewarrina Shire Council
DATE OF REPORT	23 June 2026

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions	N/A
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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EXECUTIVE SUMMARY

This assessment report considers a development application for the construction and operation of a new multipurpose community and sports facility on Council land at Brewarrina. The proposal includes a new indoor recreation building including flexible multi-use spaces, outdoor recreation areas, associated car parking, pedestrian paths, landscaping, lighting, stormwater drainage, signage and environmental management measures.

The development will provide a consolidated community hub that supports sport, recreation, cultural activities and social programs for the Brewarrina community and surrounding region.

The site is currently underutilised and has historically accommodated community and recreational uses. The proposal represents a significant upgrade to local community & sporting infrastructure and aligns with Council's strategic objectives for improved social, cultural and recreational facilities.

Community Notification

The application was publicly exhibited for 28 days in accordance with Council's Community Participation Plan (CPP) and the minimum requirements for a Council DA of this scale. During public exhibition of the DA no submissions were received. Despite this lack of submissions, it is acknowledged that Council completed an extensive consultation program for the design and site of the development with the local community prior to DA lodgement where engagement was high. This substantiates lack of engagement at this stage.

Section 4.15 Assessment Summary

The proposal has been assessed against the relevant provisions of the Environmental Planning and Assessment Act 1979, applicable State Environmental Planning Policies, and the Brewarrina Local Environmental Plan and Development Control Plan.

The development is permissible with consent and is consistent with the objectives of the RU5 Village zone, which encourages community, cultural and recreational uses that support social wellbeing.

Environmental constraints affecting the site include:

- Traffic and interchange with the adjacent highway
- localised flooding and overland drainage/flow paths
- servicing of the site with existing infrastructure

The application is supported by appropriate technical documentation, including Stormwater and flooding assessments, Traffic Impact Assessment (TIA), Acoustic reporting, Landscaping plans and an Environmental management framework. These demonstrate that at a broader scale, the site can accommodate the proposed use with appropriate mitigation measures.

Additional information was sought from the applicant regarding traffic generation, access & parking. The applicant updated the TIA & following review, TfNSW responded in support of the proposal with several matters raised with the assessing officer. Relevant matters from this response have been worked into conditions of consent.

The proposal includes a Landscaping Plan to ensure retained vegetation is protected and new plantings enhance the site's indigenous plantings and environmental and visual character. Changes recommended to the Landscape Plan by the assessment officer will be carried through with conditions of consent and are commensurate with proposed Mainstreet beautification works.

The development will improve pedestrian connectivity through new footpaths and upgraded access points, directing the public through enhancing safety and accessibility for all users.

Key Issues Considered

The assessment has given detailed consideration to the following matters:

- adequacy of vehicular access, traffic generation and highway interrelation
- acoustic impacts from indoor and outdoor activities
- intensity and management of the proposed use
- social and community impacts
- visual and amenity impacts
- construction traffic and site management

Each issue has been addressed in the body of this report. With the recommended conditions, the impacts are considered acceptable.

Conclusion

Following a comprehensive assessment under relevant legislation, the site is considered suitable for the proposed multipurpose community and sports facility. The proposed development provides a high-quality new build that responds appropriately to the site's environmental characteristics and surrounding varied village context.

The proposal will deliver community, social and recreational benefits and improve the quality of local infrastructure. The development is in the public interest.

It is recommended that development consent be granted, subject to the conditions provided in Attachment A, which have been reviewed by the applicant.

1. THE SITE AND LOCALITY

1.1 The Site

- The site covers the whole of Lot 4 DP 834798 and part of Lots 2 and 3 in DP 834798. The land is in the middle of the block bounded by Bathurst, Young, Doyle and Sandon Streets, Brewarrina and is considered a central part of the town.
- The site is 4,927 square metres –part of the total area of the three lots.
- The site has frontage to Bathurst Street – also known as the Kamilaroi Highway (National Road 37) – with 75.65m of frontage to this highway.
- The site currently houses a basketball and netball court, two tennis courts, public toilets, carparking, shade and lighting structures.
- The site is located inside the Brewarrina town flood levee and generally located on flat land.



Figure 1: Aerial imagery of site & locality. Source: NSW Planning Portal

1.2 The Locality

- Nearby existing developments include:

North: aged care residential dwellings and a disused bowling green

South: employment uses including NDIS provider, café, bank, Brewarrina Council and Library

East: Privately owned corrugated iron shed on corner of Young and Bathurst Streets

West: Council car park, Memorial Park, Visitor Information Centre, skate park (north-west) and public toilet block.



Figure 1: The site. Source: planning&co



Figure 2: street view from Bathurst St. Source: Google Maps (June 2025)



Figure 2: Bathurst St frontage looking north-east



Figure 3: Bathurst St frontage looking north west



Figure 4: Northern portion of site looking east



Figure 5: Northern end of site looking north toward aged care units

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for the demolition of existing buildings and construction of a new multipurpose sports complex including indoor and outdoor sports courts, indoor gymnasium, a playground and water play area and car park.

Specifically, the proposal involves:

- Demolition of all existing site improvements, including outdoor multipurpose tennis/netball/basketball courts, concrete toilet block, lighting.
- Use of the site as a community facility, recreation facilities (indoor); recreation facilities (outdoor)
- Construction of an indoor sports centre with a maximum building height of 10.13m including,
 - Multi-purpose sports hall,
 - Gymnasium,
 - Change rooms,
 - Fitness centre,
 - Youth and community hub,
 - Associated administrative and storage area,
 - Signage
- Total gross floor area of 1,632sqm
- Construction of an outdoor court,
- Construction of a playground and water park,
- Construction of a staff car park comprising 5 spaces and a loading bay,
- Construction of 2 x 130KL Fire Service Water Tanks,
- Associated landscaping works including,
 - Forecourt
 - Playground and water park
 - Rear courtyard
- Augmentation of existing utilities as required

Section J4 of the National Construction Code 2022 has been addressed with the proposed development. Architectural plans and photomontages of the elevations are shown below.



Figure 4: Proposal looking east-northeast from Bathurst St.
Source: AJC



Figure 5: Proposal looking northeast from Bathurst St.
Source: AJC

The key development data is provided in **Table 1**.

Table 1: Key Development Data

Control	Proposal
Site area	4,927m ²
Clause 4.6 Requests	Nil
GFA	1,634m ²
Max Height	10.13m
Landscaped area	187.5m ²
Car Parking spaces	60 spaces comprising: 5 marked on site staff spaces, 1 loading bay & 55 spaces in existing Council carpark
Setbacks	Bathurst St: zero to 10.3m Northern boundary: 2.1m – 3.43m Eastern boundary: 3.28m
Hours of operation	Mon-Fri 6am – 9pm Sat 7.30am – 4pm Sun 7.30am – 2pm
Signage	1 x business identification sign on Bathurst St elevation (9.5m x 0.7m) 1 x business identification sign on western elevation (5.3m x 1.25m)

2.2 Background

The development application was lodged into the Planning Portal on 23 December 2025. Following payment of the DA fee the application was accepted on **16 January 2026**. A chronology of the development application since lodgement is outlined in **Table 2**.

Table 2: Chronology of the DA

Date	Event
23 December 2025	Documents uploaded to Planning Portal. PAN-602697 created.
6 January 2026	Public exhibition of the DA commenced. Published on Council's website, social media channels and at Council office.
16 January 2026	DA fee paid. DA accepted in portal.
2 February 2026	Public exhibition/community consultation period ends.
4 February 2026	Referrals sent to Transport for NSW and Essential Energy in acc with relevant sections of the SEPP (Transport & Infrastructure) 2021
17 February 2026	Essential Energy requests additional information regarding separation from overhead assets.
18 February 2026	RFI sent to applicant regarding a number of SEE matters and Essential Energy's request
2 March 2026	TfNSW sends request for additional information from applicant regarding information to be updated in TIA. Council sends this to the applicant for response on 5 March 2026.
5 March 2026	Applicant responds to RFI sent on 18/02/26 with updated SEE and responses to Essential Energy questions
18 May 2026	Applicant responds to TfNSW queries sent to them on 5/03/2026. Council creates new CNR same day for TfNSW response.
1 June 2026	TfNSW responds to CNR regarding updated transport & traffic information.
9 June 2026	Preliminary briefing with WRPP
16 June 2026	Draft conditions of consent provided to Council
23 June 2026	Consultant completes DA assessment report following draft conditions response
30 June 2026	Panel determination meeting

2.3 Site History

The site has been owned by Brewarrina Shire Council for a number of years. Previously the site was used for local basketball, netball and tennis competitions as well as parking for the Bowling Club and visitors.

3. STATUTORY CONSIDERATIONS

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 **significant** 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.*
- (1A) The regulations may, for the purpose of the consideration of a matter referred to in subsection (1)(b), (c) or (e), declare—*
 - (a) factors that are of relevance to development the subject of the development application, and*
 - (b) factors that are not of relevance to development the subject of the development application.*
- (1B) Despite subsection (1), a consent authority, in determining a development application, must not take into consideration a factor the subject of a declaration under subsection (1A)(b).*

These matters are further considered below.

It is noted that the proposal is/is not considered to be (which are considered further in this report):

- **Integrated Development (s4.46)**
Not integrated development. In accordance with the Roads Act 1993, Council referred the DA to Transport for NSW as a "s.138 (non-integrated) development" due to required works on the classified road reserve requiring TfNSW concurrence prior to Council consenting to the application. This was done concurrently with the TfNSW referral under the T&I SEPP below.
- **Designated Development (s4.10)**
N/A
- **Requiring concurrence/referral (s4.13)**
Yes. Referrals under the following legislation applies:

SEPP (Transport & Infrastructure) 2021

Clause 2.119 & 2.122

Referral to TfNSW as a traffic-generating development as the development fronts a classified road and is anticipated to generate more than 50 vehicle movements in an hour.

Clause 2.48

Development within 5m of an exposed overhead power line. Referral to Essential Energy required.

See Table 5 for further assessment on the referrals.

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 \(Industry and Employment\) 2021*](#)
- [*State Environmental Planning Policy \(Planning Systems\) 2021*](#)
- [*State Environmental Planning Policy \(Resilience and Hazards\) 2021*](#)
- [*State Environmental Planning Policy \(Resources and Energy\) 2021*](#)
- [*State Environmental Planning Policy \(Transport and Infrastructure\) 2021*](#)
- *Brewarrina Local Environmental Plan 2012*;

Also outlined in the table below:

- *Brewarrina Development Control Plan 2023*

It is noted here that Part 7 of the ***Biodiversity Conservation Act 2016*** relating biodiversity assessments and impacts on fisheries to has been considered and does not apply to this application.

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**)

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Any vegetation proposed to be removed is subject to the provisions of Chapter 2.	Y
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3 – Advertising and Signage Section 3.6 requires that signage comply with the assessment criteria in Schedule 5 and align with the objectives in Section 3.1(1)(a).	Y
SEPP (Sustainable Buildings) 2022	No compliance issues identified subject to imposition of conditions on any consent granted.	Y
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6 as it comprises a Council-related development with a CIV over \$5 million.	Y
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land Section 4.6 - Contamination and remediation has been considered in the PSI and the proposal is satisfactory subject to conditions.	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure - Section 2.48(2) (Determination of development applications—other development) – electricity transmission - the proposal is satisfactory subject to conditions. - Section 2.122 - Traffic-generating development. Additional information requested by both authorities & further reviewed with supporting comments relayed.	Y
Proposed Instruments	No Draft EPI's currently apply to the Brewarrina LGA.	N/A
LEP	- Clause 2.3 – Permissibility and zone objectives - Clause 2.7 – Demolition requires development consent - Clause 5.10 – Heritage Conservation - Clause 5.21 – Flood Planning - Clause 6.5 Essential services	Y
DCP	4.6 Commercial and Retail Development 4.6.1 Building Setbacks 4.6.3 Outdoor Lighting 4.6.4 Outdoor Signage 4.6.5 Design 4.6.6 Post supported verandas and balconies 4.6.7 Utilities and services 4.6.8 Traffic and Access 4.6.9 Parking Chapter 5: Environmental Controls 5.2 Soil and Erosion Control 5.3 Vegetation 5.4 Waste Management 5.5 Noise 5.6 Geology 5.7 Stormwater	Y

Consideration of the relevant SEPPs is outlined below.

[State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#)

Chapter 2: One tree on site proposed to be removed (Oleander). Existing Baobab tree on outer footway to be retained and preserved which is supported. Council's DCP does not list any protected species of vegetation.

As the tree removal is ancillary to the works proposed with this application, Council can determine whether removal of the tree is appropriate. Tree removal in this instance is supported based on submission of the comprehensive Landscaping Plan and its compliance in full with amendments as discussed in section 4.15(1)(b) below.

[State Environmental Planning Policy \(Sustainable Buildings\) 2022](#)

The objectives of this Policy are to ensure development performance satisfies the sustainability requirements regarding non-residential development.

Section J performance, energy efficiency measures, water efficiency measures and the broader ESD commitments are to be assessed with this DA rather than the NABERS rating assessment tool.

The application is accompanied by an assessment of Chapter 3 as follows:

SEPP Requirement	Comment / Assessment
(1)(a) Minimisation of waste from demolition and construction, including reuse of materials	Applicant advises demolition waste is minimal. Reusable materials include steel cladding; compressed straw from agricultural waste for insulation; and recycled plastic for interior lining.
(1)(b) Reduction in peak electricity demand, including through energy-efficient technology	Cooling via innovative indirect evaporative system using one-quarter of the electricity of refrigerated systems. Rooftop solar expected to meet daily energy demand. No mention of LED or other energy-efficient lighting.
(1)(c) Reduction in reliance on artificial lighting and mechanical heating/cooling through passive design	Natural daylight provided via skylights and generous glazing. High-performance timber-framed glazing with orientation-specific external shading.
(1)(d) Generation and storage of renewable energy	Rooftop solar system proposed.
(1)(e) Metering and monitoring of energy consumption	Energy consumption can be monitored and metered.
(1)(f) Minimisation of potable water consumption	Water-efficient fixtures proposed. Landscaping to use endemic, low-water, drought-tolerant species.
(2) Embodied emissions must be quantified	NABERS embodied-emissions materials table submitted with the DA supports the applicant's assertions.

The proposal is consistent with this SEPP.

[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 Clause 3 of Schedule 6 of the Planning Systems SEPP as the proposal is Council-related development with a CIV over \$5 million. 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](#)

Chapter 4: Remediation of Land

Section 4.6 of the 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 proposed development purpose. To consider this, a Preliminary Site Investigation ('PSI') was prepared for the site.

The PSI consisted of a search of historical records and a site walkover as well as random soil sampling in accordance with EPA Guidelines.

Historical records & site walkover

Assessment of historic photographs showed use of the site for open space/tennis courts since 1950. No evidence from Council to suggest industrial or other uses since this time. The site is not listed on Council's Contaminated Land register.

The site walkover showed no signs of prior industrial use. A workshop/motor garage was identified east of the site however no evidence of migration of contaminants was detected from this walkover nor in the shallow soil samples obtained.

Soil Samples

A total of six (6) soil samples were collected from the site. No asbestos-containing materials were detected in the samples. No groundwater was encountered with the bore holes.

Recommendations

The PSI concluded that the site is suitable for the proposed development of a Multipurpose Sports Facility as the results indicate limited potential for contamination. An unexpected finds protocol was recommended to cover this unlikely event and will be conditioned with the determination.

[State Environmental Planning Policy \(Transport and Infrastructure\) 2021](#)

Chapter 2: Infrastructure

Section 2.48(2) (Determination of development applications—other development) – electricity transmission.

2.48(2) (b) development carried out—

- (i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*
- (ii) immediately adjacent to an electricity substation, or*
- (iii) within 5m of an exposed overhead electricity power line,*

The MPC is proposed within 5m of an overhead exposed electricity line. As such, the application was referred to Essential Energy for consideration and comment. Essential Energy provided comment for the DA on 17 February 2026 as shown below.

TE TE_Technical Enquiries<te_technical.enquiries@essentialenergy.com.au>
To: ☺ Melissa Ward

Tue 2/17/2026 12:07 PM

Thank you for seeking comment from Essential Energy in relation to the proposed development at the above property.

Strictly based on the documents submitted, Essential Energy has the following comments to make as to potential safety risks arising from the proposed development:

- As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 3meters including blow out from the nearest part of the development to Essential Energy's infrastructure (measured horizontally from the centre line) is required to ensure that there is no safety risk.
- The distance of 3meters is required from pole 97134917 to pole 97134916 (bare mains) & 2.2meters from pole 97134917 to pole 97134919 & beyond (covered mains).
- It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a [Request for Safety Advice](#) if works cannot maintain the safe working clearances set out in the [Working Near Overhead Powerlines Code of Practice](#), or [CEOP8041 - Work Near Essential Energy's Underground Assets](#).

Information relating to developments near electrical infrastructure is available on our website [Development Applications \(essentialenergy.com.au\)](#). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website [Encroachments \(essentialenergy.com.au\)](#) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.

Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of *Part 5E (Protection of Underground Electricity Power Lines)* of the *Electricity Supply Act 1995* (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app [essentialenergy.com.au/lookupandlive](#).
- *Note: If your site's energy demand exceeds Essential Energy's standard limits, electricity supply upgrades may be required, including the possible installation of a padmount substation within your development. It is advised to use Essential Energy's Connection portal early to identify network needs and plan accordingly. Should network augmentation be necessary, consult the current list of Accredited Service Providers (ASPs) at <https://www.energy.nsw.gov.au/households/guides-and-helpful-advice/being-more-energy-efficient/understand-your-energy-bill/altering-supply> to arrange the necessary works."*

Should you require any clarification, please do not hesitate to contact us.

Information about when and how to request safety advice from Essential Energy.

[Request for Safety Advice \(essentialenergy.com.au\)](#)

Regards

Essential Energy



E: te_technical.enquiries@essentialenergy.com.au
PO Box 5730 Port Macquarie NSW 2444
General Enquiries: 13 23 91
Power Outages (24hrs): 13 20 80
www.essentialenergy.com.au

The assessing officer referred the above feedback to the applicant, noting any changes to building location/footprint due to encroachment will require redesign of site plan & configuration.

The applicant responded with new plans showing the location of the existing power lines in relation to the proposed development. See below for plans submitted.

The above plan shows the existing power lines to be 5280mm to the front of the MPC building and 4130mm to the awning on Bathurst St. Both of these distances are more than the minimum distance noted in Essential Energy's response of 3 metres including blowout of the infrastructure from any new building. This and Essential Energy's other noted requirements are to be conditioned on the approval.

Section 2.122 - Traffic-generating development

- (b) *in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

Under this section, the DA was referred to Transport for NSW. Following a request for further information, the Traffic Impact Assessment was updated and referred back to TfNSW for assessment. TfNSW comments are shown below.

Transport for NSW



1 June 2026

TfNSW reference: WST26/00011/002 SF2026/016562
Your reference: DA 13/2025 Revision 01 | CNR-92058

General Manager
Brewarrina Shire Council
By Email: breshire@brewarrina.nsw.gov.au
Cc: melw@brewarrina.nsw.gov.au

Attention: Melissa Ward

DA 13/2025 – Demolition of existing infrastructure and construction of a new multi-purpose sports facility – Lots 2,3 & 4 of DP834798 – 60 - 70 Bathurst Street, Brewarrina.

Dear Melissa,

Transport for NSW (TfNSW) is responding to the DA 13/2025 Revision 01 referred on 20 May 2026 via the ePlanning Portal.

TfNSW has reviewed the information and is generally **supportive** of the proposed development. Comments are set out in **Attachment 1** to assist the Consent Authority in assessing the development application.

TfNSW notes that in determining the application under Part 4 of the *Environmental Planning & Assessment Act 1979* it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works.

On Council's determination of this matter, please forward a copy of the Notice of Determination to TfNSW. If you have any questions, please contact Development Services (West) team, on 1300 019 680 or email development.west@transport.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink that reads "Kylie Anne Pont".

Kylie Anne Pont
Team Leader Development Services (West)
Transport Planning
Planning, Integration and Passenger

OFFICIAL

Level 1, 51-55 Currajong Street, PARKES NSW 2870
PO Box 334 PARKES NSW 2870 | DX20256
Email: development.west@transport.nsw.gov.au | Phone: 1300 019 680
transport.nsw.gov.au

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DA 13/2025 – Demolition of existing infrastructure and construction of a new multi-purpose sports facility – Lots 2,3 & 4 of DP834798 – 60 - 70 Bathurst Street, Brewarrina.

This attachment relates to TfNSW's response dated 1 June 2026 reference WST 26/00011/002.

Context

TfNSW understands the subject application proposes the demolition of existing infrastructure and construction of a new multi-purpose sports facility with gymnasium, youth and community hub, playground and water park, carparking, landscaping and associated signage. No road works are proposed.

The affected classified (State) road is Kamilaroi Highway (HW29), locally known as "Bathurst Street".

Council is seeking advice from TfNSW to assist in its assessment of "traffic-generating development" under Section 2.122 of the *State Environmental Planning Policy (Transport and Infrastructure)*, 2021.

TfNSW is aware that Brewarrina Shire Council is also proposing upgrades to Bathurst Street, as noted in the Memorandum prepared by MG Planning (dated 6 January 2026). These works have also been reflected within the supporting documentation of the subject DA but will be managed separately.

TfNSW comments

TfNSW's primary interests are in the road network, traffic, and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

TfNSW provides the following comments for Council's consideration below:

1. Council must ensure that no obstruction of the entry and exit point from the site to the Kamilaroi Highway is permitted at any time. During event mode, full capacity mode and regional competitions, all on-site parking, the entry and exit should be clear to prevent queuing onto the classified road network and to maintain functional operation of the subject site.
2. It is understood from the Traffic Impact Assessment that "vehicular access will continue to be provided via the existing entry to the council car park; however, due to the presence of a central median proposed as a part of the masterplan, movements will be restricted to left-in and left-out only". Prior to determination, Council should consider how visitors will access the site from the east and be satisfied with alternative routes or turning options available or what should be implemented to promote safe movements.
3. Prior to determination Council must be satisfied that the site layout prioritises pedestrian safety between the carpark and access pathway to the centre.
4. Prior to determination Council must be satisfied that appropriate coach and bus parking is provided for the development. Note, if dedicated on-street parking is to be provided in front of the site, signposting should be provided restricting parking by vehicles other than buses.
5. Council must ensure that waste management vehicles (e.g. garbage trucks, etc) are able to access and leave the site in a forward direction.

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6. Council should consider imposing a condition of consent requiring the preparation of a Traffic Management Plan addressing the above matters and other traffic impacts associated with the operation of the multi-purpose sports facility, particularly during traffic generating events.
7. It is noted from a desktop assessment that the driveway to the carpark is deteriorated and generally comprises of broken asphalt. TfNSW recommends that the driveway be improved by widening to facilitate simultaneous entry and exit (for the design vehicle) and sealing and maintaining up to the property boundary from the edge of seal of the carriageway in accordance with the *Austrroads Guide to Road Design*, or in accordance with Council's engineering policy/standards, in order to protect the integrity of the edge of pavement and promote safety for all road users. Any improvements to the existing driveway must be maintained at full cost of the landowner and at no cost to TfNSW.
8. Should Council require that the driveway be improved, prior to the commencement of any construction work impacting traffic on the Kamilaroi Highway (HW27), the proponent is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to obtain a Road Occupancy Licence (ROL) prior to the closure of any lane or erection of any structures within the roadway associated with the development. The proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed. For further information see: <https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/road-occupancy-licences> or email road.access@transport.nsw.gov.au

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3

From the above feedback, the following comments/conditions are provided:

TfNSW recommendation	Comment/condition
1. Council must ensure that no obstruction of the entry and exit point from the site to the Kamilaroi Highway is permitted at any time. During event mode, full capacity mode and regional competitions, all on-site parking, the entry and exit should be clear to prevent queuing onto the classified road network and to maintain functional operation of the subject site.	Noted. This detail can be provided in the Traffic Management Plan to be submitted prior to CC. To be included in condition of consent.
2. It is understood from the Traffic Impact Assessment that “vehicular access will continue to be provided via the existing entry to the council car park; however, due to the presence of a central median proposed as a part of the masterplan, movements will be restricted to left-in and left-out only”. Prior to determination, Council should consider how visitors will access the site from the east and be satisfied with alternative routes or turning options available or what should be implemented to promote safe movements.	The proposed median in Bathurst St will restrict entry to left-turn in only. Visitors from the east will be required to navigate the streets to enter the carpark from the west. Preferred streets for carpark entry and required signage is to be investigated with the Traffic Management Plan – to be submitted prior to CC.
3. Prior to determination Council must be satisfied that the site layout prioritises pedestrian safety between the carpark and access pathway to the centre.	The site layout provides open space and pathways from the parking area to the MPC. The MPC will be accessible from a widened footpath to the front entry door as well as through the open landscaping to the west of the site.
4. Prior to determination Council must be satisfied that appropriate coach and bus parking is provided for the development. Note, if dedicated on-street parking is to be provided in front of the site, signposting should be provided restricting parking by vehicles other than buses.	Noted. Mainstreet improvements propose angled parking in front of the building on Bathurst St. This area is to be available for dedicated bus parking at the front during event mode with the TMP including detail on the multi use of this street for bus, truck and car parking.
5. Council must ensure that waste management vehicles (e.g. garbage trucks, etc) are able to access and leave the site in a forward direction.	Waste management vehicles will be able to enter the rear service lane and leave in a forward direction. It is noted here that the use of the rear lane by waste management vehicles will depend on the waste management contractor and this detail is to be included in the TMP.
6. Council should consider imposing a condition of consent requiring the preparation of a Traffic Management Plan addressing the above matters and other traffic impacts associated with the operation of the multi-purpose sports facility, particularly during traffic generating events.	Noted – to be conditioned.
7. It is noted from a desktop assessment that the driveway to the carpark is deteriorated and generally comprises of broken asphalt. TfNSW recommends that the driveway be improved by widening to facilitate simultaneous entry and exit (for the design vehicle) and sealing and maintaining up to the property boundary from the edge of seal of the carriageway in accordance with the Austroads Guide to Road Design, or in accordance with Council’s engineering policy/standards, in order to protect the integrity of the edge of pavement and promote safety for all road users. Any improvements to the existing driveway must be	Noted and agreed. The carpark entry is to be assessed in accordance with AS 2890.1 Parking Facilities and the Austroads Guide to Road Design to ensure simultaneous entry/exit is achievable using the largest design vehicle entering the carpark. As the car park is utilised by the Visitor Information Centre, the TMP must account for motorhome access, including assessment of entry design and verification of turning templates.

maintained at full cost of the landowner and at no cost to TfNSW.	
8. Should Council require that the driveway be improved, prior to the commencement of any construction work impacting traffic on the Kamilaroi Highway (HW27), the proponent is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to obtain a Road Occupancy Licence (ROL) prior to the closure of any lane or erection of any structures within the roadway associated with the development. The proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed. For further information see: https://www.transport.nsw.gov.au/operations/roads-and-waterways/business-and-industry/road-occupancy-licences or road.access@transport.nsw.gov.au	Noted – condition on consent to be included noting this.

Brewarrina Local Environmental Plan 2012

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

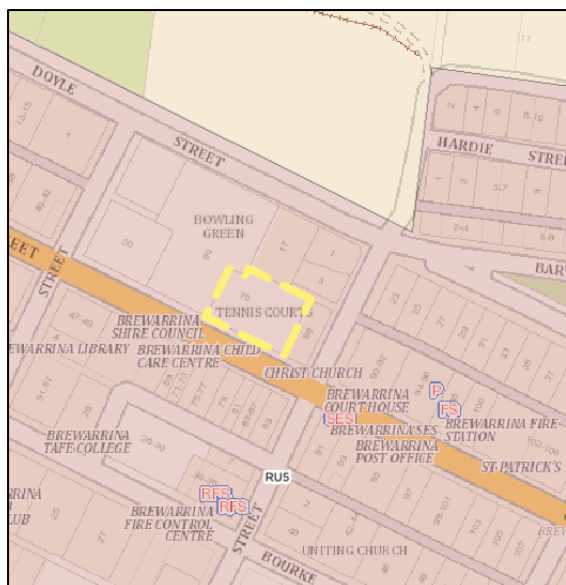
- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage the proper management of the natural and human-made resources of Brewarrina by protecting, enhancing or conserving—*
- (i) productive agricultural land,*
 - (ii) timber, minerals, soils, water and other natural resources,*
 - (iii) areas of significance for nature conservation,*
 - (iv) areas of high scenic or recreational value,*
 - (v) places and buildings of archaeological or heritage significance,*
- (b) to promote ecologically sustainable urban and rural development,*
- (c) to provide a secure future for agriculture by expanding Brewarrina's economic base and minimising the loss or fragmentation of productive agricultural land,*
- (d) to minimise land use conflict,*
- (e) to ensure that development has regard to the capability of the land,*
- (f) to provide a choice of living opportunities and types of settlement within Brewarrina,*
- (g) 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:

- promotes ecologically sustainable urban development with sustainable building materials and energy-efficient fixtures
- Minimizes land use conflict as much as possible by locating the MPC in an urbanised mixed-use locality
- Ensures the efficiency of the Kamilaroi Highway is not compromised by the addition of the MPC on adjacent land with feedback from TfNSW cross-checking this requirement.

Zoning and Permissibility (Part 2)

The site is located within the RU5 Village Zone pursuant to Clause 2.2 of the LEP.



Figures 6 & 3: 70 Bathurst St. Source: NSW Planning Portal

According to the definitions in Clause 4, the proposal satisfies the definition of **recreation facility (indoor)** which is a permissible use with consent in the Land Use Table in Clause 2.3. See definition from the dictionary below.

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Ancillary uses around the building also proposed with this application include basketball courts, playground, carpark and landscaping.

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

RU5 Village

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To retain and facilitate expansion and redevelopment of the existing central business districts of the villages of Brewarrina and Goodooga and to further strengthen the core retail functions of those areas.
- To ensure that development retains and enhances the existing village character.

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The development provides a new indoor recreation facility, currently an unmet need in the region;

- Positioning the MPC in the central retail core strengthens the commercial centre and appropriately channels pedestrian and vehicle movements into an area designed for higher activity.
- The development adds to the varied existing character of the town, locating near commercial, residential and sporting land uses.

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
Heritage (CI 5.10)	N/A as the clause requires consent relating to changes made to heritage items and heritage conservation areas.	Development of a site across the road from a heritage item (Item no 113). This clause does not contain provisions relating to development in the vicinity of a heritage item.	N/A
Flood Planning (CI 5.21)	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.	Applicant states that the town is protected in a 1% AEP flood (mainstream) by an existing levee along the Barwon River north of town. Due to this levee being in place, Council advised that a separate flood study for this development was not required. Despite the proposed finished floor height being to at least the 1% flood level, the inclusion of flood compatible building materials (structural) is also proposed and written advice from a Flood Engineer that the building will withstand the force of floodwaters in a 1% AEP flood is to be provided, in accordance with the Brewarrina DCP. This takes into account the potential for the levee to overtop in an event larger than the design flood. These measures also consider the impact of climate change, noting that floods larger than anticipated may occur in future. The inclusion of flood compatible materials (structural) to the PMF extent will be required to assist the building and associated structures withstanding force of flowing floodwaters, debris, and buoyancy in accordance with the Flood Proofing Guidelines and Council's DCP, noting the levee may still be inundated by the largest storm events exceeding the 1% AEP. Structural is noted here because the use of decorative timber on the proposed building is an architectural feature and although not strictly a flood compatible	Yes

		building material, these elements can be replaced if the area floods. *The applicant notes in the Civil Engineering Report that the adopted 1% Flood Level is 117.4m AHD and that the finished floor level of the MPC is above this height (at FFL 117.405m AHD). Balancing risk and flood behaviour/frequency with design considerations means this height is risk averse whilst not creating visually intrusive building bulk. Conditions regarding the above requirements to be included on the draft consent.	
Essential Services (CI 6.5)	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— Water Electricity Sewage Stormwater drainage Vehicular access	Noted – condition of consent to require a Servicing Strategy which details connections to each of these and minimum requirements.	Yes

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

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

Draft Climate Change and Natural Hazards SEPP

The Draft Climate Change and Natural Hazards SEPP was recently on public exhibition (17/02/2026 to 16/03/2026). This SEPP is intended to replace the SEPP (Resilience and Hazards) 2021. The Explanation of Intended Effect, available on the DPHI website, has been considered as part of this assessment with the following questions to be included in the new SEPP for all new developments:

- consider climate risk and natural hazards, taking into account projected changes as a result of climate change
- minimise risk to development from climate risk and changing natural hazard exposure as a result of climate change
- consider if the development is appropriately designed, constructed and operated to be resilient to the future impacts of climate change
- use the appropriate prescribed climate scenarios for the relevant development assessment decision, as directed by the Climate Change Scenario Guidelines (draft exhibited with this EIE).

The above points highlight the need to consider climate change with the risks identified for the development. The risks for this proposed development are:

- Flooding
- Heat
- Drought

Flooding provisions have considered climate change with potential overtopping of the levee in Brewarrina at more regular intervals. To account for this increased risk, flood compatible building materials (structural only) and an assessment on the building withstanding the force of floodwaters are required/to be submitted.

Heat is a risk factor in western areas such as Brewarrina with climate change exacerbating heat risk. The design of the building incorporates rooftop ventilation to allow passive airflows with these able to be closed on hotter days and evaporative cooling systems used. The development itself proposes sheltered areas for active recreation which is an improvement on the current unsheltered outside courts.

Drought -tolerant species in the landscape plan assist with low water usage during dry times.

The proposal is generally consistent with the proposed instrument. No other proposed instruments are known to impact the proposal.

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

The following Development Control Plan is relevant to this application:

- *Brewarrina Development Control Plan 2023* ('the DCP')

Control	Requirement	Proposal	Comply
2.5 Potential Site Contamination	A statement must be included providing a history of the site to ascertain if it is potentially contaminated.	Statement included with DA	Yes
2.6 Development notification	Apart from the exceptions listed below, all other development applications that involve alteration to the external configuration of a building, the erection of a new building, or variation to an adopted building line will normally be notified to adjoining landowners in accordance with this chapter.	DA not excepted from this requirement. DA notified in accordance with the Council DA Conflict of Interest Policy from 6/1/26 to 2/2/26.	Yes
Essential Services (CI 6.5)	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required— Water Electricity Sewage Stormwater drainage Vehicular access	The supply and management of each of the utility services in this clause are available and adequate to serve the development. Section 68 applications under the LG Act are required to ensure appropriate connections to each of these and section 138 Roads Act approval required for any road or drainage in road works.	Yes
4.6.1 Building Setbacks	Side and rear setbacks must meet BCA requirements	Compliant setbacks are provided as demonstrated by architectural plans at Appendix A and the BCA and Access Statement (Appendix C).	Yes
4.6.3 Outdoor Lighting	Demonstrate compliance with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting.	Lighting will be compliant with all relevant standards.	Yes
4.6.4 Outdoor Signage	• A single business premises is permitted to have: – one under awning sign, – one top hamper sign, and – one fascia sign, – that do not project above or beyond that to which it is attached. One of which may be illuminated, but not flashing, moving or floodlit. • Design and location of signage must be shown on plans with DA. • Where there is potential for light spill from signage to adjoining properties, all illuminated signage shall be fitted with a timer switch to dim or turn off the light by 11pm each night. • Signage must comply with SEPP 64 – Advertising and Signage Schedule 1 Assessment Criteria. Two building identification signs are provided and assessed against SEPP Industry and Employment Schedule 5 in Section 4.1.	Two building identification signs are provided and assessed against SEPP Industry and Employment Schedule 5 in Section 4.1 of the SEE.	Yes

4.6.5 Design	• Building facades shall be articulated by use of colour, arrangement of elements or by varying materials. • Large expansive blank walls not permitted unless abutting a building on an adjoining allotment. • Plans must show the location of all external infrastructure (including air conditioning units, plant rooms, ducting) and demonstrate how it will be screened from view from a public place or road.	The façade design is articulated by the inclusion of the awning, glazing and verandah elements. Vertical beams are proposed on the street elevations to break down massing. No expansive blank walls are proposed on the Bathurst Street frontage or the frontage to Council car park. The Design Report prepared by AJC (Appendix F) outlines the principles that informed the design.	Yes
4.6.6 Post supported verandas and balconies	• Set back a minimum of 600 mm from the back of the kerb. • Must complement the style, materials and character of the building being altered. • Public liability insurance to Council requirements, and a Council license is required for veranda or balcony awning over the public footpath. • Not to interfere with operation of or access to utility infrastructure	Although the awning extends toward the public footpath, it is only 1100mm in width and cantilevered so does not rely on posts for support. It is set back more than 600 mm from the kerb and complements the architectural form of the building.	Yes
4.6.7 Utilities and Services	• Servicing strategy required to demonstrate the availability and feasibility of providing water, sewer and stormwater services appropriate for the scale and nature of development. Evidence of consultation with the Council is to be provided. • Applications must demonstrate adequate provision for storage and handling of solid wastes. • Buildings and structures are to be located clear of utility infrastructure including Power Lines. • For sewer mains, structures are to be located a minimum of one metre or the equivalent invert depth, whichever is greater, from the centreline of the main. See Council Policy "Excavating/Filling or Building Adjacent to or Over Existing Sewer Mains" for further detail.	Servicing Strategy to be submitted prior to CC. Waste storage facilities are provided within the side setback of the building. The proposed works are clear of existing utility infrastructure. The sewer line is situated behind the development, with a separation of more than one metre. Plans to be submitted for the works to demonstrate distance from existing utilities and zone of influence.	Yes
4.6.8 Traffic and Access	• Where possible, all vehicles must be able to enter and exit the site in a forward direction. • Design must demonstrate no conflict between pedestrian, customer vehicles and delivery vehicles. • Wearing surfaces for access driveways, parking areas, loading/unloading facilities and associated vehicle manoeuvring areas relative to the design vehicle. • Unsealed vehicle movement areas are not acceptable due to environmental management impacts. • Loading bay(s) must be sited to avoid use for other purposes such as customer parking or materials storage and be line marked and signposted. • Site access not permitted: – Close to traffic signals, intersection or roundabouts with inadequate sight distances; – Opposite other large developments without a median island; – Where there is heavy and constant pedestrian movement on the footpath; –	• Staff and delivery vehicles enter the staff parking area from the rear lane. They can enter and exit in a forward direction. The existing car parking area is accessed from Bathurst St. Vehicles can enter and exit this parking area in a forward direction. • Pedestrian and vehicle movements are kept separate with the main entry from Bathurst St footpath, staff vehicles from Young St and parking area from Bathurst St. • Site accesses ok in terms of these requirements. Main street beautification works will not hamper access to the car parking area with the exception of the median now	Yes

	Where right turning traffic entering the site may obstruct through traffic. • Separate, signposted entrance and exit driveways are required for developments requiring more than 50 parking spaces or where development generates a high turnover of traffic. • The number of access points from a site to any one street frontage is limited to 1 ingress and 1 egress. • Driveways must be provided in accordance with AS 2890.1 Parking Facilities	requiring left turn only into the carpark and left turn exit. • Existing driveway access to Council carpark combines entry and exit. This access is approximately 9 metres in width. • One ingress & egress provided. • Driveways and parking to comply with the AS – to be conditioned on the consent.	
5.1 Environmental Effects	The application documentation shall identify any potential environmental impacts of the development and demonstrate how they will be mitigated. These impacts may relate to: • Traffic • Flood liability (Flooding and Roof/Site pondage) • Slope • Construction impacts • Solid and Liquid Waste • Air quality (odour and pollution) • Noise emissions • Water quality • Sustainability	These matters have been addressed in this report elsewhere. Regarding noise, Marshall Day Acoustics were engaged to complete a DA Acoustic Assessment for the proposal. This has been assessed below under Noise.	
5.2 Soil and Erosion Control	• Runoff shall be managed to prevent any land degradation including offsite sedimentation. • Cut and fill will be minimised and the site stabilised during and after construction. • Arrangements in place to prompt revegetation of earthworks to minimise erosion.	In response to this requirement, the applicant has stated that an Erosion and Sediment Control Plan will be submitted prior to construction commencing. This is supported and will be conditioned.	Yes
5.3 Vegetation	Development design shall accommodate the retention of any significant trees and vegetation.	Only one tree on site to be removed (oleander). Existing boab tree on Bathurst St to be retained which is supported. Tree is healthy. Landscaping Plan, with amendments, to be finalised prior to construction.	Yes
5.4 Waste Management	General waste storage and collection arrangements shall be specified	Waste Management Plan submitted with application. Appropriate waste collection proposed. Compliance with Waste Management Plan to be conditioned on the consent.	Yes
5.5 Noise	Where relevant, applications are to contain information about likely noise generation and the method of mitigation.	Noise addressed above.	Yes
5.6 Geology	The design process must give consideration to the potential impact of erosive soils, saline soils, soils of low wet strength, highly reactive soils and steep slopes and document how these constraints are addressed.	The geology of the soils are considered and addressed in the soil and water management plan as well as the Geotechnical Report (Macquarie Geotech).	Yes
5.7 Storm Water	Because of the general flatness of the town and pockets of low land from adjoining lots or roads, storm water disposal may require	Special consideration has been given to the lie of the land and stormwater disposal,	Yes

	special consideration to avoid ponding and dampness in and around the development and on adjoining land	including the use of detention pits and directing to the street gutter. The Civil Engineering Report deals with and details plans. The Servicing Strategy (to be submitted prior to CC) will detail these matters.	
1.1 Heritage Items	When carrying out development on the same lot as a heritage item or on lots in the vicinity, it is necessary to carry out an assessment of the impact of the development on the heritage item.	Assessment of the impact on nearby heritage items has been addressed above and below.	Yes

Brewarrina Shire Council currently does not have a Contributions Plan.

(e) Section 4.15(1)(a)(iia) – 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.

(f) Section 4.15(1)(a)(iv) - Provisions of Regulations

Environmental Planning and Assessment Regulation 2021

Section 36A requires that any Council-related DA must be accompanied by either a management strategy explaining how conflicts will be managed or a statement that the Council has no management strategy for the application.

Comment: Brewarrina Shire Council has a management strategy for this DA which was published on the portal and Council's website during the public exhibition of the application. Council is following the recommendations of the Management Strategy by:

- Engaging a Private Planning Consultant to assess the application;
- Directing the determination of the DA to the Regional Planning Panel (as required under the Planning Systems SEPP as well);
- Engaging a Consulting Certifier to assess the CC application when submitted (if Council is appointed as PCA).

Section 61 outlines 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:

- If demolition of a building proposed - provisions of AS 2601. Demolition of existing structures including a public toilet block, tennis courts and scattered vegetation is proposed. Conditions on draft consent to ensure compliance with this Australian Standard.
- If on land subject to subdivision order under Schedule 7, provisions of that order and any development plan;

N/A

- Dark Sky Planning Guideline if applicable;

N/A - the site is located more than 200km from Siding Spring Observatory (as it falls under Schedule 6 of the Planning Systems SEPP).

- Manor houses or multi-dwelling housing

N/A

- Penrith residential builds
N/A

Section 62 (consideration of fire safety)

N/A

Section 64 (consent authority may require upgrade of buildings)

N/A

Section 66A (Council-related development applications)

Council has in place a Council-related development application policy as required under this section of the Regulation. It has been considered and followed. A management statement has been drafted and followed.

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

Section 4.15(1)(b) – Significant Likely Impacts of Development

The significant 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.

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

- **Context and setting –**

The proposal is appropriate in the context of the locality. Bathurst Street is one of the main commercial streets in Brewarrina with high pedestrian activity and a mix of land uses. The site is set among land uses including Visitor Centre, automotive repairs, café, bank and NDIS provider. Close proximity to schools is also positive. This mix of land uses correlates with the centre's location in RU5 Village which permits a range of non-conflicting land uses. A Multi-purpose Sports Centre in an area previously utilised for sporting activities is appropriate in a mixed land use zone. See plan below of the site in local context.



Figure 7: Aerial view showing surrounding land uses. Source: AJC Architects

Mass & Scale

The proposed building creates a strong street presence whilst fitting with the existing scale of development on the Bathurst St northern side.

The adjoining building on the corner of Bathurst and Young Streets is approximately 6 metres high and has been built to the corner boundary, incorporating zero setbacks. It addresses the corner and although of simple construction, it provides bulk, and scale to this commercial corner site. See below image of adjacent building.



Figure 8: corner building at 88 Bathurst St Brewarrina with Church in background. Source: Google maps 2025

The proposal is 10.13m in height on the Bathurst St elevation which will be intentionally dominant in the streetscape. The height will be similar to the power lines which run across the front of the MPC with the same zero setback as the corner shed shown above. It is noted here that the zero setback of the proposal to Bathurst St is the awning and the front wall of the MPC will be set back from the wall of the existing shed above. See extract of plans below (with annotations) depicting this setback.

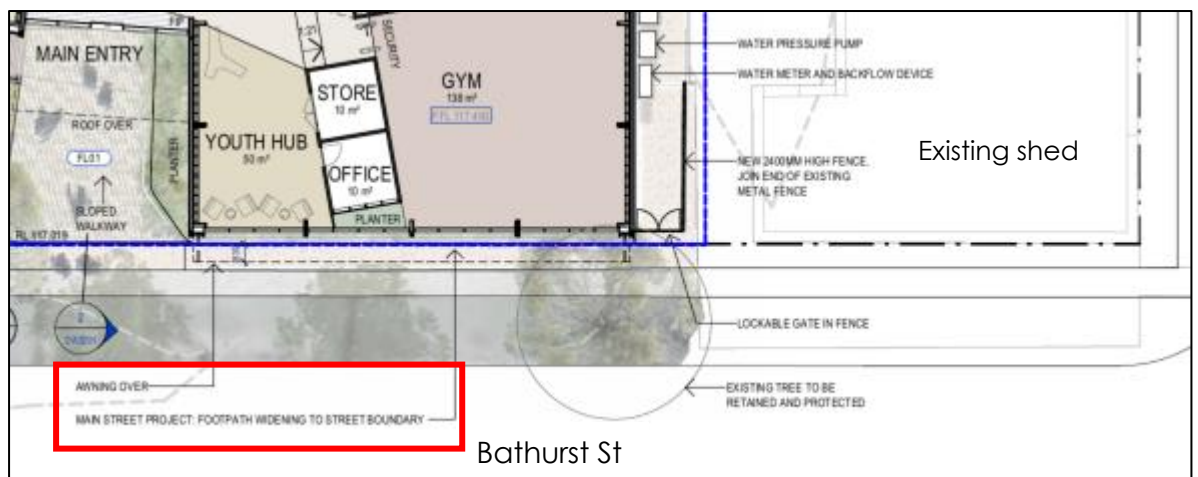


Figure 9: extract of DA plans (Sheet DA2101) with annotations to note setback and awning on Bathurst St frontage. Source: AJC Architects.

The proposal is generally consistent with the varied Village nature of Brewarrina's town zoning. The building has been designed to have street impact using zero setback and height whilst incorporating natural materials to soften facades. The streetscape will not be adversely impacted by the addition of this development due to wide street separation and on-site area to accommodate buildings of this size.

Access and traffic – Site access has been addressed in the TIA and TfNSW responses. Parking area is to be upgraded with linemarking in accordance with AS/NZS 2890.1 — Off-street Parking Facilities and as discussed during the Preliminary Briefing with the Western Regional Planning Panel.

Utilities – water, sewerage and sealed roads are all available to the site. Telecommunications and electricity are also available. It is the applicant's responsibility to ensure connections to these services are completed and any necessary upgrades as a result of the development are carried out. Conditions to be applied to the draft consent

Stormwater

The Stormwater Management Plan and DA Civil Engineering Report detail proposed stormwater management on the site. The site is flat with a slight fall toward the north and current treatment of stormwater in the vicinity of the proposed development is limited to kerb and gutter on Bathurst St and an in-ground stormwater pit and pipe network within the laneway off Young St.

Stormwater is proposed to be conveyed around the site primarily as overland flow via a combination of site grading, vegetated swales, dish drains, raingardens and planting beds to slow and absorb flows and mimic existing conditions.

The Geotechnical Consultant has advised catchments associated with the building be conveyed via piped drainage. Final discharge is to be piped to the Bathurst St kerb and gutter, or the existing stormwater pit in the north access lane, with major storms being conveyed as overland flow. It is noted by the assessing officer that discharge pits in the north of the site seem to act as detention pits with no interconnections to the street, likely to due limited fall. Despite this, as stormwater is to be directed in the first instance to the onsite rainwater tanks for fire fighting purposes, only the overflow from these is to be directed to the detention pits.

The table and information below are taken from the Civil Engineering Report (TTW).

A breakdown of pre-development to post-development conditions has been provided in **Table 1** below and this demonstrates that the proposed development will contribute negligible additional flows. Provision of localised planting and raingardens are under investigation to reduce net site discharge, however we note infiltration will likely be limited by the notable prevalence of clays underlying the development works.

Table 1 – Review of stormwater Quantity Volumes and Post-Development Flows.

Storm Event Annual Exceedance Probability (% AEP)	Pre-Development PSD (L/s)	Post-Development PSD (L/s)	Net Increase (L/s)
50% AEP	68	78	10
20% AEP	86	113	27
10% AEP	115	138	23
5% AEP	138	164	26
2% AEP	172	209	37
1% AEP	197	239	42

The net increase in post-development flows shown above is considered negligible by TTW. Further investigation is proposed to seek increased infiltration rates however this is limited by existing site conditions.

Water Sensitive Urban Design (WSUD) devices proposed include:

- Grassed or vegetated swales
- Vegetated buffer zones
- Planted raingardens and vegetation zones.

The above techniques combined with refining the Stormwater Management Plan to improve post-development flows is considered appropriate for managing stormwater flows over the site. The proposal has also considered the DCP in the design. It is recommended that the Stormwater Management Plan and Civil Engineering Report be part of the draft development consent approved documents in condition 1.

Soil impacts

Soil impacts can be split into the following categories:

- during construction
- post construction.

During construction the proposed erosion and sediment control plan will detail control measures proposed. Some of these measures include minimising cut and fill, managing runoff to prevent offsite erosion and sedimentation and revegetation of earthworks.

Soil and erosion post-development is to be controlled via the recommended actions in the Erosion and Sediment Control Plan, Landscaping Plan and Stormwater Management Plan. All of these documents are to be included in the draft consent conditions.

Flora and fauna impacts – One existing tree on site is to be removed (oleander). This is justified by the planting of additional trees and shrubs in accordance with the landscaping plan submitted with local amendments due to inappropriate species for locality, could become noxious. Local amendments include the removal of:

- **scotch broom** (*cytiscus scoparius*) and replacement with a less-invasive and non-toxic to humans native shrub; and
- **Coastal banksia** (*banksia integrifolia*) & replace with more drought-tolerant native species.

The existing boab tree on Bathurst St is to be retained which is appropriate and supported. The addition of shading for the boab tree, provided by the new MPC, should not impact the health of the tree as this tree species is dormant in winter. No threatened species exist on site due to the site being in a built-up and developed area. No significant adverse anticipated impacts on local biodiversity.

Noise and vibration –

During construction

Noise and vibration impacts will be felt locally during construction phases. Although limited detail was provided with the DA on this topic, it is accepted that construction activities will produce a certain level of noise in the locality. Limiting the times during which construction may occur will alleviate any adverse impacts on local residents, noting there are residential dwellings and aged care dwellings adjoining the site. The

table below would be included in a draft condition of consent. Note this is for construction, not operating hours.

DAY	HOURS
Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 1:00pm
Sunday	No work
Public Holidays	No work

During operation

The Acoustic Report submitted with the DA assessed the noise from the facility once operational, considering local ambient noise and sources, and has recommended certain materials to be used in construction to limit noise impacts.

The table below from the Acoustic Report identifies building envelope design noise modelling.

The following building envelope design has been adopted for noise modelling based on architectural advice and assumptions where noted: • External glazing – 10.38 mm laminate glass has been assumed (all external openings closed) to minimum R_w 35. • External doors to achieve a nominal R_w 35 (and be fitted with full perimeter seals). • External wall construction (estimated R_w 40): ▪ 0.43 mm BMT sheet metal wall cladding (4.4 kg/m²) ▪ 310 mm thick VIVA panel (prefabricated strawbale wall system estimated 37 kg/m²) ▪ 10 mm Saveboard internal wall lining (estimated 7.5 kg/m²) • External roof construction (estimated composite with ventilator R_w 29): ▪ 0.48 mm BMT sheet metal wall cladding (4.9 kg/m²) ▪ 310 mm thick VIVA panel (prefabricated strawbale wall system estimated 37 kg/m²) ▪ 10 mm Saveboard internal wall lining (estimated 7.5 kg/m²) ▪ Ridge + Slope ventilator (estimated R_w 10 acoustic performance)

From the above assumptions, the predicted operating noise levels were produced – see below.

Table 5: Predicted $L_{Aeq(15min)}$ Operational Noise Levels

Receiver	Address	Internal Activities + Mechanical Plant dB	Carpark dB	Criterion Daytime/ Evening/Night ¹ dB	Compliance
R1	1 Young Street (residential)	34	22		✓
R2	3 Young Street (residential)	33	34	45/35/35	✓
R3	17 Doyle Street (residential)	34	21		✓
R4	88 Bathurst Street (commercial)	56	44	65	✓

Note 1: EPA Governing Periods are Day: 7:00 am to 6:00 pm, Evening 6:00 pm to 10:00 pm and Night 10:00 pm to 7:00 am & 8:00 am on Sundays and public holidays.

The above table shows operational noise levels to be compliant with day/evening and night criteria at close sensitive receivers. The consent is proposed to include the Acoustic Report as an approved document, requiring compliance during operations. No specific conditions recommended apart from the Acoustic DA Assessment to be included as an approved document in condition 1.

Natural hazards:

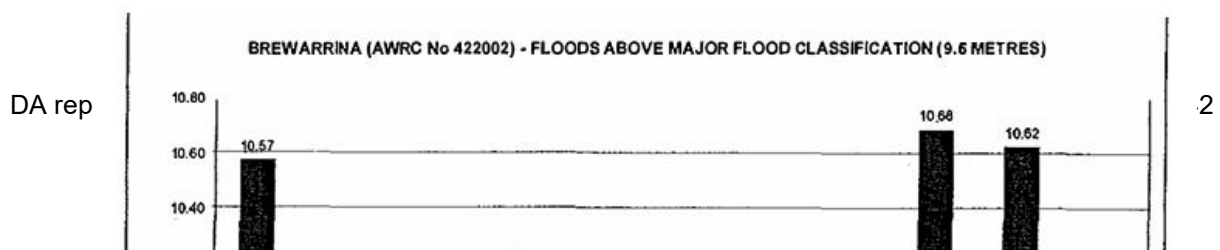
Flood

The site is protected by the Brewarrina town levee. The SEE states the levee protects the town from the 1% AEP flood and should waters overtop the levee, the inclusion of flood compatible materials to the PMF (Probable Maximum Flood) extent will be required to withstand the force of floodwaters and ensure damages to the building are limited. Council's adopted 1% ARI level is 117.4m AHD (Brewarrina DCP). A level for the PMF is not identified in the DCP so Council in this instance would recommend the 0.1% ARI flood level, being **117.5m AHD**. Flood compatible materials (*structural only) to be used in the building up to this AHD level. Flooding conditions on the consent to include this detail. Structural only is referred to this situation as the use of decorative timber is proposed with the building. Timber is not a flood compatible building material and would need to be replaced in the instance of a flood if it swells and becomes damaged beyond repair.

It is noted here that the Brewarrina Shire Local Flood Plan (2004) cites the highest known flood in 1974 at a level of 10.68 metres (see below). This is just below the estimated height of the 1% AEP Flood for Brewarrina (see Design Flood Heights below).

Flood History

- The peak levels reached in the major floods that have occurred since 1890 at Brewarrina are shown below:



Design Flood Heights

37. The estimated design flood heights for different AEPs/ARIs at Brewarrina are:

- a. 0.1% AEP (1:1,000 years ARI) - 10.8 metres (RL117.5 metres AHD).
- b. 1% AEP (1:100 years ARI) – 10.7 metres (RL117.4 metres AHD).
- c. 2% AEP (1:50 years ARI) – 10.6 metres (RL117.3 metres AHD).
- d. 5% AEP (1:20 years ARI) - 10.2 metres (RL116.9 metres AHD).
- e. 10% AEP (1:10 years ARI) - 9.4 metres (RL116.1 metres AHD).

Brewarrina Shire Local Flood Plan, February 2004, Sub-Plan of Brewarrina Shire Local Disaster Plan

No other natural hazards restrict the development of the site.

Safety, security and crime prevention.

Although not specifically addressed, this topic is included here as a potential impact of the development.

The following measures have been referenced from the Crime Prevention through Environmental Design (NSW Police) resources.

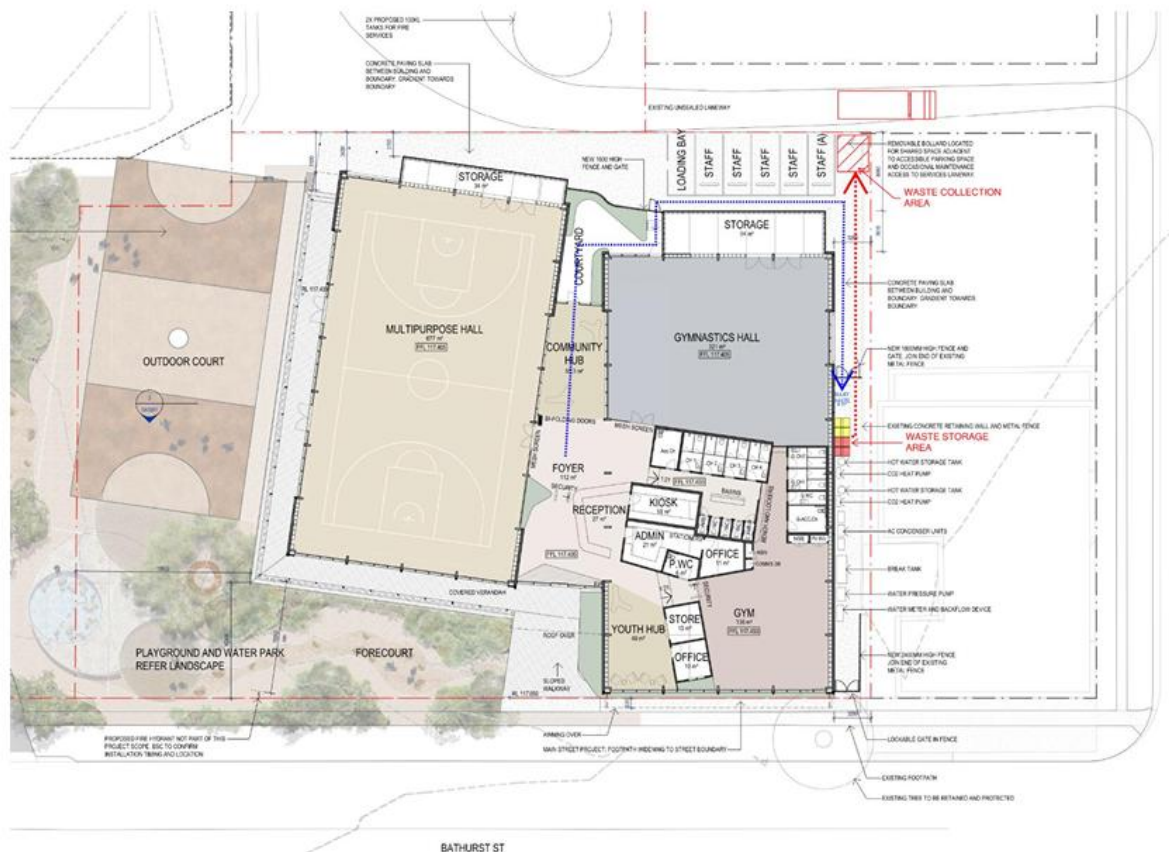
- CCTV and lockable gates can restrict unauthorised access to areas that may be used for antisocial behaviour such as the laneway. CCTV to be considered for the isolated rear staff carpark.
- Dense plantings in landscaped areas can deter access.
- Location of entries allows for passive surveillance when the facility is open.
- Operator to implement protocols regarding restricted areas and access.
- Design proposes security measures such as secure access and fencing to areas for authorised personnel only.

The above measures can be addressed in the Operational Management Plan – to be included in the draft conditions.

The development of a new multipurpose sporting and community facility in Brewarrina will have positive social impacts, with flow-on health benefits to users encourage a sense of place within the town. The facility is centrally located, allowing for interactions between the hall and surrounding businesses and encouraging foot traffic in a central area which assists with passive surveillance.

Construction materials & Waste

- A Construction Waste Management Plan is to be prepared by the appointed contractor. Objectives include 80%+ recycling, reduce waste generation and provide separation skips. Submission of this CWMP prior to issue of the CC is proposed to be included in the draft consent conditions.
- Waste movement on site is to be to a waste storage area outside the gymnastics hall with collection from the rear laneway. See plan below.



On collection days staff will transport waste bins to the rear laneway for collection.

- Cumulative impacts could include the addition of hardstand impervious area to this locality which in wet times, struggles to deal with stormwater drainage and runoff. The

Stormwater Management Plan has considered this potential impact with the following inclusions:

- Overland flow routes to be retained and improved with grading and improved crossfall from buildings to boundary.
- The forecourt includes a Fish Trap and Creek interpretation. This doubles as an overland flow path toward planter zones with additional flows to civil pit and pipe network.
- Pits to discharge to Council kerb. Section 68 application to be applied to draft consent conditions to deal with this.

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

3.1 Section 4.15(1)(c) - Suitability of the site

- Does the proposal fit within the locality?
Yes, the proposal fits with the locality by introducing a community recreation facility in a central, accessible area. The land is within a Village zone which encourages a mix of compatible land uses.
- Is there adequate services, transport infrastructure and open space in the vicinity?
Services of water, sewer, waste are adequate and will be further refined with servicing analysis prior to construction. Transport infrastructure is adequate at this location with the site fronting a major highway and access from side streets. Upgrades to the highway as part of main street beautification works will further improve access and calm traffic through this central location. Open space in the vicinity of this proposal includes Memorial Park to the west, Weir Park to the north and the Barwon River also to the north. Open space is also provided for with the development via court space, playground and native gardens.
- Are the site attributes conducive to the development?
Yes
- Are there any adjoining uses prohibitive of the proposal?
No

3.2 Section 4.15(1)(d) - Public Submissions

No submissions were received during the exhibition period.

3.3 Section 4.15(1)(e) - Public interest

The proposal is in the public interest because it is providing an indoor recreational facility in a harsh climate for local and regional community and recreation events. The impacts of the development have been mitigated at this initial stage with additional studies and reports to address remaining design matters. The facility will be a new community asset, providing social benefits to the town and region.

4.0 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/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act) (if none – N/A – to show consideration)			
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
Referral/Consultation Agencies (if none – N/A – to show consideration)			
RFS	S4.14 – EP&A Act Development on bushfire prone land	Site is not bushfire prone	N/A
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development near electrical infrastructure	Application referred to Essential Energy due to proximity of building and awning to overhead power lines. Additional plan submitted by applicant showing setbacks from infrastructure achieved.	Yes
Rail authority	Section 2.97 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development land that is in or adjacent to a rail corridor.	N/A	N/A
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	DA referred to TfNSW in accordance with this section. TfNSW provided final comment on the DA on 2/6/26. See SEPP (Transport & Infrastructure) 2021 above for further detail on this.	Y/N
Design Review Panel	CI 28(2)(a) – SEPP 65 Advice of the Design Review Panel ('DRP')	N/A	N/A
Integrated Development (S 4.46 of the EP&A Act) (if none – N/A – to show consideration)			
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	N/A
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	N/A	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

Officer	Comments	Resolved
Engineering	Council's Engineering Department was involved in the design and servicing components of the DA.	Y
Building	The application was referred to Council's consultant Certifier in relation to NCC/BCA matters. A number of matters were raised with the applicant which were addressed and responded to.	Y with conditions to satisfy NCC compliance matters at CC stage.

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 draft Community Participation Plan from 6 January 2026 until 2 February 2026. The notification included the following:

- Notification on Council's website;
- Notification letters sent to adjoining and adjacent properties
- Notification on Council's social media channels including Facebook and Instagram.

The Council received no submissions during the period of notification. It is noted here that Council conducted extensive community consultation with the development of the MPC designs in 2025.

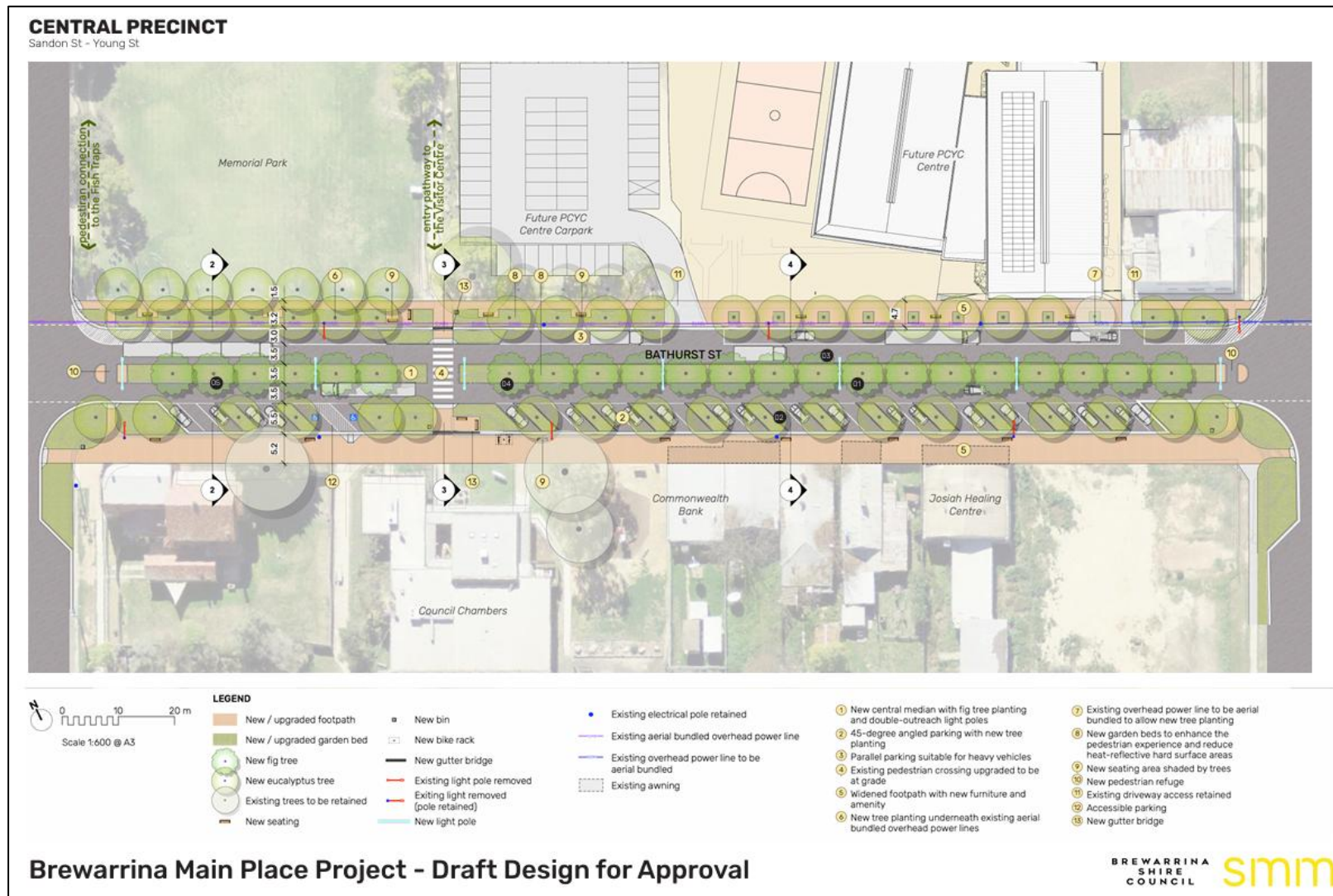
5. KEY ISSUES

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 Traffic management

Traffic management, parking and access were addressed in the Traffic Impact Assessment (TIA) which was revised in accordance with TfNSW request. Mainstreet improvements are also scheduled for Bathurst St and being a state highway, the interaction of how the final design plans work with one another have been assessed.

One issue raised by TfNSW was the interaction of this development with Mainstreet beautification works proposed for this section of Bathurst St. The plan below shows proposed improvements for Bathurst St and access/parking.



Comments:

Note parallel parking on northern side of Bathurst St – bus parking available here for events – TMP to address.

Central median will prohibit right turn into the parking area from Bathurst St. TMP to outline methods of directing traffic to the parking area.

Existing overhead power line on Bathurst St frontage to be aerial bundled to allow closer plantings.

Softening of building bulk provided by proposed street tree plantings.

Resolution: Traffic Management Plan, to be submitted prior to release of CC, will deal with the following items as identified by TfNSW and during the assessment:

- no obstruction of the entry and exit point from the site to the Kamilaroi Highway is permitted at any time
- whether additional signage is to be provided to direct traffic entering from the east
- bus parking on street and appropriate signposting for temporary events with heavy vehicle parking available at other times
- All vehicles accessing either the carpark or the rear service/staff parking area able to enter and exit in a forward direction.

Other Traffic and Parking matters to be conditioned:

- Sealing of the rear service lane from Young St to the furthestmost staff parking space with appropriate drainage to Young St
- Improved dust-free gravel surface for the remainder of the rear parking area, noting potential scouring of service and delivery vehicles and use of this access by aged care units
- The provision of plans which demonstrate that the largest design vehicle can simultaneously enter and exit the site with the existing parking entry/exit on Bathurst St OR widening of the existing access to the parking area to ensure the largest design vehicle can enter and leave the site simultaneously. Note that any upgrades will require a Road Occupancy Licence (ROL) from TfNSW prior to the closure of any lane or erection of any structures within the roadway associated with the development. The proponent is to provide the consent number in the ROL application.

5.2 NCC/BCA compliance matters

The application was referred to Council's consulting Building Certifier with the following matters raised and responses provided by the applicant.

NCC/BCA/Access matter raised	Applicant response
1. Class 9b Assembly Building classification is appropriate.	Noted.
2. The BCA Consultants have not given a Volume area in cubic metres of the proposed building. Whilst they have correctly advised that the maximum fire compartment size of a Class 9b building of Type C construction (3000sq.m) is not exceeded, they have failed to provide the Volume of the building to ensure that it complies with Table C3D3, which states that the maximum Volume for a Class 9b building of Type C Construction must not exceed 12,000 cubic metres. The maximum size of fire compartments is determined by both floor area and volume. If the Volume is found to exceed 12,000 cubic metres, then the building will need to be of Type B fire-resisting construction. This should probably be clarified now as it may mean changes being made to fire resistance levels of building elements for the CC.	As shown in Appendix B , the total volume of the building is ~10,500m ³ . Table C3D3 of the NCC Volume 1 requires class 9b buildings with Type C construction to not exceed 18,000m ³ , the proposal complies.
	Noted.

3. Although the DA floor plans are not dimensioned, I agree with the BCA Consultants in relation to the required Performance Solutions for the non-complying DTS provisions.	
4. The SOEE states on page 10 that <i>"it is understood that up to 300 people may attend the site at one time, based on the maximum building occupancy during a major event"</i>. I note that in the BCA report in relation to Sanitary facilities, as required by Part F4, they have correctly identified Table F4D4(j) as applying to the development. Under this table, the number of required facilities are broken up into Male/Female participants and Male/Female spectators or patrons. The Consultant has used a figure of 65 males and 65 females as the population for the building. This equals 130 persons in total, and is not consistent with the 300 persons stated in the SOEE. The number of persons accommodated in a storey of a building is determined in accordance with NSW Table D2D18 of clause D2D18, based on the area per person according to use; or by reference to seating capacity or by "any other suitable means of assessing its capacity". Over the 45 years that I have been a Building Surveyor, I generally use the numbers of persons that may be listed in the SOEE, but this is up to the Certifier. If we use the 300 maximum persons as listed in the SOEE, we assume that 150 will be males and 150 will be females, which totals 300 persons. This will determine the several things, including the number of male and female facilities required. So, if we use the 65 males and 65 females in the BCA Report, the number of facilities required in their Table in the Report does not comply with the DTS provisions of Table F4D4(j) and a Performance Solution will be required as part of a future CC, as stated in 4.0B of the Report. Also, how do we distinguish between the numbers of male and female participants and the numbers of male and female spectators or patrons, as listed in Table F4D4(j).	As shown in Appendix C, the BCA report has been updated to reflect the maximum capacity of 300 persons, in line with the SEE. <i>*It is noted here by Council's Certifier following this response that a performance solution will be required to deal with the shortfall of facilities based on information provided to date. As Council has not to date been nominated as the PC, no further comments or conditions recommended apart from standard compliance with BCA at this DA stage.</i>
5. Questioning why the Report has also listed Table F4D4(l) which deals with <i>"Public halls, function rooms or the like"</i> when, clearly, the proposed Multi-Purpose Hall, Gymnastics Hall and Gym are more accurately classified as <i>"sports venues or the like"</i> and therefore are covered by Table F4D4(j) above.	Our understanding is that the building is intended to be used flexibly and that the SEE nominates a maximum population without considering this or the population characteristics. In this instance the maximum population will be accommodated in the community mode which based upon the uses contemplated within Table F4D4 we are of the opinion 'Public halls, function rooms or the like' is the best fit. However, as has been rightly pointed out this is not the worst-case scenario from a sanitary facility calculation perspective, accordingly we have included within our report the sanitary facility calculations for each of the use cases we understand to be accommodated within the building

6. The floor plan should clearly state which sanitary facilities are for males and which ones are for females, as per clause F4D4(1) ie. they need to be gender designated.	This item now has more nuance due to the new inclusion of all gender facilities within BCA 2025 which I have provided additional commentary to under Item 4 Email dated 13/3/2026.
7. It is unclear whether the verandah along the Western side of the Multi-Purpose building is open at its sides or either partly or totally enclosed. This needs to be clarified as it could impact clause D2D15 "Discharge from exits".	As demonstrated in Appendix B , the verandah is open on all sides to allow free egress.
8. I agree with the other items specified in the BCA Report, including confirmation from the Engineers that the rear laneway is a public road as this is required for egress requirements.	Noted.
9. Standard DA conditions should be applied, including the requirement to obtain a CC; Section 68 Applications for sewer, stormwater and water supply works, and Section 138 Application under the Roads Act for works in the Road Reserve.	Noted and included in draft consent conditions.

Resolution: The issue has been resolved through recommended conditions of consent as outlined in **Attachment A**.

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.

Key issues of traffic generation and pedestrian linkages have been assessed in finer detail with input from Transport for NSW and adequate separation of electrical infrastructure from the buildings has been demonstrated. The Multipurpose Centre will provide opportunities for local and regional active pursuits which improves social outcomes and cohesion. The design has been considered for a harsh climate with solar passive inclusions and resource efficiency.

The site is central to Brewarrina and has pedestrian linkages to the river and local retail as well as housing.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through the assessment and recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

That the Development Application [DA No 13/2025, PAN-602697] for the demolition of existing buildings & improvements and construction of new Multipurpose Centre including indoor and outdoor sports courts, indoor gymnasium, youth and community facilities, playground and water play area and associated landscaping, and car park at 60-70 Bathurst St and 17 Doyle St Brewarrina be **APPROVED** pursuant to Section 4.16(1)(a) 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 A: Draft conditions of consent

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

GENERAL CONDITIONS

1.

Development of a new multipurpose centre involving demolition of existing buildings & sports facilities and construction of new Multipurpose Sports Centre including indoor and outdoor sports courts, indoor gymnasium, youth and community facilities, playground, water play area and associated landscaping and car park must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

NOTE: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Plan Title	Drawing no	Issue/Rev	Project No	Date
AJC Architects Plans				
Cover Sheet	DA0001	01	25097	19.12.25
3D Views	DA0002	01	25097	19.12.25
Existing site plan and site analysis	DA1001	01	25097	19.12.25
Demolition Plan	DA1101	01	25097	19.12.25
Proposed Floor Plan	DA2101	01	25097	19.12.25
Proposed roof plan	DA2102	01	25097	19.12.25
Shadow diagrams	DA2201	01	25097	19.12.25
Elevations	DA3101	01	25097	19.12.25
Sections	DA3201	01	25097	19.12.25
Materials Board	DA3301	01	25097	19.12.25
Proposed Floor Plan – AJC markup	BCA RFI Response	01	25097	25.02.26
Civil Engineering Works				
General Cover Sheet	TTW-00-DR-CV-00001	P2	251743	18.12.25
General Notes & Legend Sheet 1	TTW-00-DR-CV-00002	P2	251743	18.12.25
General Notes & Legend Sheet 2	TTW-00-DR-CV-00003	P2	251743	18.12.25
Erosion & Sediment Control Notes & Legend	TTW-00-DR-CV-02001	P2	251743	18.12.25
Erosion & Sediment Control Plan	TTW-00-DR-CV-02101	P2	251743	18.12.25
Stormwater Notes and Legend	TTW-00-DR-CV-04001	P2	251743	18.12.25
Site works & Stormwater Plan	TTW-00-DR-CV-04101	P3	251743	18.12.25
Approved documents				
Title	Author	Rev	Job No	Date
Statement of Environmental Effects	Planning & Co		250254	22 Dec 2025
Traffic Impact Assessment	TTW	4	251743	15 May 2026
BCA & Access Capability Statement	BM+G	2	250378	30 March 2026
Landscape Report	Arcadia	D	25-1161	12 Dec 2025
Geotechnical Investigation Report	Macquarie Geotech	0	G25589	25 Sept 2024

	<table><tr><td>DA Design Report</td><td>AJC</td><td>-</td><td>-</td><td>Dec 2025</td></tr><tr><td>Civil Engineering Report</td><td>TTW</td><td>2</td><td>251743</td><td>18 Dec 2025</td></tr><tr><td>NCC 2022 Section J DtS for Part J4 Compliance Design Report</td><td>E- LAB</td><td>01</td><td>P02719</td><td>11 Dec 2025</td></tr><tr><td>Safe Design Report</td><td>AJC</td><td>A</td><td>25097</td><td>12 Dec 2025</td></tr><tr><td>Waste Management Plan</td><td>AJC</td><td>A</td><td>25097</td><td>12 Dec 2025</td></tr><tr><td>DA Acoustic Assessment</td><td>Marshall Day</td><td>R02</td><td>001 R02 20250779</td><td>18 Dec 2025</td></tr></table>	DA Design Report	AJC	-	-	Dec 2025	Civil Engineering Report	TTW	2	251743	18 Dec 2025	NCC 2022 Section J DtS for Part J4 Compliance Design Report	E- LAB	01	P02719	11 Dec 2025	Safe Design Report	AJC	A	25097	12 Dec 2025	Waste Management Plan	AJC	A	25097	12 Dec 2025	DA Acoustic Assessment	Marshall Day	R02	001 R02 20250779	18 Dec 2025
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DA Acoustic Assessment	Marshall Day	R02	001 R02 20250779	18 Dec 2025																											
	Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.																														
2.	Compliance with Building Code of Australia 1. It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia. 2. It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia. 3. In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made. 4. In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made. 5. This section does not apply— a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or b) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.																														
3.	National Construction Code and access/parking The new building work and the required parking and access for persons with a disability are to comply with the requirements of the National Construction Code (NCC), AS 2890.6 (2022) Parking facilities, Part 6: Off-street parking for people with disabilities and the Disability (Access to Premises – Buildings) Standards 2010 as applicable to the building’s classification under the National Construction Code. Condition reason: Prescribed condition and to ensure access and parking for persons with a disability are compliant.																														
4.	Council asset condition Before commencing any works on site, the applicant must notify Council of any existing damage to Council-controlled property adjoining the site, including kerbs, gutters, footpaths, walkways, reserves and similar infrastructure. If such damage is not identified prior to works, any damage found following completion of the development will be deemed to have resulted from the works and must be repaired at the applicant’s expense.																														

	Condition reason: To protect the integrity of Council assets.
5.	Site maintenance
	While the site remains undeveloped, it is to be maintained in a clean and orderly state, free from excessive weed growth and from any accumulation, leaving or dumping of waste.
	Condition reason: To protect the amenity of the area.

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

6.	Long Service Levy Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to be calculated based on a cost estimate prepared by a suitably qualified person to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. The cost estimate and proof of payment is required to be provided to the certifier prior to issue of the construction certificate. From 1 January 2023 the levy rate will be 0.25% of the cost of building and construction works and will only be payable if the cost of works is \$250,000 and above (inclusive of GST). This payment can be made directly to the Long Service Levy Corporation. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. Based on the supplied value (\$14,597,331) the current levy payable is \$36,493 (An updated Cost Estimate maybe required prior payment). This payment can be made directly to the Long Service Corporation. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. Refer to the website for information on where to pay https://www.longservice.nsw.gov.au/bci/levy/paying-the-levy/where-to-pay-the-levy
	Condition reason: To ensure the long service levy is paid.
7.	Construction Certificate The erection of a building under the terms and conditions of this Development Consent must not commence until: (a) Detailed plans and specifications of the building have been endorsed with a Construction Certificate by: (i) A Council Registered Certifier; or (ii) A Privately Registered Certifier. (b) A Principal Certifier has been appointed and, (c) If Council is not the Principal Certifier, the person having the benefit of the development consent has notified the Council of the appointment of the Principal Certifier and

	(d) The person having the benefit of the development consent has given at least two (2) days notice to the Council of the person's intention to commence the erection of the building. If Council is to be the Principal Certifier, the applicant is required to advise Council of the commencement of building works via email to breshire@brewarrina.nsw.gov.au. 'Appointment of Principal Certifier' is to be nominated in the NSW Planning Portal. Condition reason: To ensure the building works are authorised by the issue a Construction Certificate, adequate notification is received and a Principal Certifier is appointed.
8.	Survey A survey peg-out must be completed by a qualified & Registered Surveyor to confirm the correct boundary locations before any building work begins, unless all existing survey pegs are already identifiable. The building must be positioned clear of all Council easements and sewer mains. Condition reason: To ensure the buildings are sited in the approved location.
9.	Engineering Plans – accessway upgrade Engineering plans for the upgrade of the adjoining rear-access laneway are to be submitted to the Principal Certifier for approval. The plans must be prepared by a qualified civil engineer and must address: • Pavement and surface treatment suitable for a low-speed urban laneway • Drainage, including cross-fall and any required pit or pipe upgrades • Safe property access and driveway tie-ins • Laneway geometry, sight distance and service-vehicle manoeuvring • Lighting, signage and delineation appropriate for a rear-access lane The laneway works are to extend from Young St to the westernmost staff parking space behind the proposed MPC. All laneway works must be completed and finished prior to the issue of any Occupation Certificate. Condition reason: To ensure the rear laneway is upgraded to cope with additional movements.
10.	Finished floor level & flood compatible materials The plans submitted with the Construction Certificate are to include the following detail: - Finished floor level of the new MPC building is to be at least 117.m AHD, in accordance with the approved Civil Engineering Report. - Flood compatible building materials (structural only) up to the PMF extent of 117.5m AHD. Condition reason: To ensure the building is designed to mitigate floodwater entry in accordance with the NSW Flood Risk Management Manual 2023.
11.	Structural adequacy of building A report from a qualified and practising structural Engineer is to be submitted with the application for a construction certificate, certifying that the building can withstand the force of floodwaters in a 1% AEP flood. Condition reason: To assist the building and associated structures withstanding force of flowing floodwaters, debris, and buoyancy in accordance with the Flood Proofing Guidelines and Council's DCP.
12.	Landscape Plan amendments The following amendments are to be made to the Landscape Plan with a final copy submitted to the Principal Certifier prior to the release of the construction certificate:

	i) Removal of scotch broom (cytiscus scoparius) and replacement with a less-invasive and non-toxic to humans native shrub; ii) Remove coastal banksia & replace with more drought-tolerant native species. Condition reason: To ensure the landscape plan includes resilient and safe plant species.
13.	Construction Waste Management Plan
	A Construction Waste Management Plan is to be prepared by the appointed contractor. Objectives are to include 80%+ recycling, reduction of waste generation and separation skips in accordance with the approved Waste Management Plan. Condition reason: To ensure waste is appropriately managed during construction.
14.	Erosion and sediment Control Plan
	An Erosion and Sediment Control Plan is to be prepared in accordance with the Brewarrina Development Control Plan and the EPA's Managing Urban Stormwater: Soils and Construction (Vol 1) and approved by the Principal Certifier. Condition reason: To ensure erosion measures are approved and in place prior to works commencing.
15.	Traffic Management Plan
	A Traffic Management Plan (TMP) is to be submitted to the Certifier. The TMP must be prepared by a person holding a Prepare Work Zone Traffic Management Plan (PWZTMP) accreditation and must comply with: • TfNSW Specification G10 – Traffic Management • TfNSW Traffic Control at Work Sites (TCWS) Manual • AS 1742.3 – Traffic Control for Works on Roads The TMP must, at a minimum: 1. Identify traffic, pedestrian and cyclist management measures for all stages of work. 2. Include Traffic Control Plans (TCPs), Vehicle Movement Plans (VMPs) and Pedestrian Movement Plans (PMPs). 3. Detail access arrangements for adjoining properties and emergency vehicles. 4. Provide contact details for the responsible traffic manager and incident response procedures. 5. Ensure that no obstruction of the entry and exit point from the site to the Kamilaroi Highway is permitted at any time. 6. Provide detail on directing the traveling public to the carpark entry. 7. Detail on bus parking at the front of the MPC when the facility is in event mode and recommended signage. NOTE: The TMP is to reference the latest adopted Mainstreet beautification works for Bathurst Street as provided by Brewarrina Shire Council. Condition reason: To ensure the facility is safe for road users and to comply with the requirements of Transport for NSW.
16.	Servicing Strategy
	A Servicing Strategy is to be submitted to the Principal Certifier for approval. The Servicing Strategy must demonstrate how the development will be lawfully serviced in a manner consistent with the requirements for a Section 68 approval under the Local Government Act 1993, including (where relevant): 1. Water supply – point of connection, capacity, metering and any required upgrades; 2. Sewerage – system type, sizing, loading calculations and compliance with the Local Government (General) Regulation 2021 and Council's DCP; 3. Stormwater drainage – legal point of discharge, on-site detention, water quality measures and downstream capacity; 4. Electricity and telecommunications – confirmation of supply and service routes; 5. Waste management and service vehicle access – including turning paths and collection arrangements. 6. Any required easements to protect service infrastructure or access to it and minimum setbacks of buildings from existing infrastructure.

	The Servicing Strategy must clearly identify which servicing components require a Section 68 approval and must demonstrate that all such components can be delivered within the site or via lawful easements, without reliance on land not included in the application.
	Condition reason: To ensure the development is designed with appropriate and compliant servicing.

BEFORE BUILDING WORK COMMENCES

17.	Section 68 approvals The applicant is to apply to Council for approval under section 68 of the Local Government Act for: Part B: Carry out water, sewerage and stormwater drainage work Part C: Dispose of waste into a sewer of the Council. Plans associated with the servicing requirements will need to be submitted to the Principal Certifier for approval. The Section 68 application must be consistent with the Servicing Strategy approved under this consent, and must demonstrate that all required infrastructure can be lawfully constructed within the site or via registered easements. Condition reason: To ensure compliance with the Local Government Act and obtain the necessary activity approvals.
18.	Fences (a) A hoarding or fence must be erected between the work site and any adjoining public place; and (b) Any hoarding, fence or awning erected in accordance with this consent must be removed upon completion of the works. Condition reason: To separate public areas from the work site for safety reasons.
19.	Water connection & meter Prior to the commencement of work the developer is to provide a water service and meter for the development site. This can be achieved by lodgment of the form at: application form and payment to Council in accordance with Council's fees and charges. Condition reason: To ensure a water service is connected to the site prior to works commencing.
20.	Signs on site A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out: a) showing the name, address and telephone number of the principal certifier for the work, and b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and c) stating that unauthorised entry to the work site is prohibited. Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.

	NOTE: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building. Condition reason: Prescribed condition EP&A Regulation, clause 70.
21.	Access to existing Council carpark Bathurst St The applicant is to comply with one of the following options: A) The provision of plans to the Principal Certifier demonstrating that the largest design vehicle can simultaneously enter and exit the site via the existing parking entry/exit, OR B) Plans are to be submitted to the Principal Certifier showing widening of the existing access to the parking area to ensure the largest design vehicle can enter and leave the site simultaneously. Any upgrades will require a section 138 approval under the Roads Act 1993 and a Road Occupancy Licence from TfNSW prior to the closure of any lane or erection of structures within the roadway associated with the development. In this instance the proponent is to provide the consent number in the ROL application. Condition reason: To ensure access to the parking area accommodates the largest expected vehicles and allows safe entry/exit to the highway.
22.	Toilet facilities Prior to the commencement of any works on the land, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. i. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. ii. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council. Condition reason: To ensure site management measures are implemented during the carrying out of site work.
23.	Contract Works Insurance The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors/Subcontractors engaged by the Applicant within Council road reserve will be borne by the Applicant and not Brewarrina Shire Council. Condition Reason: To ensure all workers are adequately covered by insurance when working on or near Council assets.
24.	Responsibility for changes to public infrastructure While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps, footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area). Condition reason:

	To ensure payment responsibility of approved changes to public infrastructure is clear.
25. Before you Dig Australia	Prior to carrying out any works, a “Before you Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW). The location of overhead and underground powerlines are also shown in the Look Up and Live app www.essentialenergy.com.au/lookupandlive
	Condition reason: To ensure safe works in and around electricity infrastructure.
26. Access to 11 Doyle St units	Plans are to be submitted to the Principal Certifier demonstrating that vehicular access to the residential aged care units at 11 Doyle St can be accessed with the proposed site improvements and modifications to lot boundaries as required in condition 56. Plans are to include swept paths for a standard passenger vehicle accessing the rear parking spaces for the residential units entering and leaving the site in a forward direction.
	Condition reason: To ensure access to the residential aged care units is maintained with the proposed development.

DURING DEMOLITION AND BUILDING WORK

27. Public lighting	Any public place affected by the works must be adequately lit between sunset and sunrise wherever the area may pose a hazard to members of the public.
	Condition reason: To ensure safety for the public.
28. Demolition and waste management	Demolition works are to be carried out in accordance with the approved Waste Management Plan, Council’s Policy and AS 2601 – The Demolition of Structures.
	Condition Reason: To ensure the site is kept safe during demolition works.
29. All works within property boundaries	All works must be contained entirely within the property boundaries, apart from the works relating to the rear access lane, with no element of the structure encroaching onto neighbouring land. Any gates installed must be configured so they do not swing outward over a footpath.
	Condition reason: To ensure the development does not encroach on adjoining land & public spaces.
30. Unexpected find of asbestos	If, during demolition works, asbestos-containing materials are discovered, works are to cease until a qualified and licenced asbestos removal contractor is engaged to assess the site and provide a plan for removal in accordance with Council’s Policy and AS 2601 – The Demolition of Structures.
	Condition Reason: To ensure correct procedures are followed if asbestos is found during demolition.
31. Loading and storage of materials	

	All loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out within the confines of the property (with the exception of works required to upgrade the rear access lane). No loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out on the nature strip or public roadway system.
	Condition reason: To ensure the site is safe and materials are safely stored.
32.	Solid waste and rubbish All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Brewarrina Shire Council Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. NOTE 1: No building rubbish or debris shall be placed or permitted to be placed on any public lands, footway or road. NOTE 2: The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
	Condition reason: To appropriately contain and dispose of rubbish.
33.	Compliance with the Building Code of Australia (BCA) Building work must be carried out in accordance with the requirements of the BCA.
	Condition reason: Prescribed condition - EP&A Regulation clause 69.
34.	Repair of infrastructure The applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) is fully repaired to the written satisfaction of Council, and at no cost to Council. NOTE: If the Council is not satisfied with rectification works, Council reserves the right to complete the work and charge the applicant in accordance with the "restoration of footpath or road rates" of the Brewarrina Shire Council Fees and Charges as current at the time of construction.
	Condition reason: To ensure any damage to public infrastructure is rectified.
35.	Stormwater Management Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing underground stormwater drainage system and the gutter in Bathurst Street in accordance with the approved Civil Engineering Report and Stormwater Management Plan.
	Condition Reason: To ensure the development includes appropriate management of stormwater runoff.
36.	Responsibility for changes to public infrastructure While building work is being carried out, the applicant must pay any costs incurred as a result of the approved removal, relocation or reconstruction of infrastructure (including ramps,

	footpaths, kerb and gutter, light poles, kerb inlet pits, service provider pits, street trees or any other infrastructure in the street footpath area).
	Condition reason: To ensure payment responsibility of approved changes to public infrastructure is clear.
37.	Shoring and adequacy of adjoining property If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense — a) Protect and support the building, structure or work from possible damage from the excavation, and b) Where necessary, underpin the building, structure or work to prevent any such damage. This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.
	Condition reason: Prescribed condition - EP&A Regulation clause 74.
38.	Uncovering relics or Aboriginal objects While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment. In this condition: • “relic” means any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance; and • “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
	Condition reason: To ensure the protection of objects of potential significance during works.
39.	Work near Electricity infrastructure In accordance with Essential Energy's requirements, a distance of 3 metres including blowout of the nearest part of the development to Essential Energy's infrastructure is required (measured horizontally from the centre line) to limit safety risk. Additionally, the distance of 3metres is required from pole 97134917 to 97134916 (bare mains) and 2.2metres from pole 97134917 to pole 97134919 & beyond (covered mains).

	Condition reason: To ensure electricity infrastructure is protected and safe and to comply with the requirements of Essential Energy.
40.	Sealing of rear lane The rear access lane is to be sealed from the intersection of Young St with the westernmost staff parking space/PWD parking space in accordance with the minimum requirements for road access seal in the Brewarrina DCP 2012 and Austroads.
	Condition reason: To ensure the rear lane is adequately sealed.
41.	Safety near Electricity infrastructure Activities undertaken in close proximity to the electricity infrastructure must be undertaken in accordance with the SafeWork clearance requirements. In this regard it is the responsibility of the persons completing the works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets. Condition reason: To ensure safe work in the vicinity of electricity infrastructure.
42.	Ground Levels Finished ground levels are to be graded away from the buildings and adjoining properties must achieve natural drainage. Concentrated flows are to be dispersed collected and discharged according to the approved method in the Stormwater Management Plan. Condition reason: To ensure runoff does not impact neighbouring properties and buildings and receiving waters.
43.	Dust Minimisation The building contractor is to implement and maintain effective dust suppression and control measures during construction. Measures must be designed to: - Prevent visible dust emissions - Comply with the relevant air quality standard under the <i>Protection of the Environment Operations Act 1997</i> Condition reason: To ensure the site and surrounds are protected from dust nuisance.
44.	Roofwater drainage The guttering, down pipes and storm water system is to be installed and connected to the approved disposal point as soon as the roof sheeting is positioned to prevent erosion of the site from roof water. Condition reason: To assist in the prevention of erosion of the site from storm water.
45.	Approved hours of Construction Construction work may only be undertaken in accordance with the provisions of the Environmental Protection Authority – Draft Construction Noise Guideline 2020.

	<table border="1"> <thead> <tr> <th>DAY</th><th>HOURS</th></tr> </thead> <tbody> <tr> <td>Monday to Friday</td><td>7:00am to 6:00pm</td></tr> <tr> <td>Saturday</td><td>8:00am to 1:00pm</td></tr> <tr> <td>Sunday</td><td>No work</td></tr> <tr> <td>Public Holidays</td><td>No work</td></tr> </tbody> </table> Condition reason: To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.	DAY	HOURS	Monday to Friday	7:00am to 6:00pm	Saturday	8:00am to 1:00pm	Sunday	No work	Public Holidays	No work
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46. Parking and linemarking	Staff, visitor parking and parking for persons with a disability associated with the development are to be clearly signposted and linemarked. The construction of all car parking and vehicular accesses and the existing Council carpark is to be constructed and linemarked in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant before the issue of the Occupation Certificate. Condition reason: To ensure the carparking facilities associated with the development are compliant with the relevant Australian Standard.										
47. Sustainable Buildings – non-residential development	The energy efficiency measures outlined in the Waste Management Plan and the Statement of Environmental Effects are to be implemented to comply with the State Environmental Planning Policy (Sustainable Buildings) 2022 Condition Reason: To ensure compliance with this State Policy.										
48. Implementation of site management measures	While vegetation removal, demolition and/or building work is being carried out, the applicant must ensure the measures required by site management conditions and the erosion and sediment control plan are implemented at all times. The applicant must ensure a copy of this plan is kept on site at all times and made available to Council officers upon request. Condition reason: To ensure the required site management measures are implemented during construction.										
49. Plumbing and Drainage work	a) All plumbing and drainage work are to be carried out by a licensed plumber and drainer to the requirements of the National Plumbing and Drainage Code and AS3500. b) All sewer and plumbing work is carried out in accordance with the requirements of Water, Sewerage, and Drainage Regulation, Local Government Act, 1993. c) Any redundant lines are to be removed/capped off in accordance with AS 3500. Condition reason: To ensure plumbing and drainage works is carried out to the required standard.										

50.	Soil Management
	While site work is being carried out the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be report to the principal certifier. b) All fill material imported to the site must be: i) Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or ii) a material identified as being subject to a resource recovery exemption by the NSW EPA, or a combination of Virgin Excavated Natural material as defined in Schedule 1 of the Protection of the Environment operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.
51.	Stockpiles
	Suitable covering and protection must be provided to all stockpiles and exposed soils to ensure that no material is removed from the site by wind. The construction works must not cause fugitive dust emission that can be visibly observed to be moving offsite and beyond the boundary of the construction site.
	Condition reason: To protect public health and amenity.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

52.	Occupation Certificate
	Prior to the occupation or use of the development, an Occupation Certificate must be obtained from the Certifying Authority for the subject development.
	Condition reason: To ensure the development is inspected for occupation prior to use.
53.	Clearance Certificate
	If the demolition involves the removal of any friable asbestos or asbestos-containing material (ACM), a clearance certificate is required in accordance with the Code of Practice: How to safely remove asbestos (SafeWork NSW).
	Condition reason: To ensure the site is cleared for its new use in accordance with the category of asbestos on site and AS 2601.
54.	Works as executed plans
	Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works: a) All stormwater drainage systems and storage systems; b) The following matters that Council requires to be documented: 1. Work as executed plans to record a 'Drainage Diagram' for the property. The principal certifier must provide a copy of the plans to Council with the occupation certificate.
	Condition reason:

	To confirm the location of works once constructed that will become council assets, and provide drainage diagram records.
55.	Final Fire Safety Certificate Prior to the issue of an Occupation Certificate, a final fire safety certificate prepared by an Accredited Practitioner (Fire Safety) is to be submitted to the Principal Certifier in accordance with Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
	Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
56.	Parking and linemarking Staff, visitor parking and parking for persons with a disability associated with the development are to be clearly signposted and linemarked. The construction of all car parking and vehicular accesses is to be in accordance with the approved Construction Plans and Australian Standard AS/NZS 2890.1: 2004. All works are to be certified by a suitably qualified consultant before the issue of the Occupation Certificate. Condition reason: To ensure ease of access and parking to the premises.
57.	New lot boundaries and subdivision plans The registration of a new subdivision plan showing a boundary adjustment for the development site. The plans are to show: a) Revised lot boundaries with one lot encompassing the new multipurpose centre (MPC), rear staff parking, rainwater tanks for fire fighting purposes and landscaping areas between the MPC and Council carpark; and b) The residual of existing Lot 2 DP 834798; and c) The residual of existing Lot 3 DP 834798 with minimum setbacks from existing structures in accordance with the NCC/BCA. The plans are to be accompanied by a section 88B instrument outlining an easement for access benefitting the aged care units on 11 Doyle St over the MPC lot and any other necessary easements for infrastructure. Condition reason: To ensure the lot boundaries comply with the BCA and legal access is registered.
58.	Completion of Stormwater Works Prior to the issue of an Occupation Certificate, the Principal Certifier must receive certification confirming that all stormwater works have been completed in accordance with the approved Construction Plan and Stormwater Management Plan. This certification must be provided by a registered, certified practising engineer who is competent in stormwater design and familiar with all aspects of the project. Condition reason: To ensure all stormwater works are completed to the approved standard.
59.	Operational Management Plan An Operational Management Plan is to be developed for the multipurpose centre, including at a minimum the following requirements: i) Hours of operation including seasonal use of the buildings for sports and regional competitions; ii) Building security requirements and when to liaise with NSW Police; iii) Bus and patrons/spectator parking for larger events; iv) Fees and charges for private hire of the premises and use by local schools and educational facilities; v) A Code of Conduct for user groups & spectators; vi) Plans showing areas which can and cannot be utilised by the public for safety. Condition reason: To ensure the facility's use is planned and controlled prior to operation.

60.	Emergency Plan
	The applicant must prepare an Emergency Plan and make it available to local emergency services. The Plan is to outline wayfinding measures applicable during peak periods (including special events) to ensure the surrounding community retains safe and accessible movement to local roads and premises. The Emergency Plan is to be maintained in an up-to-date condition.
	Condition reason: To ensure safe access to and from the building and support emergency services.
61.	Food Premises
	Any food premises must be registered with Council under the Food Act 2003 prior to the issue of an Occupation Certificate.
	Condition reason: To ensure any food premises operating from the Multipurpose Centre have been registered and deemed safe prior to opening.
62.	Mechanical Ventilation certification
	Prior to the issue of an Occupation Certificate, certification must be provided to the Council confirming that any installed mechanical ventilation system has been designed, installed and commissioned in accordance with the Building Code of Australia and AS/NZS 1668.2:2012. Adequate ventilation must be provided to all work areas and occupied enclosures in accordance with the BCA.
	Condition reason: To comply with the BCA and EP&A Regulation 2021.

OCCUPATION AND ONGOING USE

63.	Operational Management Plan
	Operational management activities at the site shall be in accordance with the approved Operational Management Plan (OMP).
	The occupier of the premises must—
	(a) ensure that there is a current management plan for the premises that is in accordance with the approved Operational Management Plan, and
	(b) designate an appropriate person or persons responsible for implementing and monitoring the plan, and
	(c) ensure that the plan is retained on the premises,
	(d) make the plan available, on the request of the appropriate regulatory authority, for inspection and copying.
	Condition reason: To protect public health and the amenity in the area.
64.	Complaints register
	The site operator must implement and regularly review a Complaints Policy and Incident Register. A current copy of the Incident Register and the updated Operational Management Plan must be made available to NSW Police upon request.
	Condition reason: To ensure ongoing improved safety of the premises.
65.	External lighting
	All external lighting to be installed and operated on site shall comply with the AS 4282:1997 “Control of the obtrusive effects of outdoor lighting”.
	Condition reason: To protect the amenity of the locality.
66.	Gravel access and parking maintenance

	The gravel/bitumen access and parking area is to be maintained for the life of the development by the occupier and ensure the associated stormwater drainage is working effectively and in accordance with AS3500.
	Condition reason: To ensure the parking gravel access and parking area is adequately maintained.
67.	Landscape Plan completion
	All landscaping works as approved are to be in place and completed, including any reticulation for the recycled water within 12 months of the issue of the occupation certificate.
	Condition reason: To prevent soil erosion and ensure landscaping is complete.
68.	Rear manoeuvring area maintenance
	The existing gravel access at the rear of the MPC is to be maintained to an all-weather dust-free standard in accordance with the Brewarrina DCP 2012.
	Condition reason: To ensure ease of access and reduced nuisance for service vehicles and vehicles accessing the residential units.

Advisory Note – Annual Fire Safety Statement

In accordance with Section 170 of the *Environmental Planning and Assessment Act 1979* and Clause 177 of the *Environmental Planning and Assessment Regulation 2021*, the owner of the building is required to ensure that an Annual Fire Safety Statement is prepared, lodged with the relevant authority, and displayed in the building (where required) for all essential fire safety measures. This requirement applies to certain classes of buildings, including but not limited to Class 2–9 under the Building Code of Australia. For further information, applicants should refer to the NSW Fire Safety Guidelines and contact the relevant certifying authority.

Advisory Note – Transport for NSW

- Should the driveway to the existing carpark be improved, prior to the commencement of any construction work impacting traffic on the Kamilaroi Highway (HW27), the proponent is to contact the TfNSW Road Access Unit at road.access@transport.nsw.gov.au to obtain a Road Occupancy Licence (ROL) prior to the closure of any lane or erection of any structures within the roadway associated with the development. The proponent is to provide the consent number in the ROL application. Please note that up to 10 working days is required for ROL applications to be assessed and processed. For further information see: [Road occupancy licences | Transport for NSW](#) or email road.access@transport.nsw.gov.au

Advisory Notes – Essential Energy

- If the proposed development changes, there may be potential safety risks, and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a “Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW);

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work must not be carried out until a construction certificate has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means Brewarrina Shire Council

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Local planning panel means Western Regional Planning Panel.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

the collection of stormwater,

the reuse of stormwater,

the detention of stormwater,

the controlled release of stormwater, and

connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Subdivision certificate means a certificate that authorises the registration of a plan of subdivision under Part 23 of the *Conveyancing Act 1919*.

Subdivision works certificate means a certificate to the effect that subdivision work completed in accordance with specified plans and specifications will comply with the requirements of the EP&A Regulation.

