

to.

General Manager
Central Darling Shire Council
Att. Reece Wilson
21 Reid Street
Wilcannia NSW 2836

date.

1.09.2022

reference.

32342-PL02A

Dear Sir

Re: Development Application Approval D/20/2021 – PAN 158296 – Community Health Facility

Site: Bonney Street, Wilcannia

Subject: Section 4.55(1a) DA Modification

We would like to thank Councils and the Joint Regional Planning Panel for issuing the subject planning approval. It will be a much-needed facility for the area. The applicant is in general agreeance with the consent conditions however after consultation with designers finds that two (2) of the conditions imposed would be unreasonable due to current site conditions and the likelihood (and cost) of major redesign works required. Therefore, as outlined below we seek to modify these particular consent conditions pursuant to Section 4.55(1a) of the *Environmental Planning and Assessment Act 1979*:

1. *Condition 3.36(i) - The works within the Bonney Street Road reserve are to be offset a minimum of 3.5m from the south-eastern boundary to provide a verge area.*

Comment: The 3.5m verge as described in the above condition was not proposed in the design submitted as part of the development application. No reason is provided in the determination for the imposition of this condition. A sketch showing the approximate location of the required verge is provided in **Attachment A**.

The purpose of a road verge is typically to provide an area for tree planting/screening; or placement for a sidewalk and/or management of urban runoff amongst other things. In terms of the specific items abovementioned we note the following:

- Extensive landscaping using native plant species has been proposed throughout the site. A boundary fence treatment exists which shall provide sufficient screening to the neighbouring unrelated building which is well setback from the proposed Bonney Street carriageway;
- A sidewalk has been conditioned to be required from Ross Street through the car park to the Clinic which is accepted. A sidewalk is not required along the verge;

- The Bonney Street road carriageway is designed with a crossfall in the opposite direction to the verge area, thus the proposed (much smaller) verge area will not need to deal with any significant stormwater runoff.

The major concern with the required verge is that vehicular traffic will be unable to manoeuvre safely via the exiting ramp and the immediate left turn through the gate. The proposed verge would require a total redesign of these access arrangements to make safe which is then likely to have a knock-on effect for other parts of the development leading to time delays and additional costs. Therefore, it is request this part condition be entirely deleted.

2. *Condition 3.36(x) - Reposition the swale/table drain that currently meanders along the north-western side of the development site which conveys the flows from Bonney Street and Ross Street within the proposed 3m wide easement allocation along the boundary.*

Comment: The 3m verge as described in the above condition was not proposed in the design submitted as part of the development application. No reason is provided in the determination for the imposition of this condition. A sketch showing the approximate location of the swale/easement is provided in **Attachment B**.

As shown on the sketch the subject swale is primarily located within the Bonney Street road reserve. It then meanders to the west through to adjoining land. It does not encroach the subject site where the health clinic building is to be located.

This swale carries stormwater runoff from Ross and Bonney Streets. An existing culvert is in Ross Street which coincides with the subject swale/table drain.

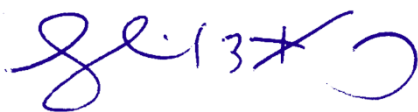
Our client and the proponent consider it unreasonable to relocate the Ross Street culvert and this swale to the north-western boundary and then presumably redirect stormwater (via a further new swale) onto the clinic land and create a legal easement over this swale presumably to the Darling River. This swale generally collects stormwater unrelated to the development, noting that new infrastructure is proposed to pipe the majority of stormwater runoff from the car park through the subject site rather than in the direction of the swale. Therefore, the swale shall not significantly impact the proposed development or neighbouring land, and we request that this part condition be entirely deleted.

The proposed development as modified provides minimal environmental impacts and shall remain substantially the same development as originally granted.

Feel free to contact me with any queries.

Yours faithfully,

BARNSON PTY LTD



Jim Sarantzouklis MAICD AIBS (Assoc.) MEHA RPIA
DIRECTOR

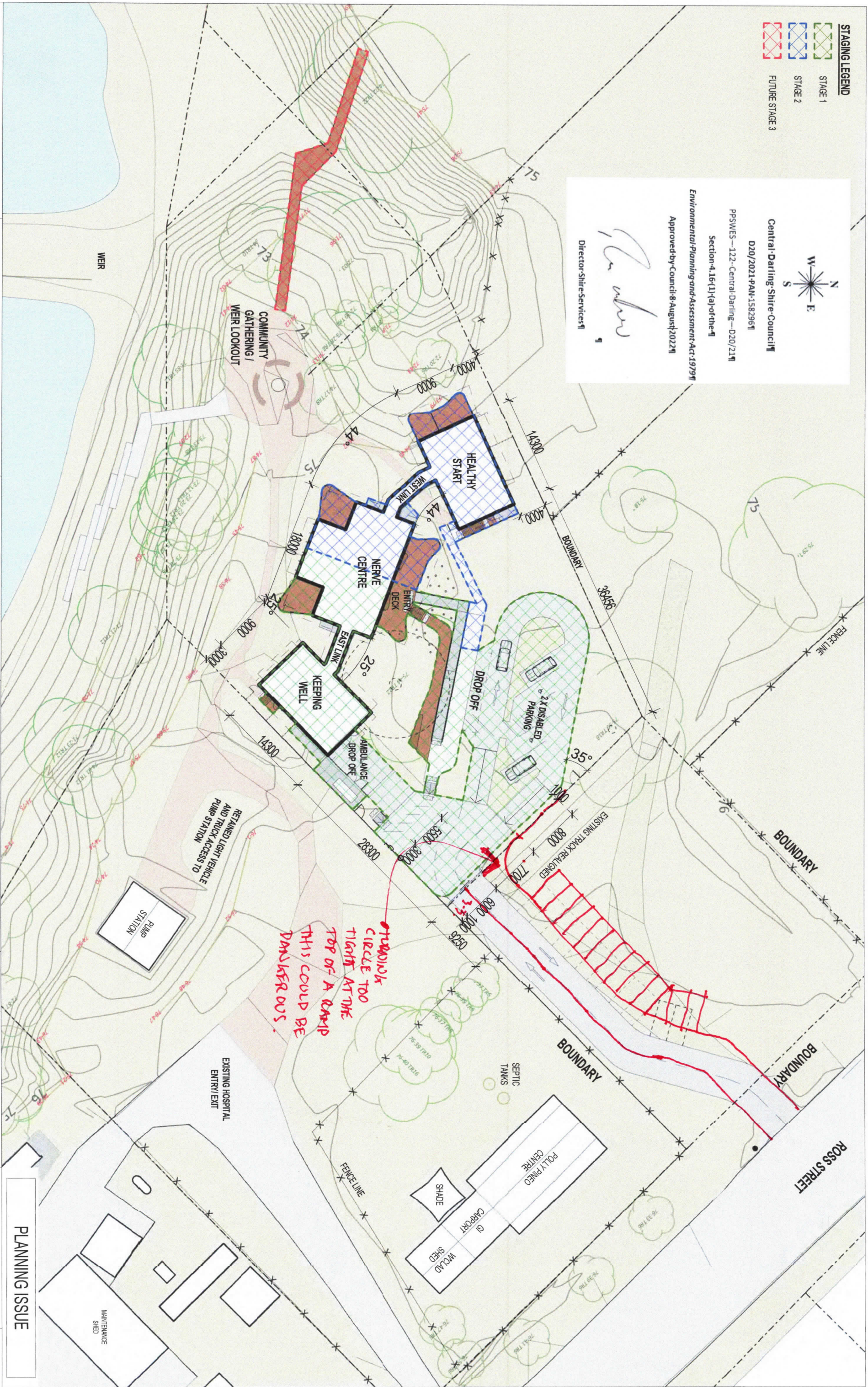
Attachment A – Verge Sketch

- STAGING LEGEND**
- ▨ STAGE 1
 - ▨ STAGE 2
 - ▨ FUTURE STAGE 3



Central Darling Shire Council
 D20/2021-PAM-1582961
 PPSWES-122-Central Darling-D20/21
 Section 4.16(1)(a) of the
 Environmental Planning and Assessment Act 1979
 Approved by Council 8 August 2022
 Director Shire Services

[Signature]
 Director Shire Services



Handwritten note:
 CIRCULAR
 CIRCLE TOO
 TIGHT AT THE
 TOP OF A RAMP
 THIS COULD BE
 DARKER OVS.

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SETTING OUT OF WORK IS THE RESPONSIBILITY OF THE CONTRACTOR. VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS. WORK TO FINISHED DIMENSIONS AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE SUPERINTENDANT BEFORE PROCEEDING. THIS DRAWING SHALL BE READ IN CONJUNCTION WITH THE SPECIFICATION.

Scale 1:500
 0 5m 10m 25m

**MAARI MA WILCANNIA
 WELLBEING CENTRE**
 BONNEY STREET WILCANNIA
 FOR MAARI MA ABORIGINAL HEALTH

SITE/STAGING PLAN

| ISSUE | DATE | PLANNING ISSUE | AMENDMENT |
|-------|------------|----------------|-----------|
| A | 05.10.2021 | PLANNING ISSUE | AMENDMENT |

Job No: 480
 Scale: As indicated @ A3
 Issue Date: 05.10.2021
 Drawn: ML
 Checked: AOL
 Issue: A
 Dwg No: 01

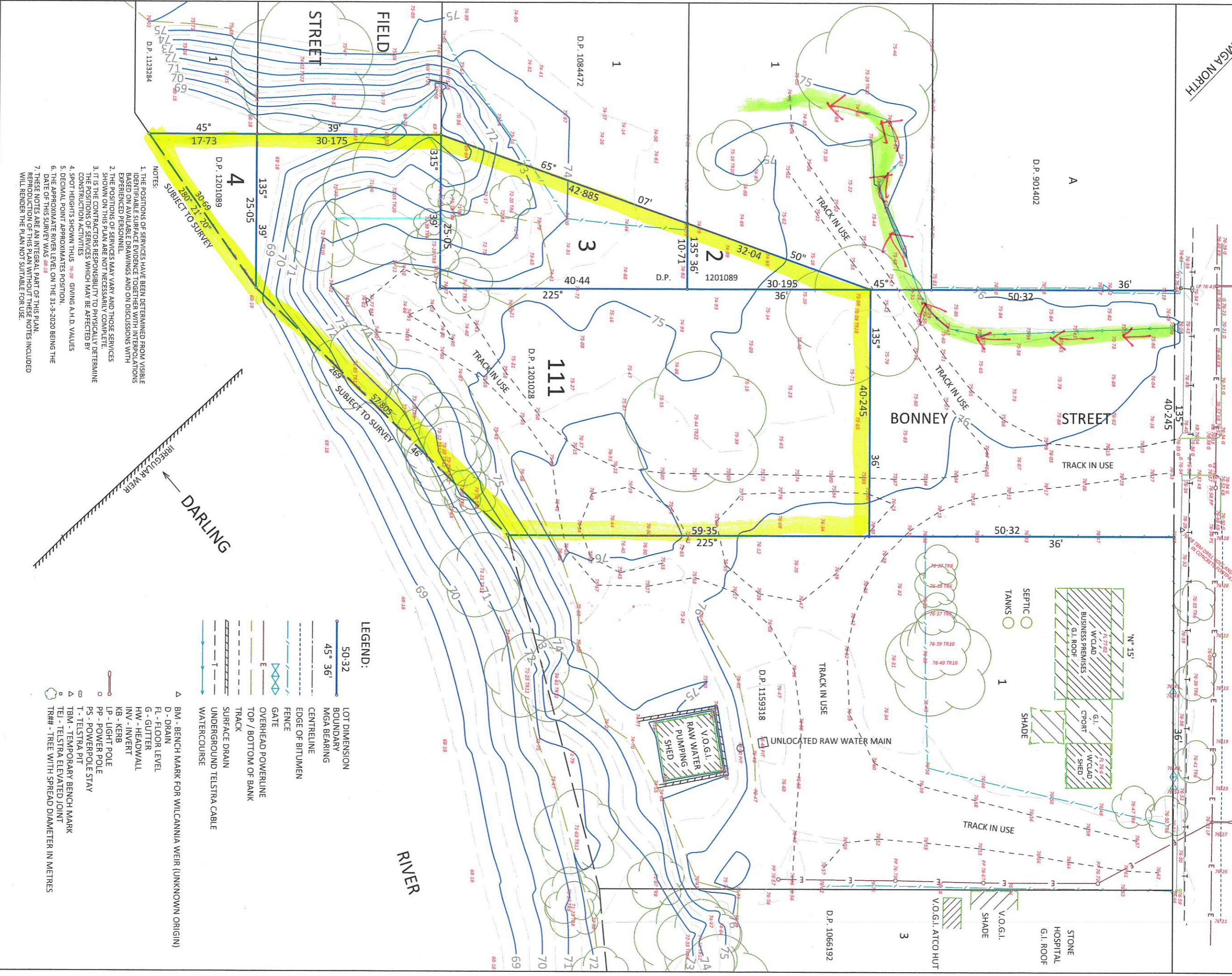
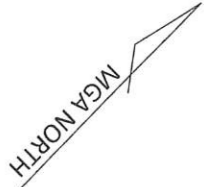
PLANNING ISSUE

Attachment B – Swale Sketch

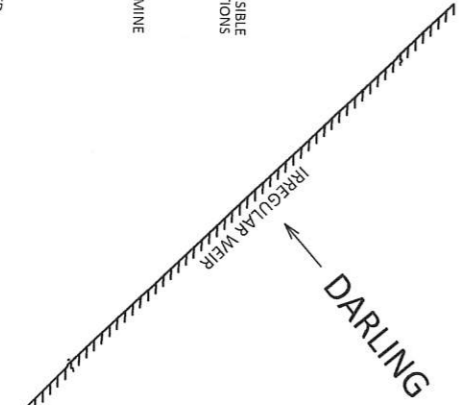
ROSS

(BITUMEN FORMATION)

STREET



- NOTES:
1. THE POSITIONS OF SERVICES HAVE BEEN DETERMINED FROM VISIBLE IDENTIFIABLE SURFACE EVIDENCE TOGETHER WITH INTERPOLATIONS BASED ON AVAILABLE DRAWINGS AND ON DISCUSSIONS WITH EXPERIENCED PERSONNEL.
 2. THE POSITIONS OF SERVICES MAY VARY AND THOSE SERVICES SHOWN ON THIS PLAN ARE NOT NECESSARILY COMPLETE.
 3. IT IS THE CONTRACTORS RESPONSIBILITY TO PHYSICALLY DETERMINE THE POSITIONS OF SERVICES WHICH MAY BE AFFECTED BY CONSTRUCTION ACTIVITIES
 4. SPOT HEIGHTS SHOWN THUS \varnothing GIVING A.H.D. VALUES
 5. DECIMAL POINT APPROXIMATES POSITION.
 6. THE APPROXIMATE RIVER LEVEL ON THE 31-3-2020 BEING THE DATE OF THIS SURVEY WAS \varnothing
 7. THESE NOTES ARE AN INTEGRAL PART OF THIS PLAN. REPRODUCTION OF THIS PLAN WITHOUT THESE NOTES INCLUDED WILL RENDER THE PLAN NOT SUITABLE FOR USE.



- LEGEND:
- 50.32 LOT DIMENSION
 - 45° 36' BOUNDARY MGA BEARING
 - CENTRELINE
 - - - - - EDGE OF BITUMEN
 - - - - - FENCE
 - - - - - GATE
 - - - - - OVERHEAD POWERLINE
 - - - - - TOP / BOTTOM OF BANK
 - - - - - TRACK
 - - - - - SURFACE DRAIN
 - - - - - UNDERGROUND TELSTRA CABLE
 - - - - - WATERCOURSE
 - △ BM - BENCH MARK FOR WILCANNIA WEIR (UNKNOWN ORIGIN)
 - D - DRAIN
 - FL - FLOOR LEVEL
 - G - GUTTER
 - HW - HEADWALL
 - INV - INVERT
 - KB - KERB
 - LP - LIGHT POLE
 - PP - POWER POLE
 - P5 - POWERPOLE STAY
 - T - TELSTRA PIT
 - △ TBM - TEMPORARY BENCH MARK
 - TEI - TELSTRA ELEVATED JOINT
 - TR## - TREE WITH SPREAD DIAMETER IN METRES



SCALE 1:400 (A2)

DETAIL SURVEY AT BONNEY STREET, WILCANNIA FOR PROPOSED MEDICAL CLINIC

| | | | | |
|-----------------------|---|---------|-----------|--------|
| LENGTHS ARE IN METRES | GRAHAM F. HOWE REGISTERED SURVEYOR P/H/FAX 08 8087 3660 515 WYMAN LANE BROKEN HILL P.O. BOX 317 N.S.W. 2880 | SIGNED: | 31-3-2020 | T19-8D |
| SCALE 1:400 (A2) | | | | |