



# **Statement of Environmental Effects**

THIRTY-THREE (33) LOT SUBDIVISION – HOSKINS STREET,  
NYNGAN

6 August 2024

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## 1. INTRODUCTION

This Statement of Environmental Effects (SEE) relates to a Development Application (DA) for a thirty-three (33) lot residential subdivision of Lot 4 and 5 Section 11 in DP 758803, Hoskins Street, Nyngan (the subject site) in the Bogan Shire Council (BSC) Local Government Area (LGA).

The subject site is zoned R1 General Residential zone under Clause 2.1 of the *Bogan Local Environmental Plan 2011*. Subdivision of the site is permitted with consent by way of Clause 2.6 of the LEP.

This SEE addresses the required planning considerations under 4.15(1) of the Environmental Planning and Assessment Act, 1979. It has been prepared pursuant to Clause 24 of the Environmental Planning and Assessment Regulation 2021 and is provided in the following format.

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable to the subject site and proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE.

## 2. THE SITE & LOCALITY

### 2.1 The Site

The subject site is identified as Lot 4 and 5 Section 11 DP 758803, Hoskins Street, Nyngan. The subject land has a combined area of 3.6ha with a frontage of 143m to Hoskins Street, 211m frontage to Oxley Street and 193m to Oatley Street.

The subject site is zoned as R1 Low General Residential under the provisions of the Bogan Local Environmental Plan (LEP) 2011. There is no prescribed minimum lot size for the subject site in accordance with the LEP.

The development site is flat and predominantly treeless and is currently vacant of significant structures. The existing conditions of the subject site are shown in **Figure 1**.

### 2.2 The Locality

The subject site is surrounded by established low density residential development to the north and large lot residential blocks to the west.

The subject site is located on the southern edge of Nyngan, approximately 920m from the central-business district. The allotment east of the development site is occupied by the Nyngan Showground and the allotment to the south is vacant. Access to the site is available from Oxley, Hoskin and Oatley Street.

The existing conditions of the immediate locality are shown in **Figure 2**, below.

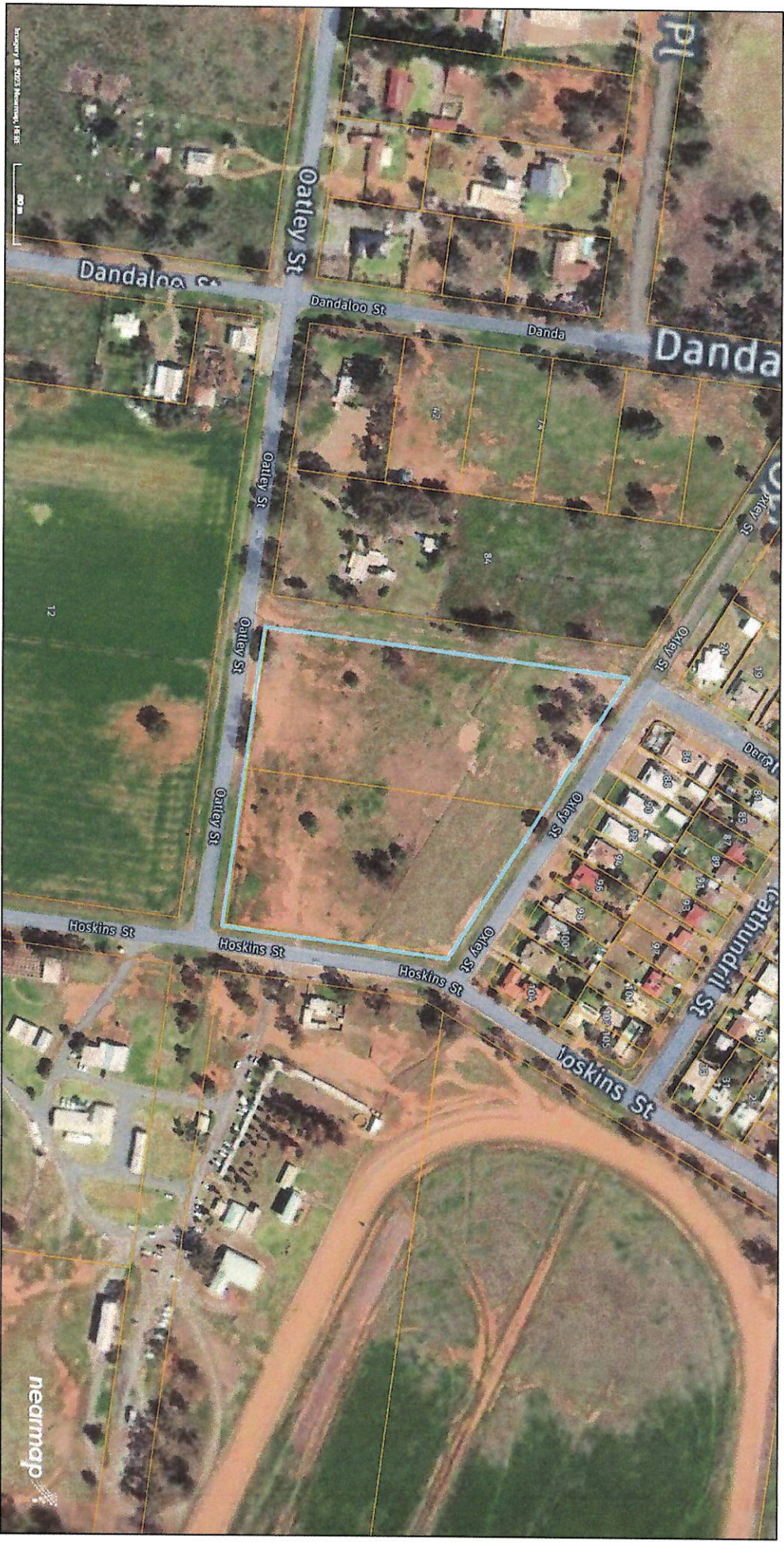


Figure 1 - The Subject Site

BOGAN SHIRE COUNCIL  
STATEMENT OF ENVIRONMENTAL EFFECTS  
THIRTY-THREE (33) LOT SUBDIVISION – HOSKINS STREET, NYNGAN



Figure 2 - Site Locality

### **3. THE DEVELOPMENT**

#### **3.1 Development Description**

This Development Application (DA) seeks approval to subdivide the land identified as Lot 4 and 5 Section 11 DP 758803, Hoskins Street, Nyngan, into thirty-three (33) residential Torrens title allotments.

The subdivision proposes the creation of 32 lots for residential dwellings ranging in area from 718 m<sup>2</sup> to 1,311 m<sup>2</sup> with an average area of 927 m<sup>2</sup>. The remaining lot comprising 2,915 m<sup>2</sup> will be set aside as a drainage reserve for the collection of stormwater from the site.

The proposed development includes the construction of a new north-south public road located approximately central to the site, together with the extension of existing water and power infrastructure and a new reticulated sewer system. Each of the proposed lots will gain vehicular access via a public road and all necessary infrastructure will be available to the resulting allotments.

The present Development Application relates only to Stage 1 of the development with 5 lots on the western side of the site deferred for a future Stage 2 when the unformed road along the western frontage is constructed. All services infrastructure for these undeveloped lots will be provided as part of Stage 1.

The proposed lot layout is depicted in the plan at **Appendix A**.

## 4. STATUTORY PLANNING FRAMEWORK

### 4.1 Object of the EP&A Act

In New South Wales (NSW), the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment (DPIE). In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

*“(a) To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources,*

*(b) To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*

*(c) To promote the orderly and economic use and development of land,*

*(d) To promote the delivery and maintenance of affordable housing,*

*(e) To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*

*(f) To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*

*(g) To promote good design and amenity of the built environment,*

*(h) To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*

*(i) To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*

*(j) To provide increased opportunity for community participation in environmental planning and assessment.”*

The proposed development is not considered to be antipathetic to the above objects.

## 4.2 Section 1.7

Section 1.7 of the EP&A Act requires consideration of Part 7 of the *Biodiversity Conservation Act 2016* (BC Act). Part 7 of the BC Act relates to an obligation to determine whether a proposal is likely to significantly affect threatened species. A development is considered to result in a significant impact in the following assessed circumstances.

**Table 1 – Section 1.7**

Test	Assessment
1. it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The subdivision requires the removal of vegetation to facilitate the completion of the resulting allotments.  Should ecological assessment of the land be required by Council, a BDAR would provide an overview of the biodiversity values on the subject site, impacts to threatened species, ecological communities and their habitats and prescribe potential mitigation measures.  These matters would be addressed in accordance with Council's requirements.
2. the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	As above.
3. it is carried out in a declared area of outstanding biodiversity value.	Not applicable.

**Source: Environmental Planning and Assessment Act 1979**

## 4.3 Subordinate Legislation

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs; and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

- Bogan Local Environmental Plan 2011;
- State Environmental Planning Policy (Resilience and Hazards) 2021; and
- Bogan Development Control Plan 2012.

The requirements of these are discussed in **section 4.4** of this Statement.



## 4.4 Planning Instruments

### 4.4.1 LOCAL ENVIRONMENTAL PLAN

#### 4.4.1.1 Introduction

The *Bogan Local Environmental Plan 2011 (LEP)* is the applicable local planning instrument applying to the land. The aims of the LEP are:

*“(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts*

*(a) to protect, enhance and conserve agricultural land through the proper management, development and conservation of natural and man-made resources,*

*(b) to encourage a range of development, including housing, employment, recreation and community facilities, to meet the needs of existing and future residents of Bogan,*

*(c) to promote the efficient and equitable provision of public services, infrastructure and amenities.”*

The proposed development is not antipathetic to the aims of the plan and is specifically consistent with subclause (b) above.

#### 4.4.1.2 Mapping

A review of the LEP mapping, via the NSW Planning Portal, identifies the following applicable mapped constraints. Applicable matters, together with other relevant LEP clauses, are discussed in later sections.

**Table 2 – Bogan LEP Mapping Checklist**

<b>Constraint</b>	<b>Applicability</b>	<b>Section addressed/comment</b>
Land Application Map	N/A	
Land Zoning Map	YES	4.4.1.3
Lot Size Map	YES	4.4.1.4
Heritage Map	N/A	
Land Reservation Acquisition Map	N/A	
Terrestrial Biodiversity Map	N/A	
Groundwater Vulnerability Map	N/A	4.4.1.5
Watercourse Map	N/A	
Wetlands Map	N/A	
Urban Release Area Map	N/A	

#### **4.4.1.3 Land Use Zoning**

The subject site is located with the R1 General Residential zone under the provisions of the LEP:

The objectives of the R1 zone are as follows:

- To provide for the housing needs of the community.*
- To provide for a variety of housing types and densities.*
- To enable other land uses that provide facilities or services to meet the day to day needs of residents."*

The proposed development involves a thirty-three (33) lot residential subdivision within the R1 zone. The proposed development is consistent with the objectives of the R1 zone.

#### **4.4.1.4 Lot Size**

The objectives of *Clause 4.1 Minimum Subdivision Lot Size* are as follows:

- (a) to ensure land use and development is undertaken on appropriately sized parcels of land,*
- (b) to ensure that lot sizes have a practical and efficient layout to meet intended use,*
- (c) to maintain viable farm sizes to promote continuing agricultural production,*
- (d) to prevent the fragmentation of rural land."*

The development site is not identified as subject to a minimum lot size as mapped under the LEP, Lot Size Map – Sheet LSZ\_008A. Hence, the proposed subdivision meets the minimum lot size requirements of the lot size mapping and the objectives of Clause 4.1.

#### **4.4.1.5 Groundwater Vulnerability**

The subject site is not identified as being subject to groundwater vulnerability.

The objective of *Clause 7.5 Groundwater Vulnerability* is to maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from depletion and contamination as a result of inappropriate development.

The subject site is currently vacant of any structures. Future development of the site would be for residential land uses. The subject site is to be profiled so as to direct stormwater runoff towards the onsite detention basin via a table drain network. There is no intention for any of the lots to access groundwater reserves and the nature of the drainage network will if anything facilitate soakage to minimise any significant impact to existing groundwater systems.

#### **4.4.2 STATE ENVIRONMENTAL PLANNING POLICY**

##### **4.4.2.1 State Environmental Planning Policy (Resilience and Hazards) 2021**

*State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4* provides a state-wide approach to remediation of contaminated land and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Clause 4.6 of the SEPP states that a consent authority must not consent to the carrying of development unless it has considered, among other things, whether the land is contaminated.

The subject site has historical been used for livestock grazing and horse agistment. A Preliminary Contamination Investigation prepared by Envirowest Consulting concluded that the investigation area is suitable for residential use with soil sampling confirming no detection of elevated levels of contamination. With consideration of the existing use and proposed residential activity, it is not anticipated that the development would be impacted by contamination.

The proposed development is considered to be consistent with the requirements of the SEPP.

#### **4.4.3 DEVELOPMENT CONTROL PLANS**

##### **4.4.3.1 Bogan Development Control Plan 2012**

The Bogan Development Control Plan 2012 (DCP) applies to the site. **Table 3** provides a summary of relevant matters raised via the DCP together with an assessment of project specific compliance.

As outlined at **Table 3**, the development is generally compliant with all relevant provisions of the Development Control Plan.

#### **4.4.4 DEVELOPMENT CONTRIBUTIONS PLAN**

The following Development Contributions Plans apply to the proposed development include the following:

- Bogan Shire Section 7.12 Fixed Levy Development Contributions Plan 2021.

It is anticipated that the applicable development contributions charges will be calculated by Council in accordance with the abovementioned plans and requested as part of the conditions of development consent.

It is also anticipated that any existing credits will be applied to the subject development proposal.

## 5. IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST

This section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1)(b) and the former NSW Department of Urban Affairs and Planning's Guide to Section 79C.

This section also addresses the consideration at Section 4.15(c) and Section 4.15(e) of the Act that relate to the suitability of the site for the development and the public interest.

### 5.1 Context and Setting

The proposed subdivision relates to land located within an existing residential environment in south Nyngan. The subject site adjoins the dwelling houses to the north and semi-rural activity to the west with the Nyngan Showground located to the east. There are vacant allotments to the south of the site.

The site is located approximately 920m from Nyngan CBD and within walking distance to Nyngan Public School, Nyngan Park and the Nyngan Showgrounds.

The surrounding residential pattern comprises of a range of lot sizes from 1014m<sup>2</sup> to 1075m<sup>2</sup> with a typical range of 18m to 24m road frontages. The proposed development will provide a similar lot size regime and frontages consistent with the surrounding neighbourhood.

The proposed development is consistent with the surrounding context and setting of the residential area.

### 5.2 Access and Traffic

Vehicle access for each lot is to be provided from a public road including the proposed new road connecting Oxley and Oatley Streets through the centre of the site. The lots proposed to be developed in Stage 2 will have vehicular access from the proposed extension of Derrybong Street, which will be a precursor to Stage 2 proceeding.

The proposed new internal road will have a bitumen-sealed pavement 9 metres in width with unsealed shoulders 0.5 metres in width to provide adequate capacity for on-street parking without impeding traffic. Concrete box culverts will bridge the table drains at either end of the road.

### 5.3 Servicing

A gravity sewerage network will connect all lots to a collection and pumping station located in the north-western corner of the site to the south of the proposed drainage basin. Sewerage collected will be pumped through a pressure main to discharge into Council's existing system in Derrybong Street in accordance with Council's standards.

All lots will be serviced by an extension to Council's existing reticulated water system.

Electricity will be supplied from the existing overhead reticulation system with an extension along the proposed new central road.

Proposed service locations are shown on the development concept plan attached as **Appendix A**. Council proposes that, upon receipt of Development Approval, experienced civil engineering contractors will be appointed to undertake the development works on a “Design and Construct” basis so that all proposed infrastructure will undergo a detailed design process consistent with the plan at Appendix A and be submitted to Council’s Engineering Department for final compliance approval.

## 5.4 Heritage

An Aboriginal Heritage Cultural Survey Report (**Appendix B**) has been undertaken under the auspices of the Nyngan Local Aboriginal Land Council in relation to the proposed development. The survey identified no Aboriginal artifacts or areas of archaeological sensitivity within the site. Some recommendations were made regarding retention of certain flora which will be taken into consideration in the final planning of the site landscaping.

A search of the Aboriginal Heritage Management System (AHIMS) did not record any Aboriginal site located within or nearby to the subject site. In addition, the subject site is not mapped under the LEP heritage mapping pursuant to Schedule 5.

## 5.5 Waste

General residential waste would be managed by Council’s waste collection service following construction of future dwelling houses. Any additional waste resulting from the construction or site preparation stage of the project will be undertaken in accordance with Council’s requirements.

## 5.6 Stormwater

Stormwater runoff will run towards the onsite detention basin via a table drain network. A manually controlled stormwater pumping station will be installed in the drainage basin to allow Council to discharge excess water to an existing drain running along the unformed western extension of Oxley Street and thence to Council’s existing stormwater management system. The use of open table drains provides storage capacity in the event of major storm events and a controlled rate of flow to the drainage basin. The pumping station discharge capacity of 40L/sec is considered adequate to meet the likely predicted peak runoff in the table drain system in a 100 year ARI event under normal ground saturation conditions.

## 5.7 Water

Each allotment will be serviced by Council’s reticulated water infrastructure. There is existing 100mm AC water mains located along Derrybong Street and Hoskins Street with a 150mm water main in Oxley Street. A new 150mm water main will be installed along the proposed central road to service the lots fronting that road.

## 5.8 Natural Hazards

The subject site is mapped as bushfire prone land. It is acknowledged the development is subject to a bushfire safety authority pursuant to Section 100B of the *Rural Fires Act 1993*. The development proposes the subdivision of bushfire land used for residential purposes, as such, it is understood the development will be referred to the NSW Rural Fire Service for assessment.

The subject site is not mapped as flood prone land.

## 5.9 Safety, Security and Crime Prevention

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. The four key principles of the guidelines include surveillance, access control, territorial reinforcement, and space management.

All proposed lots will have adequate frontage to a public road or lane including Oxley, Hoskins and Oatley Street which will provide passive surveillance over future residential development. Future residential development would be unlikely to encounter antisocial behaviour.

## 5.10 Social Impact

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- their culture (shared beliefs, customs and values); or
- their community (its cohesion, stability, character, services and facilities).

Future development of the new residential lots will be guided by the controls set out in the DCP. The DCP will ensure that the design and character of future dwellings will be consistent with the surrounding area.

The proposed development is anticipated to result in positive social outcomes.

## 5.11 Economic Impact

Nyngan suffers from a shortage of suitable housing to attract new residents, especially in the services sector. The proposed development will have a positive economic impact during the construction phase of the project and provide ongoing economic benefits following the establishment of future residents in the area including critical workers.

## 5.12 Site Design and Internal Design

The site design enables appropriate lot dimensions and sizes suitable for general residential development. The design of the subdivision demonstrates suitable vehicle access to each allotment. The proposal has also considered the need to extend the provision of services to each allotment and enable overland stormwater flows to discharge into the drainage reserve on proposed Lot 32.

The development site has been appropriately designed to incorporate future residential development on the land and to integrate effectively with the existing adjacent residential areas.

## 5.13 Construction Impacts

Construction impacts would be short-lived and manageable. The following standard construction management measures would be implemented to ensure impacts to the locality are minimised:

- Standard construction hours (7 am to 6 pm Monday to Friday and 8 am to 1 pm Saturday and at no times on Public Holidays);

- Avoiding dust generating activities during windy and dry conditions; and
- Maintaining all equipment in good working condition such that the construction contractor and site manager ensure the prevention of the release of smoke by construction equipment, which would be in contravention of Section 124 of the *Protection of the Environment Operations Act 1997* and Clause 16 of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

Construction impacts are expected to be minimal however these impacts will be mitigated in accordance with Council's requirements.

## 5.14 Suitability of the Site

The site is located within an existing residential area and has direct access to essential infrastructure services. These infrastructure services will be upgraded to facilitate the future residential development. The proposed development will facilitate the subdivision of additional allotments of a size and shape consistent with the surrounding lot pattern. The subject site is therefore considered to be suitable for the proposed development and future residential activity.

## 5.15 The Public Interest

The proposed development will create an additional thirty-two (32) residential lots in Nyngan. The infill development will enable new residents access to recreational areas, educational opportunities and the Nyngan central-business district. The development will allow the release of residential land in Nyngan.

The new development is not anticipated to result in any resistance from the surrounding community.

## **6. CONCLUSION**

### **6.1 Conclusion**

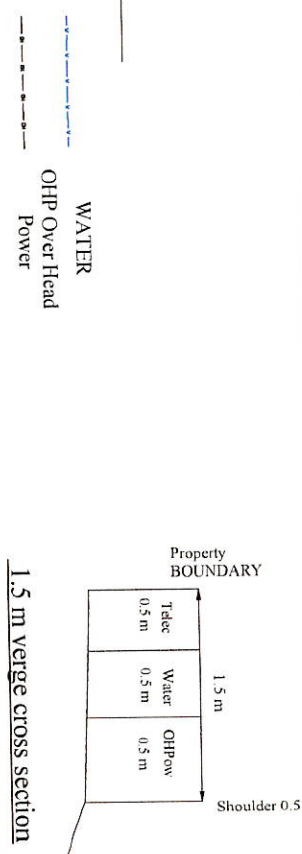
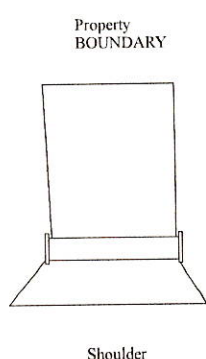
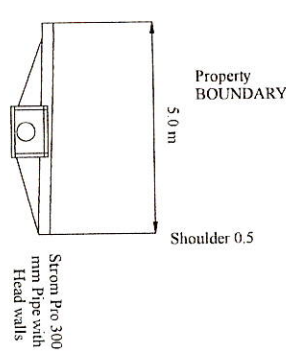
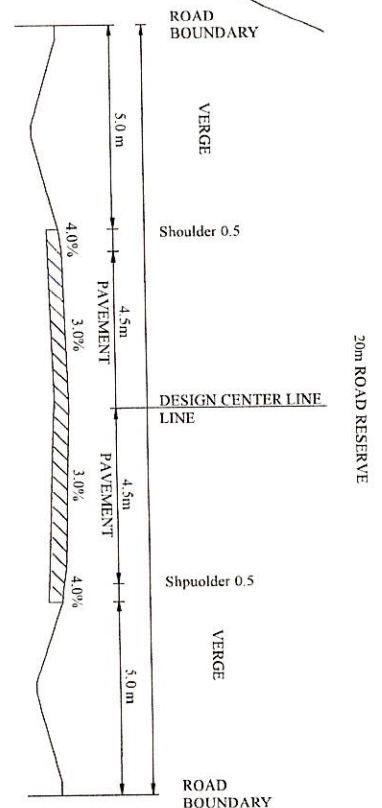
This Statement of Environmental Effects (SEE) has been prepared to accompany a Development Application (DA) for the purposes of a thirty-three (33) lot residential subdivision of Lot 4 and 5 Section DP 758803, Hoskins Street, Nyngan.

This SEE has been completed with consideration of the planning requirements under Section 4.15(1) of the Environmental Planning and Assessment Act, 1979, it is requested that Council approve the proposed thirty-three (33) residential subdivision of land at Lot 4 and 5 Section 11 DP 758803, Hoskins Street, Nyngan.



# **APPENDIX A**

## **SITE LAYOUT AND DEVELOPMENT CONCEPT**



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**BOGAN SHIRE COUNCIL**  
**PROPOSED RESIDENTIAL SUBDIVISION**  
**LOTS 4 & 5 SECTION 11 IN DP 758803,**  
**OATLEY STREET NYNGAN**

BOGAN SHIRE COUNCIL  
STATEMENT OF ENVIRONMENTAL EFFECTS  
THIRTY-THREE (33) LOT SUBDIVISION – HOSKINS STREET, NYNGAN

# **APPENDIX B**

## **CULTURAL SURVEY REPORT**

Ngiyaampaa/Wangaaypuwan  
(Wongaibon)  
Cultural Survey Report  
DP 758803



## Executive page

Executive summary report on Nyngan Ngijaampaa / Wangaaypuwan (Wongaibon) tribal areas in the Nyngan community, which is under the area of the Nyngan Local Aboriginal Land Council.

I found in my cultural survey that there was no physical or visual evidence of archology on the ground due to the land area being covered in grass.

There were a number of native trees and shrubs still thriving on the land area, which most are a cultural value to the local traditional owners.

On each tree there are shrubs growing around the bottom of the native trees that I see are important to the traditional owners.

The block of land is an excellent area to showcase Nyngan for future planning. When future planning this block covers safety, environment, working class and residence in Nyngan. This area would take care of a growing community.



## **Introduction**

I am Phillip Sullivan, I submit this report to the Nyngan Local Aboriginal Land Council and to the Bogan Shire Council, a short report that may echo future planning for the Nyngan community.

I am Ngiyaampaa / Wangaaypuwan (Wongaibon) speaker, and I have been asked by the Nyngan Local Aboriginal Land Council and the Bogan Shire Council to complete a cultural survey on DP 758803 for 30 Lot Subdivision opposite the Nyngan Showground.

## **Methodology**

Starting my survey of the land I walked right around edge of the area and then walked up and down the inside to survey for cultural evidence.

While doing my walk the weed/grass had covered 100% of the area, but I had still found cultural evidence of that being the native trees and shrubs. Both blocks were done in this manner of the survey to search for cultural and archeology evidence.

## **Recommendations**

1. I recommend that the native trees and shrubs are kept to their natural state. The shrubs growing out of the trees are symbiotic, being dependent on one another and therefore both need to be left natural. I see the native trees and shrubs as an importance to the local community as these can be used in cultural and community teachings and practices. In the teaching and practices there comes a cultural safety for the local traditional owners.
2. When starting the development on 30 Lot Subdivision it would be culturally appropriate to have a traditional owner to be present on site to learn the development procedures and techniques and in return the traditional owner can teach the cultural techniques if there is any site of archeology opportunity to arise from under the land area.
3. I also recommend the Bogan Shire Council and the Nyngan Local Aboriginal Land Council to continue to undertake partnership with the traditional owners in the area to create partnerships and better the relationships between all parties.

## **Discussions**

My name is Phillip Sullivan this is a brief summary of the cultural survey and any questions that may arise I am available to respond to these.

### **Conclusion**

To the Nyngan Local Aboriginal Land Council I want to thank you for allowing me to be part of this project for the Nyngan community.

To the Local Bogan Shire Council thank you for trusting me with this task and giving me the opportunity to work with you and to be a part of the community. Sincerely thank you.



# **APPENDIX C**

## **DCP COMPLIANCE TABLE**



Table 3 – Development Control Plan Matters and Assessment

<b>Performance criteria</b>	<b>Acceptable solutions</b>	<b>Assessment</b>	<b>Compliance?</b>
<p>Servicing Strategy</p>	<ul style="list-style-type: none"> <li>• All development applications shall provide a servicing strategy (water, sewer, stormwater, telecommunications and electricity) to demonstrate that it is feasible for the subdivision to be serviced in accordance with the requirements of AUSSPEC Specifications.</li> <li>• The strategy shall include evidence that the developer has consulted with Bogan Shire Council in relation to the availability and capacity of the existing water and sewer networks consistent with the likely future use of the land.</li> <li>• The strategy shall include evidence that the developer has consulted with Bogan Shire Council to obtain available information in relation to stormwater catchments, capacities and preferred solutions.</li> <li>• For new estates this shall include nomination of a maximum number of equivalent tenements that will be serviced by the infrastructure.</li> </ul>	<p>The proposed development requires the extension of Council's infrastructure including the addition of new sewer and water mains where required to service all proposed lots.</p> <p>The subject site is to be profiled to facilitate stormwater drainage towards the onsite detention basin.</p> <p>The proposed sewerage servicing for the development will be provided in accordance with Council's standards and will discharge to Council's sewer manhole located in the north-western corner of the site. New sewer mains will be built throughout the subject site to accommodate each allotment.</p> <p>Electricity services will be connected to the existing overhead power network. Evidence of these services provided to each allotment is to be demonstrated prior to the release of the subdivision certificate.</p>	<p>YES</p>

Performance criteria	Acceptable solutions	Assessment	Compliance?
Sewer	<ul style="list-style-type: none"> <li>• The servicing strategy shall identify the method of providing sewer to the proposed lots in accordance with AUS-SPEC Specifications.</li> <li>• Residential lots are to be serviced by gravity sewer. Detail of any lot filling required to achieve minimum grade shall be provided.</li> <li>• The area within proposed lots shall be capable of being serviced by gravity sewer (unless located within an estate where an alternate sewer system is established).</li> <li>• Reticulated sewer is required where the Lot Size Map specifies a minimum lot size of up to and including 4000m<sup>2</sup>.</li> <li>• On-site sewer management facilities will be required when developing lots where the Lot Size Map specifies a minimum area of 1 hectare or greater.</li> </ul>	As above. See <b>Appendix A</b> for proposed reticulation layout.	YES
Water	<ul style="list-style-type: none"> <li>• The Servicing Strategy shall identify the method of providing water to the proposed lots in accordance with AUS-SPEC Specifications.</li> <li>• On-site water storage requirements will be applied when future development occurs on lots where the Lot Size Map specifies a minimum area of 4000m<sup>2</sup> or greater.</li> </ul>	As above. See <b>Appendix A</b> for proposed reticulation layout.	YES

<b>Performance criteria</b>	<b>Acceptable solutions</b>	<b>Assessment</b>	<b>Compliance?</b>
Stormwater Drainage	<ul style="list-style-type: none"> <li>• The servicing strategy shall include consideration of flows up to the 1 in 100 year ARI for existing natural flow, existing developed flow and post developed flow.</li> <li>• Minor flows are to be designed to a 1 in 5 year ARI.</li> <li>• Locations of major flows are to be defined to a designated overlaid flow path up to a 1 in 100 year ARI. Where the path traverses private property, it shall be dedicated as a drainage reserve UNLESS a natural drainage line (as indicated by blue line on the topographic map).</li> <li>• Measures to control stormwater flow and water quality are required.</li> <li>• Detention basins are not a preferred solution.</li> <li>• Where drainage is required to the rear of the lot, inter-allotment drainage shall be located in easements in favour of the upstream properties benefitted by the easement.</li> <li>• Lot layout and easements are to be established so that no future development will rely upon pump-out, infiltration systems or any other method other than connection to the gravity piped system.</li> </ul>	Stormwater runoff will run towards the onsite detention basin via a table drain network. A manually controlled stormwater pumping station will be installed in the drainage basin to allow Council to discharge excess water to an existing drain running along the unformed western extension of Oxley Street and thence to Council's existing stormwater management system. The pumping station discharge capacity of 40L/sec is considered adequate to meet the likely predicted peak runoff in the table drain system in a 100 year ARI event under normal ground saturation conditions	YES

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Performance criteria	Acceptable solutions	Assessment	Compliance?
Telecommunications	<ul style="list-style-type: none"> <li>Telecommunications are to be provided underground.</li> </ul>	<p>Telecommunications are available within Hoskins Street. Confirmation of this service will be provided to Council prior to the release of the subdivision certificate.</p>	YES
Electricity	<ul style="list-style-type: none"> <li>The subdivision is to be serviced by underground electricity where the Lot Size Map specifies a minimum lot size of up to and including 4000m<sup>2</sup>.</li> <li>For subdivision of land where the Lot Size map specifies a minimum lot size of greater than 4000m<sup>2</sup> and less than 600 hectares, electricity supply is required and may be overhead. In the event of subdivision for the purpose of Primary Production in which dwelling entitlement is prohibited electricity supply is not specified.</li> <li>For subdivision of land where the Lot Size Map specifies a minimum lot size of 600 hectares or greater, no connection to electricity is specified.</li> </ul>	<p>Electricity infrastructure is available within Oxley Street and Derrybong Street. Confirmation of this service will be provided to Council prior to the release of the subdivision certificate.</p> <p>As the majority of the proposed lots have frontage to existing overhead services, this is proposed to be retained for all lots.</p>	YES

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<p>Lot Size</p>	<ul style="list-style-type: none"> <li>• "Lot size map" and Clause 4.1 of Bogan Shire Council LEP 2011 prescribe the minimum lot sizes for all new allotments.</li> <li>• Minimum lot sizes do not apply to Strata and Community Title Subdivisions.</li> <li>• Residential lots must be able to accommodate a rectangle suitable for building purposes measuring 10m x 15m behind the street setback (note there is no concession to a second street frontage for setbacks).</li> <li>• Easements are not to encumber more than 10% of the total area of the lot where the Page 20 of 52 Lot Size Map specifies a minimum lot size of up to and including 4000m<sup>2</sup>.</li> </ul>	<p>The development site is not subject to a minimum lot size pursuant to Clause 4.1 of the LEP. The proposed lot sizes vary from 718 m<sup>2</sup> to 1,311 m<sup>2</sup> with an average area of 927 m<sup>2</sup>.</p> <p>The proposed lot size and orientation will provide adequate frontage to a public road with consideration of the existing topography of the land.</p> <p>Each allotment is of suitable dimension to accommodate a dwelling house.</p>	<p>YES</p>
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<b>Performance criteria</b>	<b>Acceptable solutions</b>	<b>Assessment</b>	<b>Compliance?</b>
Battle-axe shaped lots	<ul style="list-style-type: none"> <li>• Minimum area for battle-axe shaped lot is 800m<sup>2</sup> excluding the access corridor.</li> <li>• Access handles shall be of a minimum width of 4.5 metres, of which 3 metres is to be constructed and sealed with reinforced concrete, asphaltic concrete or interlocking pavers at the time of subdivision.</li> <li>• The topography of the site may require installation of kerbing to manage overland stormwater.</li> <li>• Battle-axe lots must also share a common boundary with a public reserve of at least 15 metres in length where the Lot Size Map specifies a minimum lot size of up to and include 5 hectares.</li> <li>• No more than two Torrens title lots shall share a battle-axe handle access.</li> </ul>	The development does not propose a battle-axe shaped lot.	YES
Industrial Lots	<ul style="list-style-type: none"> <li>• Industrial lots shall have a minimum street frontage and square width of 24m and an area of 1,000m<sup>2</sup>. (NB – this size is specified to facilitate subdivision for lease purposes and does not generally reflect a suitable configuration for industrial lots, which should be sized to accommodate</li> </ul>	The development is for residential purposes.	YES

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Performance criteria	Acceptable solutions	Assessment	Compliance?
Road Network Design	<p>development, storage areas and vehicle delivery and manoeuvring requirements).</p> <ul style="list-style-type: none"> <li>Industrial subdivision cannot be serviced by cul-de-sac road formation.</li> </ul> <p>• A Traffic Impact Assessment is to include an assessment of the proposed subdivision and its impacts on the adjacent existing road network.</p> <ul style="list-style-type: none"> <li>The road hierarchy shall be defined.</li> <li>Road network design should include consideration of vehicular, pedestrian and cyclist safety. This should include the restricted/controlled use of four-way intersections, the standards for staggered-T intersections, and the speed environment created by the road network and the risk to safety created by the design.</li> <li>Residential subdivision must incorporate appropriate facilities and opportunities for pedestrian and bicycle movement.</li> <li>The alignment, width and design standard for all roads shall be in accordance with the expected traffic volume, type of traffic and desired speed in accordance with AUS-SPEC Specifications. A summary table of requirements is provided at the end of this section.</li> </ul>	<p>The proposed subdivision requires the construction of a new internal road (see <b>Appendix A</b>)</p> <p>The road network will be bitumen-sealed and allocates ample area for pedestrian and cyclist activity.</p> <p>Additional engineering specifications regarding the standard of Proposed Road 3 is to be provided during the SWC stage of the development.</p>	YES

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Performance criteria	Acceptable solutions	Assessment	Compliance?
	<ul style="list-style-type: none"> <li>• Kerb and gutter is required for subdivision where the Lot Size Map specifies a minimum lot size of up to and including 2000m<sup>2</sup>.</li> <li>• The road pavement requirement will be determined based on vehicle movements (both current and future) and with consideration to the existing development and character of the locality. Generally, sealed pavement will be required where the Lot Size Map specifies a minimum lot size of up to and including 5 hectares.</li> </ul> <p>Note: environmental circumstances such as dust nuisance and drainage may require sealed pavement where the Lot Size Map specifies a minimum lot size of greater than 5 hectares.</p> <ul style="list-style-type: none"> <li>• A road within a residential subdivision servicing 5 lots or more must include a constructed pedestrian footpath.</li> <li>• Subdivision layouts shall make provision for road connection to adjoining undeveloped land.</li> <li>• Subdivision design shall ensure that individual allotments are within 400 metres walking distance of a collector road.</li> <li>• Roads to be designed having regard to both the topography of the site and the requirements of stormwater overland flow paths.</li> </ul>		



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Performance criteria	Acceptable solutions	Assessment	Compliance?
Staged Subdivision	<ul style="list-style-type: none"> <li>Where subdivision is proposed to be carried out in a number of stages, these shall be identified, and information supplied as to the manner in which staging of all infrastructure will occur (roads, water, sewer and stormwater drainage).</li> </ul>	<p>The present Development Application relates only to Stage 1 of the development with 5 lots on the western side of the site deferred for a future Stage 2 when the unformed road along the western frontage is constructed. All services infrastructure for these undeveloped lots will be provided as part of Stage 1.</p>	YES
Cul-de-sac	<ul style="list-style-type: none"> <li>Radius of a cul-de-sac bowl is a residential subdivision shall not be less than 10 metres.</li> <li>Design must accommodate stormwater drainage overland flow paths.</li> <li>Alternate cul-de-sac configuration is not permitted, e.g. "hammer-head" or "Y" shapes.</li> </ul>	<p>A cul-de-sac is not proposed.</p>	YES
Landscaping	<ul style="list-style-type: none"> <li>Subdivision involving new road construction shall include street tree planting of suitable species.</li> <li>Landscaping plans shall be provided for all dual use drainage reserves to enhance recreational opportunities and visual amenity without compromising drainage function.</li> </ul>	<p>Confirmation of tree species and location within the development will be finalised and provided to Council during the SWC stage of the subdivision.</p>	YES
Site Access	<ul style="list-style-type: none"> <li>Public road access is required to all lots.</li> <li>No direct access to arterial or sub-arterial roads shall be permitted where alternatives are available.</li> </ul>	<p>Each allotment has access from a public road.</p>	YES

Performance criteria	Acceptable solutions	Assessment	Compliance?
Lot Orientation	<ul style="list-style-type: none"> <li>• Where residential subdivision involves a road running north-south, allotments are to be designed to provide solar access for future development.</li> <li>• Orientation shall minimise potential overshadowing impacts of existing and future buildings.</li> </ul>	<p>Allotments are designed for suitable solar access and reduce any potential overshadowing for future development.</p>	YES
Open Space	<ul style="list-style-type: none"> <li>• Open space provision within residential subdivision will be determined compliance Page 21 of 52 with the provisions of the Section 94 Plan or Site Specific Design Criteria.</li> <li>• Where required, subdivision design must provide open space achieving the following criteria:                             <ul style="list-style-type: none"> <li>o Minimum area of 0.5ha;</li> <li>o Buffered from main roads and identified hazards for improved safety;</li> <li>o Safely accessible by pedestrian and cycleway links;</li> <li>o Connectivity maximised between open space;</li> <li>o Walkable access to highest number of the population;</li> <li>o High passive surveillance opportunities;</li> <li>o Minimum slope; and</li> <li>o Provide complimentary uses of open space (drainage, conservation, cycleways etc.) that ensures ongoing usability.</li> </ul> </li> </ul>	<p>The resulting lot size ranges from 662m<sup>2</sup> to 1,276m<sup>2</sup> supplying adequate capacity for open space for each allotment.</p> <p>The sufficient area of each resulting allotment creates a buffer from the adjoining road networks and supports passive surveillance within the area.</p>	YES

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Performance criteria	Acceptable solutions	Assessment	Compliance?
Vegetation	<ul style="list-style-type: none"> <li>The design shall accommodate the retention of any significant trees and vegetation.</li> </ul>	The subdivision proposes to clear the site of vegetation to facilitate residential development and associated infrastructure. Consideration will be given to the recommendations of the Cultural Survey Report prior to the clearing of any native species.	NO
Garbage Collection	<ul style="list-style-type: none"> <li>Road design must accommodate the legal movement of garbage collection vehicles.</li> <li>Allotments are to allow for placement of garbage receptacles for collection within the alignment of that lot.</li> <li>Temporary turning facilities shall be provided to facilitate garbage collection services.</li> </ul>	The subdivision has frontage to public streets available for adequate garbage collection.	YES
Community Title Subdivision	<ul style="list-style-type: none"> <li>Community title subdivision must include community facilities that are shared between the residents of the development. It is not appropriate that this form of development be used as an alternative to strata title where the only shared component is a driveway.</li> </ul>	The proposed development is for a thirty-three (33) lot Torrens title subdivision. Community title subdivision is not proposed.	YES
Contamination	<ul style="list-style-type: none"> <li>All subdivision development applications are to include consideration of potential land contamination.</li> </ul>	As previously evaluated under matters of SEPP (Resilience and Hazards) 2021, the subject site is suitable for residential use.	YES
Road Widths	<ul style="list-style-type: none"> <li>Road widths are specified in the Engineering Design Guidelines for Subdivision and Development.</li> </ul>	The proposed new central road complies with relevant Engineering Design Guidelines for Subdivision and Development to be addressed as part of the SWC.	YES

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