



CURRAJONG
PLANNING, PROPERTY + PROJECT MANAGEMENT

Mod-DA2021/0114 Report

For fencing changes to the Evolution Mining Accommodation Village,
Boundary Street, West Wyalong

DOCUMENT CONTROL

Project Report Details

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1. INTRODUCTION

1.1. Application Particulars

Applicant	Evolution Mining (Cowal) Pty Limited
Landowner	Evolution Mining Limited
Proposed site	Lot 7044 DP1115128 and Part Lot 2 DP1239669
DA (original proposal)	Accommodation village, approved under DA2021/0114
Mod-DA proposal	Section 4.55(1A) modification to permit changes to perimeter fencing
Zoning	R1 General Residential
Consent authority	Bland Shire Council

1.2. Overview

Currajong Pty Ltd has been engaged by Evolution Mining to prepare a Mod-DA Report to justify the proposed modification of Bland Shire Council's Development Consent No. DA2021/0114 for an accommodation village on Lot 7044 DP 1115128 and Part Lot 2 DP 1239669, Boundary Street, West Wyalong.

DA2021/0114 for the Evolution Mining accommodation village was approved by Bland Shire Council on 24 August 2021 subject to 40 conditions.

In relation to proposed fencing of the accommodation village, the Statement of Environmental Effects prepared by EMM stated the following in 3.1.1(v):

'Solid 'good neighbour' style fencing (Colorbond® or similar) of 1.8m height will be installed around a portion of the western site boundary to provide a secure and private barrier between the accommodation village and the private residence at 14 Hyde Street.

The remainder of the western site boundary along Hyde Lane and Alleena Street and the southern site boundary will be chain wire fencing (Cyclone or similar) of 1.8m height.

The northern site boundary along Hyde Street and the eastern site boundary along Boundary Street will be chain wire fencing (Cyclone or similar) of 1.2m height.

The use of chain wire fencing along the majority of the site boundary is intended to provide views from the site to existing vegetation outside of the site. Considering the land surrounding these boundaries is largely vacant, privacy considerations are less relevant and therefore solid fencing is not considered necessary to mitigate any potential impacts to visual amenity from these viewpoints. Regardless, fencing will be constructed to be respectful of neighbourhood character and will not exceed a height of 1.8m.'

The above fencing description was supported by a series of plans that visualised the proposed fencing details, as follows:

- Nettletontribe Site Plan - Ground Level No. 11985-DA-0111, dated 14 April 2021.
- Nettletontribe Site Elevation - Street Elevations Plan No. 11985, dated 16 April 2021.

Evolution Mining wishes to make changes to the approved perimeter fencing details to achieve the following:

- Replace the approved 1.8m high chain wire fencing along the Hyde Street and Boundary Street property boundary with a 1.8m high black Powdercoat aluminium palisade fencing.
- Replace mesh security gates (entry and exit) to Boundary Street with a 1.8m high black Powdercoat aluminium palisade automatic sliding gates.
- Provide 1.8m high Colourbond fencing along the entire western and southern boundaries of the accommodation village as well as a 1.8m high Colourbond gates at the south-western corner of the site to ensure solid 'good neighbour' style fencing along this boundary.
- Provide automated sliding gates at the front of the accommodation village adjoining Boundary Street to facilitate vehicle entry and exiting from the facility and to achieve a security of the site.
- Provide superior fencing more in line with residential accommodation fencing.
- Improve the general appearance of the development as viewed from Hyde Street and Boundary Street and adjoining properties.

Fencing plans prepared by the Nettleton Tribe show the extent of proposed fencing changes, as follows:

- Nettletontribe Site Plan - Ground Level No. 11985-AR-0111, dated 14 February 2023.
- Nettletontribe Site Elevations - Street Elevations No. 11985-AR-0201, dated 14 February 2023.
- Nettletontribe External Works - Fence Types No. 11985-AR-9801, dated 14 February 2023.

A number of meetings have been held with planning staff from Bland Shire Council regarding the proposed fencing improvements, where it was agreed Evolution Mining would lodge a modification application under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 for processing by Council.

1.3. Approvals Required

The modification of DA2021/0114 is sought from Bland Shire Council to authorise changes to perimeter fencing and gate details at the Evolution Mining accommodation village, approved under Development Consent No. DA2021/0114, dated 24 August 2021.

In accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, a Modification Application is to be lodged with Bland Shire Council, along with this Mod-DA Report prepared by Currajong Pty Ltd dated 14 February 2023 and the Nettletontribe plans dated 14 February 2023.

1.4. Reasons for Proposed Modification

Evolution Mining wishes to make changes to the approved perimeter fencing details to provide superior fencing around the perimeter of the accommodation village to improve the general appearance of the development as viewed from Hyde Street and Boundary Street and adjoining properties as well as to improve access and security at the facility.

1.5. Scope of Proposed Modification

The Mod-DA Report prepared by Currajong Pty Ltd dated 14 February 2023 and Nettletontribe Drawings dated 14 February 2023 show the extent of proposed modifications.

1.6. Modification Instrument Particulars

To ensure there is certainty in the approval granted under DA2021/0114 and the proposed changes to perimeter fencing, this Mod-DA Report presents fencing details for the whole of the site.

To affect the changes to the approved plans under DA2021/0114 it is proposed to amend the Table in Condition 1, to remove reference to the following approved plans:

- Nettleontribe Site Plan - Ground Level No. 11985-DA-0111, dated 14 April 2021.
- Nettleontribe Site Elevation - Street Elevations Plan No. 11985, dated 16 April 2021.

and to insert instead the following new plans:

- Nettleontribe Site Plan - Ground Level No. 11985-AR-0111, dated 14 February 2023.
- Nettleontribe Site Elevations - Street Elevations No. 11985-AR-0201, dated 14 February 2023.
- Nettleontribe External Works - Fence Types No. 11985-AR-9801, dated 14 February 2023.

2. DEVELOPMENT SITE DESCRIPTION

2.1. Site Location

The site is located immediately west of Boundary Street in West Wyalong on freehold land comprising the whole of Lot 7044 DP 1115128 and a portion of Lot 2 DP 1239669. The site is bordered by Hyde Lane and Cedar Street to the west, Hyde Street to the north and Boundary Street to the east. A map showing the location of the site, highlighted in yellow with a red outline is shown in Figure 1.

Figure 1 – Site Location Plan



Source: Sixmaps

2.2. Description of zoning

The site is zoned R1 General Residential under the Bland Local Environmental Plan 2011. Surrounding land is similarly zoned R1 General Residential.

2.3. Description of surrounding land-use

The site is immediately surrounded by vacant land to the north, east and south. Most of this vacant land is Crown land, including the vacant land north, east and a portion of the vacant land south of the site (including Lot 1376 DP 44132, Lot 1375 DP 44132, Lot 7043 DP 1115128 and Lot 1085 DP 753135). Hyde Lane and a portion of Hyde Lane are also mapped as Crown land (Lot 1 DP 1239669).

Private residences are located west of the site and further north of the site. The closest private residence is located immediately west of the site on Hyde Lane (Lot 1059 DP 753135). Land south of the site (Lot 1107 DP75335 and Lot 1085 DP 753135) is freehold land and contains a shed only, with no dwelling on the site. Further afield and along Cedar Street and Hyde Street there are residences with sheds and established landscaping.

2.4. Description of Roads and Access

The roads providing access to the Evolution Mining accommodation facility are Boundary Street, Hyde Street, Cedar Street, Alleena Street and Hyde Lane. All streets are constructed to bitumen sealed standards. Kerb and gutter and street lighting is established along some streets.

3. DETAILS OF APPROVED DEVELOPMENT

3.1. Description of approved works

The Evolution Mining accommodation facility approved under DA2021/0114 will house staff and contractors during the construction and operation phases of the Cowal Gold Operations (CGO) Underground Development Project. The accommodation facility is modular in design, with different building layouts dependent on the workforce (e.g. construction, operational and disability accessible) and their respective tenure in supporting the CGO Underground Development Project.

The accommodation facility comprises the following key components:

- Accommodation for up to 176 people, including temporary construction workforce accommodation modules, semi-permanent operational workforce accommodation modules and semi-permanent accessible accommodation modules.
- Administration buildings.
- Communal facilities, including laundry units, communal dining and kitchen building, outdoor eating areas, first aid and nursing room, prayer room and a quiet room, gymnasium, multipurpose outdoor court and a running track.
- Undercover bus shelter and bus parking.
- Light vehicle car parking.
- Fencing and lighting.
- Reticulated services.
- Landscaping.

Architectural, civil and landscape drawings show the extent of works approved under Bland Shire Council's Development Consent No. DA2021/0114, dated 24 August 2021.).

3.2. Description of approved grain handling and storage operations

The perimeter fencing currently approved for installation under DA2021/0114 is detailed in the following plans:

- Nettletontribe Site Plan - Ground Level No. 11985-DA-0111, dated 14 April 2021.
- Nettletontribe Site Elevation - Street Elevations Plan No. 11985, dated 16 April 2021.

The proposed perimeter fencing was all generally chain wire security fencing, except for the western property boundary where a Colourbond solid fence was to be installed.

4. DETAILS OF PROPOSED MODIFICATION

4.1. Description of proposed perimeter fencing

Evolution Mining wishes to make changes to the approved perimeter fencing details to achieve the following:

- Replace the approved 1.8m high chain wire fencing along the Hyde Street and Boundary Street property boundary with a 1.8m high (Dulux Zeus Black) Powdercoat aluminium palisade fence.
- Replace the approved mesh security gates (entry and exit) to Boundary Street with 1.8m high (Dulux Zeus Black) Powdercoat aluminium palisade automatic sliding gates.
- Provide a 1.8m high (Colourbond Woodland Grey) fence along the entire western and southern boundaries of the accommodation village as well as a 1.8m high (Colourbond Woodland Grey) emergency vehicle access gate and pedestrian gate at the south-western corner of the site to ensure solid 'good neighbour' style fencing along this boundary.
- Improve the general appearance of the accommodation village, particularly as viewed from Hyde Street and Boundary Street and adjoining properties.
- Improve access to the accommodation village, particularly at the main vehicular entry / exit points along Boundary Street where automated sliding gates are to be installed to facilitate vehicles entering and leaving the site.
- Improve security throughout the accommodation village.

Fencing plans prepared by the Nettleton Tribe show the extent of proposed fencing changes, as follows:

- Nettletontribe Site Plan - Ground Level No. 11985-AR-0111, dated 14 February 2023.
- Nettletontribe Site Elevations - Street Elevations No. 11985-AR-0201, dated 14 February 2023.
- Nettletontribe External Works - Fence Types No. 11985-AR-9801, dated 14 February 2023.

5. JUSTIFICATION OF PROPOSED MODIFICATION

Section 4.55 of the Environmental Planning and Assessment Act 1979 provides the relevant framework for the modification of consents generally. The modification of DA2021/0114 is proposed in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979, which allows Bland Shire Council, as consent authority, to modify a consent if:

- a) it is satisfied that the proposed modification is of minimal environmental impact, and
- b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- c) it has notified the application in accordance with:
 - (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

As demonstrated in the assessment of the proposal (as modified) in later sections of this report, it is considered the proposed modifications are of minimal environmental impact. It is also considered the development (as modified) is substantially the same development as that which was originally approved by Bland Shire Council in 2021. In particular, the following justifications are provided in support of the modification application:

- The development still relates to Lot 7044 DP 1115128 and Part Lot 2 DP 1239669.
- No changes to the use of the site are proposed.
- No changes to the approved site / building layouts are proposed.
- No changes to the approved road access layouts / arrangements are proposed, other than the installation of automated sliding gates at Boundary Street and access gates fronting Cedar / Alleena Streets.
- No changes to the stormwater management system on the site.
- No changes to utility services / installations.
- No other changes to any other aspects of the approved development / operations.
- The proposed changes not creating any unacceptable additional environmental impacts.

6. PLANNING AND LEGISLATIVE CONTEXT

6.1. Introduction

The following section of the report describes the applicable local planning policies, State and Federal legislation and guidelines. The applicable documents are summarised in this section, followed by a statement outlining how the development will address and / or comply with the legislation or policy.

6.2. Commonwealth legislation

Under the Federal Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), referral is required to the Australian Government for proposed actions that have the potential to significantly impact on Matters of National Environmental Significance (MNES) or the environment of Commonwealth land. The assessment of the proposal's impact on MNES (refer Section 7) found that there is unlikely to be a significant impact on relevant MNES or on Commonwealth land.

6.3. New South Wales legislation

6.3.1. Environmental Planning and Assessment Act 1979

The EP&A Act forms the legal and policy platform for development assessment and approvals process in NSW. 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.

Under the EP&A Act, local councils prepare Local Environment Plan (LEPs) that specify planning controls for specific parcels of land. The EP&A Act also provides for State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs). Applicable environmental planning instruments are discussed in later parts of this Mod-DA Report. In general, approval is required for proposed new fencing types and

installations, pursuant to the Bland Local Environmental Plan 2011. In this case Evolution Mining is applying for a modification application in accordance with Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

6.3.2. Local Government Act 1993

Section 68 of the Local Government Act 1993 (LG Act) specifies that approval is required for a number of activities carried out on operational land, including:

- Structures or places of public entertainment.
- Water supply, sewerage and stormwater drainage work.
- Management of trade waste in the sewerage system.
- Swing or hoist goods over a public road.

Approvals have already been granted for the installation and operation of onsite wastewater management systems on the site by Bland Shire Council. No new local government approvals are required.

6.3.3. Heritage Act 1977

The Heritage Act 1977 provides for the conservation of environmental heritage defined as places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance which are at least 50 years old. The Act applies to non-Aboriginal relics only, as Aboriginal relics are protected under the National Parks and Wildlife Act 1974.

The subject site is not listed on the State Heritage Register and an approval from Heritage NSW is not required under the Heritage Act 1977. The site is also not listed as a Heritage Item under the Bland Local Environmental Plan 2012. Heritage issues are assessed under Section 7 of this Mod-DA Report. In general, no heritage issues / impacts have been assessed to apply, and an approval under the Heritage Act 1977 is not required to be obtained for the proposal.

6.3.4. National Parks and Wildlife Act 1974

The National Parks and Wildlife Act 1974 (NPW Act) provides the basis for the legal protection and management of flora and fauna and Aboriginal sites within NSW. The site largely comprises 'disturbed land', as defined under The National Parks and Wildlife Regulation 2019 (NPW Regulation) and an Aboriginal due diligence assessment is not required. Aboriginal cultural heritage issues are assessed under Section 7 of this Mod-DA Report. In general, no heritage issues / impacts have been assessed and an approval under the Heritage Act 1977 is not required to be obtained for the proposal.

6.3.5. Biodiversity Conservation Act 2016

The Biodiversity Conservation Act 2016 (BC Act 2016) provides a framework for the management of flora and fauna on lands within NSW. Under this Act the principles of ecologically sustainable development are used to achieve the conservation and protection of biodiversity values. Biodiversity impacts are addressed in Section 7 of this Mod-DA Report. A Biodiversity Development Assessment Report (BDAR) is not required to be prepared, as the proposal involves works previously approved in 2021 and no substantial clearing of native vegetation is proposed.

6.3.6. Roads Act 2016

Under Section 138 of the Roads Act 1993 a person must not erect a structure or carry out a work in, on or over a public road, or dig up or disturb the surface of a public road, otherwise than with the consent of the appropriate road authority. Bland Shire Council is the relevant authority for works on public roads. Approvals under the Roads Act 1993 will be obtained for any works on public roads.

6.3.7. Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act 1997 (POEO Act) regulates air, noise, land and water pollution. The accommodation facility will not operate under an Environment Protection Licence (EPL) and Bland Shire Council is the Appropriate Regulatory Authority (ARA) for general pollution control matters in the Bland Local Government Area (LGA). The accommodation facility (as modified) is not a Scheduled Activity as defined in Schedule 1 of the POEO Act. No licence approvals are required.

6.3.8. Work Health and Safety Act 2011

The management and handling of hazardous substances and dangerous goods in NSW is controlled under the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011. There are also Hazardous and Offensive Development Application Guidelines published by the Department of Planning, Industry and Environment that apply in NSW. No hazardous or offensive goods are to be stored or handled at the site. A specific approval under this legislation and policy framework is not required to be obtained for the proposal.

6.3.9. Waste Management Act 2000

The objective of the Water Management Act 2000 (WM Act) is the sustainable and integrated management of the State's water sources for the benefit of both present and future generations by applying the principles of ecologically sustainable development to protect, enhance and restore water sources and their associated ecosystems, ecological processes and biological diversity and their water quality. No specific approvals are required under the WM Act.

6.3.10. Water Management Act 2000

The objectives of the Act were considered throughout the planning and design phases of this development, in particular the design of the water supply, sewerage and stormwater management systems. Water impacts are addressed in Section 7 of this Mod-DA Report. In general, no specific approvals are required under the Water Management Act, as reticulated water supply and sewerage is available at the site for use throughout the accommodation facility.

6.3.11. Rural Fires Act 1997

The Rural Fires Act (RF Act) 1997 requires approval of development on bushfire prone land as identified by a bushfire prone land map prepared under Section 10.3 of the EP&A Act. Review of the Rural Fire Service website indicates the site is not located on land comprising bushfire prone land. Bushfire risk is addressed in Section 7 of this Mo-DA Report. In general, no specific impact mitigation or approvals are required under the RF Act to manage bushfire risk. Evolution Mining will ensure emergency management plans are in place at the accommodation facility, including emergency responses dealing with fires.

6.3.12. Noxious Weeds Act 1993

The Noxious Weeds Act 1993 (NW Act) provides for the declaration of noxious weeds by the Minister for Primary Industries. Noxious weeds may be considered noxious on a National, State, Regional or Local scale. All private landowners, occupiers, public authorities and Councils are required to control noxious weeds on their land under Part 3 Division 1 of the NW Act. Weed management is addressed in Section 7 of this Mod-DA

Report. In general, no specific impact mitigation or approvals are required under the Noxious Weeds Act to manage noxious weeds.

6.3.13. Contaminated Land Management Act 1997

Bland Shire Council is required to notify the EPA if contamination is discovered that presents a significant risk of harm. Guidelines on the Duty to Report Contamination under the *Contaminated Land Management Act 1997* are available on the EPA website. EPA notification is not required to be obtained for the proposed activities at the subject site.

6.4. State Environmental Planning Policies (SEPP)

6.4.1. SEPP – Planning Systems 2021

The Planning Systems SEPP identifies significant development and infrastructure and confer functions on Regional Planning Panels to determine development applications. The proposal is not classified as State Significant Development or Regional Development and will be assessed and determined by Bland Shire Council as local development.

6.4.2. SEPP – Housing 2021

Some medium density developments have the advantage of State Environmental Planning Policy (Housing) 2021, which overrides local environment plan provisions, making it easier develop in some cases. Use of the Housing SEPP is not required for the proposed dual occupancy, which is permissible on the subject land zoned R1 - General Residential.

6.4.3. SEPP – Biodiversity and Conservation 2021

The Biodiversity and Conservation SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Provisions protecting bushland, trees, heritage items, waterways, wetlands and koalas are included in the SEPP. An assessment of relevant issues is provided in Section 7 of this Mod-DA Report, however no significant impacts on biodiversity values are assessed to apply as no substantial clearing of native vegetation is proposed.

6.4.4. SEPP – Transport and Infrastructure 2021

The Transport and Infrastructure SEPP provides a consistent planning regime for infrastructure and the provision of services and public works across NSW, along with providing for consultation with relevant public authorities during the development assessment process. No implications for main roads or railways have been assessed to apply.

Section 2.48 of the SEPP requires consideration of electricity supply requirements, where the development is:

- Within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- Immediately adjacent to an electricity substation.
- Within 5m of an overhead power line.
- Includes installation of a swimming pool any part of which is within 30m of a structure supporting an overhead electricity transmission line and / or within 5m of an overhead electricity power line.
- Placement of power lines underground.

There are no issues for encroachment of overhead powerlines as a result of proposed fencing changes.

6.4.5. SEPP – Exempt and Complying Development Codes 2008

The Exempt and Complying Development Codes SEPP permits certain activities without consent or by issue of a Complying Development Certificate. The proposal is neither exempt or complying development, and development consent is sought for the proposal.

6.4.6. SEPP – Resilience and Hazards 2021

This SEPP requires that a consent authority must consider the contamination potential of the land, and if the land is contaminated, it is satisfied that the land is suitable for the development in its contaminated state, or that appropriate arrangements have been made to remediate the site prior to the development being carried out. The site is not contaminated, and the proposed fencing changes will not introduce new issues / risks. The proposed accommodation facility will operate within the confines of the site. Based on the proposed modifications being suitable on the site, no further investigations / actions are considered necessary.

6.5. Local Environmental Plans

6.5.1. Bland Local Environmental Plan 2011

The Bland Local Environmental Plan 2011 (BLEP) applies to all land within the Bland LGA. The site of the proposed development is zoned R1 General Residential under the BLEP. The Evolution Mining accommodation village is a form of residential accommodation, which is permitted within the R1 General Residential zone with development consent. The objectives of the R1 zone are:

- 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.
- To promote seniors housing on land in the vicinity of the West Wyalong District Hospital.

The proposed development is for the modification of an approved accommodation village, which is permissible with consent on land zoned R1 General Residential. The proposal has been carefully designed to respond to existing site conditions, adjoining land-uses and roads and the natural resources of the area. The proposal provided critical temporary accommodation for mine-related workers. The proposed changes to perimeter fencing will not substantially change the already approved development and is therefore considered to be consistent with the objectives of the residential zone.

6.6. Development Control Plans

The Bland Shire Development Control Plan 2012 (DCP) applies to the development site, with Chapter 4 dealing with medium density housing being particularly relevant to the approved accommodation facility and proposed perimeter fencing changes. Having regard to Chapter 4 of the DCP, it is considered the proposed fencing changes will improve the appearance of the accommodation facility, as viewed from public roads and adjoining properties. Positive outcomes are assessed in relation to neighbourhood character, streetscapes and amenity, street tree preservation, built form and landscaping.

Minor variation to the DCP is required to allow proposed perimeter fencing at 1.8m, which is higher than 1.2m standard prescribed in PMD1.2 of Chapter 4 of the DCP. This variation was previously granted by Bland Shire Council under DA2021/0114 and is again requested for the proposed new fencing details.

7. ASSESSMENT OF ENVIRONMENTAL ISSUES

An assessment of the main environmental issues associated with the proposed development (as modified) are documented in this section as a means of demonstrating the proposal involves minimal environmental impacts. Each issue is investigated by way of assessing the existing conditions, changes as a consequence of the proposed modification and the impacts of the proposal after implementation of mitigation strategies.

7.1. Visual Impacts and Amenity

7.1.1. Existing Conditions

The site sits within a context of urban land-uses on the eastern outskirts of West Wyalong. The site is zoned R1 General Residential and is adjoined by residential developments to the west and largely undeveloped urban land to the north, east and south. Views of the site are available from nearby public roads and residential properties to the north and west.

7.1.2. Changes as a result of Proposed Modification

The proposed development (as modified) will result in superior quality perimeter fencing.

7.1.3. Assessment of Impact

The proposed development (as modified) will result in minor changes to perimeter fencing. The proposed fencing changes will improve the general appearance of the accommodation village, particularly as viewed from Hyde Street and Boundary Street and adjoining properties. Access to the accommodation village will also be improved, particularly at the main vehicular entry / exit points along Boundary Street where automated sliding gates are to be installed to facilitate vehicles entering and leaving the site. Improved security throughout the accommodation village will also result.

7.2. Access and Traffic

7.2.1. Existing Conditions

The roads providing access to the Evolution Mining accommodation facility are Boundary Street, Hyde Street, Cedar Street, Alleena Street and Hyde Lane. Streets are constructed to bitumen sealed standards. Kerb and gutter and street lighting is established along some streets. No traffic accidents in and around the site are recorded on the TfNSW crash history map.

7.2.2. Changes as a result of Proposed Modification

No changes to access conditions are proposed, other than an improved vehicular entry / exit along Boundary Street where automated sliding gates are to be installed to facilitate vehicles entering and leaving the site. An emergency vehicle access gate and pedestrian gate will also be installed at the south-western corner of the site to match with the solid 'good neighbour' style fence along this boundary.

7.2.3. Assessment of Impact

The established road system provides good access to the accommodation facility. The proposed automated gate system at Boundary Street will minimise queuing of vehicles on the public roadway. No traffic accidents in and around the site are recorded on the TfNSW crash history map. Sight distance and intersection geometry will continue to comply with relevant standards. Traffic and transport impacts are assessed to be minimal, based on existing local road conditions, traffic generation and no new road works being proposed.

7.3. Biodiversity

7.3.1. Existing Conditions

The approved accommodation facility is within the West Wyalong urban area. Native vegetation is located on and around the site.

7.3.2. Changes as a result of Proposed Modification

The proposed development (as modified) will result in no reduction in existing native vegetation, already approved by Bland Shire Council for clearing. Nearby pockets of native vegetation found on adjoining lands are not proposed to be cleared or altered as a consequence of the modification application.

7.3.3. Assessment of Impact

A significance assessment under Section 1.7 of the EP&A Act which takes into consideration Part 7 of the BC Act has been undertaken to confirm there unlikely to be a significant affect to threatened species is provided in Table 1 – BC Significance Assessment:

Table 1 – BC Significance Assessment

Test	Assessment
7.3(1)(a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The site is comprised of cleared land with isolated pockets / stands of native vegetation. The site was previously developed for mining accommodation units. The approved accommodation facility has been carefully designed to avoid substantial clearing of native vegetation. The proposed development (as modified) is not likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction. There is potential for occasional foraging occurring within the site, which is unlikely to be impacted upon by the proposal. Breeding for species is more likely to occur along the creeks and denser forests.
7.3(1)(b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	There are no endangered ecological communities identified at the site.
7.3(1)(c) it is carried out in a declared area of outstanding biodiversity value	No foraging areas / food resources are likely to be impacted by the proposal. The extent of impacts would be low, given the highly disturbed nature of the site and limited clearing proposed.
Section 7.3(1)(d) - likely adverse affect on declared area of outstanding biodiversity value	No Areas of Outstanding Biodiversity Value are recorded to occur on or around the site, as defined under the BC Regulation 2017. The proposal will not have an adverse effect on any declared area of outstanding biodiversity value.

Test	Assessment
Section 7.3(1)(e) - potential for the development to be part of a key threatening / impact process	The proposal would not significantly increase the prevalence or risk of key threatening process. Management and mitigation strategies to be adopted at the accommodation facility to minimise weeds would be employed at the facility.

The potential impacts on the condition, ecological value and significance of the fauna and flora on the land are considered to be low and will not change as a result of the proposed modifications to the Evolution Mining accommodation facility.

7.4. Soils and Water Quality

7.4.1. Existing Conditions

The Yiddah Creek is located approximately 1.5km to the south. The site is not flood affected. Proposed improvements on the site include stormwater management and landscaping. The site is not located on land identified as groundwater vulnerable, watercourses or wetlands.

7.4.2. Changes as a result of Proposed Modification

No changes to site conditions are proposed, other than improved perimeter fencing.

7.4.3. Assessment of Impact

The site is not affected by the “Flood Planning” layer identified by Council or under the NSW Planning Portal. The likelihood of a flood inundating the site is low. The site is not located on land identified as groundwater vulnerable, watercourses or wetlands. The proposal (as modified) is unlikely to impact on surface water or ground water resources due to the limited nature of works and area of disturbance and the implementation of soil erosion and sediment control measures during the construction phase.

7.5. Air Quality

7.5.1. Existing Conditions

The site sits within a context of urban land-uses, including dwellings to the west of the site.

7.5.2. Changes as a result of Proposed Modification

No changes to site conditions are proposed, other than construction of different fencing types along boundaries.

7.5.3. Assessment of Impact

The proposal (as modified) is unlikely to impact on air quality due to separation from sensitive receivers, the limited area of disturbance and small-scale nature of fencing works during the construction phase.

7.6. Noise and Vibration

7.6.1. Existing Conditions

The site sits within a context of urban land-uses, including dwellings to the west of the site.

7.6.2. Changes as a result of Proposed Modification

No changes to site conditions are proposed, other than construction of different fencing types along boundaries.

7.6.3. Assessment of Impact

The proposal (as modified) is unlikely to cause noise impacts due to separation from sensitive receivers, the limited area of disturbance, small-scale nature of the fencing works and construction works generally being confined to daylight hours.

7.7. Heritage

7.7.1. Existing Conditions

The site does not include any listed heritage items under the PLEP or State Heritage Register.

7.7.2. Changes as a result of Proposed Modification

No changes to site conditions are proposed, other than installation of different style fencing along boundaries.

7.7.3. Assessment of Impact

Due to the highly disturbed nature of the site, it is unlikely that any items of Aboriginal heritage will be discovered during construction works. The proposal is considered a “low impact activity” and is exempt from the Due Diligence process as per Section 80B (1) of the NPW Regulation. Consequently, an Aboriginal Archaeological Due Diligence Assessment is not required.

Assessment of historic and built heritage is open for assessment. This assessment reveals no impacts on heritage items and the existing buildings on the site are assessed to hold no great heritage value.

7.8. Public Safety Hazards

7.8.1. Existing Conditions

The site sits within a context of urban land-uses, including dwellings to the west of the site.

7.8.2. Changes as a result of Proposed Modification

No changes to site conditions / hazards are proposed, other than changes to fencing types along property boundaries.

7.8.3. Assessment of Impact

No site-specific hazards have been identified in relation to the proposal as modified. In relation to public safety risks associated with unauthorised access to the site, the site is to be fenced and gates locked when not in use.

8. CONCLUSION

This Mod-DA Report has been prepared by Currajong Pty Ltd on behalf of Evolution Mining to justify the modification of DA2021/0114 under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 to change Condition 1 of Development Consent No. DA2021/0114 to allow new style fencing to be installed at the Evolution Mining accommodation facility at Boundary Street, West Wyalong.

Evolution Mining wishes to make changes to the approved perimeter fencing details to achieve the following:

- Replace the approved 1.8m high chain wire fencing along the Hyde Street and Boundary Street property boundary with a 1.8m high (Dulux Zeus Black) Powdercoat aluminium palisade fence.
- Replace the approved mesh security gates (entry and exit) to Boundary Street with 1.8m high (Dulux Zeus Black) Powdercoat aluminium palisade automatic sliding gates.
- Provide a 1.8m high (Colourbond Woodland Grey) fence along the entire western and southern boundaries of the accommodation village as well as a 1.8m high (Colourbond Woodland Grey) emergency vehicle access gate and pedestrian gate at the south-western corner of the site to ensure solid 'good neighbour' style fencing along this boundary.
- Improve the general appearance of the accommodation village, particularly as viewed from Hyde Street and Boundary Street and adjoining properties.
- Improve access to the accommodation village, particularly at the main vehicular entry / exit points along Boundary Street where automated sliding gates are to be installed to facilitate vehicles entering and leaving the site.
- Improve security throughout the accommodation village.

The proposal to improve fencing around the perimeter of the accommodation facility is generally consistent with the original approval granted by Bland Shire Council under DA2021/0114. Approval of the modification application will allow for superior fencing and gates to be erected around at the perimeter of the site.

To affect the changes to the approved plans under DA2021/0114 it is proposed to amend the Table in Condition 1, to remove reference to the following approved plans:

- Nettletontribe Site Plan - Ground Level No. 11985-DA-0111, dated 14 April 2021.
- Nettletontribe Site Elevation - Street Elevations Plan No. 11985, dated 16 April 2021.

and to insert instead the following new plans:

- Nettletontribe Site Plan - Ground Level No. 11985-AR-0111, dated 14 February 2023.
- Nettletontribe Site Elevations - Street Elevations No. 11985-AR-0201, dated 14 February 2023.
- Nettletontribe External Works - Fence Types No. 11985-AR-9801, dated 14 February 2023.

The assessment of the proposed modification has been documented in this report to visualise all aspects of the relevant matters for consideration under the Environmental Planning and Assessment Act 1979. The assessment concludes the proposal is consistent with the criteria for modifications under Section 4.55(1A) of the Environmental Planning and Assessment Act 1979.

Broad assessment of the main environmental issues associated with the proposed fencing modifications demonstrates the proposal is substantially the same development and involves minimal environmental impact.

Minor variation to the Bland Shire Development Control Plan 2012 (DCP) is required to allow proposed perimeter fencing at 1.8m, which is higher than 1.2m standard prescribed in PMD1.2 of Chapter 4 of the DCP. This variation was previously granted by Bland Shire Council under DA2021/0114 and is again requested for the proposed new fencing details, as it is assessed the new fencing will deliver superior outcomes in relation to neighbourhood character, streetscapes and amenity, street tree preservation, built form and landscaping.

It is recommended that sufficient information has been submitted with the Mod-DA Report to allow Bland Shire Council to make an informed decision on the proposal. It is the findings of this Mod-DA Report that the proposed modification of DA2021/0114 should be supported.



ACCOMMODATION LEGEND

- OPERATIONS ACCOMMODATION - TYPE 1
- OPERATIONS ACCOMMODATION - TYPE 2
- OPERATIONS ACCESSIBLE ACCOMMODATION
- CONSTRUCTION ACCOMMODATION
- OUTDOOR EATING AREA
- LAUNDRY & BIN STORE MODULES
- COMMUNAL AMENITIES MODULES

ACCOMMODATION SUMMARY

CONSTRUCTION UNITS	(96)
CONSTRUCTION MODULES	(24)
OPERATIONS UNITS	(72)
OPERATIONS MODULES	(24)
OPERATIONS ACCESSIBLE UNITS	(8)
OPERATIONS ACCESSIBLE MODULES	(4)
TOTAL UNITS	(176)
TOTAL MODULES	(52)
LAUNDRY UNITS	(4)
1 PER 44 ROOMS	(4)
(9 WASHING MACHINES, 9 DRYERS, 4 TUBS AND 44 STORAGE LOCKERS)	
OUTDOOR EATING	(4)
1 PER 44 ROOMS	(4)
(COVERED AREA FOR 4 TABLES WITH 6 CHAIRS)	

CARPARKING

STANDARD	(51)
ACCESSIBLE	(4)
VISITOR STANDARD	(6)
VISITOR ACCESSIBLE	(2)
SPILLOVER	(30)
TOTAL	(93)

SYMBOL LEGEND

- EXISTING TREE (TO BE RETAINED AND PROTECTED DURING CONSTRUCTION)
- PROPOSED NEW TREES (TO LANDSCAPE ARCHITECTS DETAILS)
- PROPOSED STREET LIGHT (TO ELECTRICAL ENGINEER'S DETAILS)

NOTE:

- MODULAR CONSTRUCTION TO COMPLY WITH AS3959 & BUSHFIRE REPORT
- ALLOW FOR TGS1, HANDRAILS AND NOSINGS TO ALL STAIRS AND RAMPS TO COMPLY WITH AS1428.1

FOR INFORMATION

1 Site Plan Ground
1:500

Evolution MINING

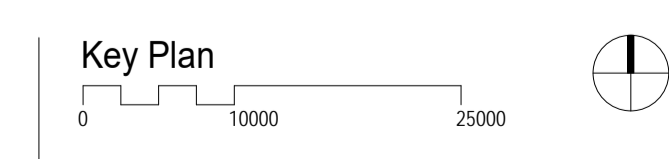
Issue	Description	Date
21	ISSUED FOR INFORMATION	14.02.23
20	ISSUED FOR INFORMATION	15.12.22
19	ISSUING GATES AMENDED	05.12.22
18	FENCE TYPES AMENDED	25.11.22
17	ISSUED FOR CONSTRUCTION CERTIFICATE	06.07.21
16	ISSUED FOR CONSTRUCTION CERTIFICATE	18.06.21
15	ISSUED FOR DRAFT CC	28.05.21
14	ISSUED FOR INFORMATION	26.05.21
13	ISSUE FOR SITE WORKS TENDER	21.05.21
12	ISSUED FOR TENDER	06.05.21
11	ISSUED FOR TENDER	30.04.21
10	ISSUED FOR TENDER	23.04.21
9	ISSUED FOR INFORMATION	16.04.21
8	ISSUED FOR TENDER	06.04.21
7	ISSUED FOR TENDER	23.03.21

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CURAJONG
PLANNING, PROPERTY & PROJECT MANAGEMENT

Project Name
ACCOMMODATION VILLAGE, WEST WYALONG

Project Address
West Wyalong



Drawing Title:
SITE PLAN - GROUND LEVEL

Author: JB
Check: GL
Sheet Size: A1
Scale: 1:500

Drawing Number: 11985-AR-0111
Issue: 21

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- FENCE TYPE LEGEND**
- FENCE TYPE 1 - 1.8m HIGH POWDERCOAT ALUMINIUM PALISADE FENCE & GATES (DULUX ZEUS BLACK)
 - FENCE TYPE 2 - 1.8m HIGH COLORBOND GOOD NEIGHBOUR FENCE (COLORBOND WOODLAND GREY)
 - FENCE TYPE 3 - 2.1m HIGH CHAINWIRE FENCE (GALVANIISED)
 - FENCE TYPE 4 - 2.7m HIGH POWDERCOAT ALUMINIUM BATTEN SCREEN FENCE (DULUX ZEUS BLACK)

NOTES:
 1. DRAWING TO BE READ IN CONJUNCTION WITH LANDSCAPE ARCHITECTS DOCUMENTATION



IMAGE 1 - FENCE TYPE 1 - 1.8m PALISADE FENCE



IMAGE 2 - FENCE TYPE 1 - 1.8m PALISADE FENCE

1 Site Plan - Fencing Types
 1:500

14/02/2023 10:10:44 AM C:\BENTON\LOCAL\2020\11982_Fencing_Type_Concept_Zone_Construction\11982.rvt

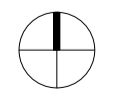
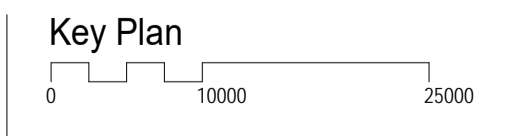


Issue	Description	Date
8	ISSUED FOR INFORMATION	14.02.23
7	ISSUED FOR INFORMATION	15.12.22
6	SLIDING GATES AMENDED	05.12.22
5	FENCE TYPES AMENDED	25.11.22
4	ISSUED FOR INFORMATION	08.05.22
3	ISSUED FOR INFORMATION	28.04.22
2	ISSUED FOR INFORMATION	11.04.22
1	ISSUED FOR INFORMATION	08.04.22

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Project Name
ACCOMMODATION VILLAGE, WEST WYALONG
 Project Address
West Wyalong



Drawing Title:
EXTERNAL WORKS - FENCE TYPES
 Author: CN
 Check: CN
 Sheet Size: A1
 Scale: 1:500
 Drawing Number:
11985-AR-9801
 Issue:
8

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FOR INFORMATION

