



DRAFT

**MINUTES
ORDINARY MEETING OF COUNCIL**

held on

WEDNESDAY, 8 FEBRUARY 2023

PRESENT

Councillors Dawn Collins (Deputy Mayor and Chair), Les Lambert, Lyn Jablonski, Lachlan Roberts, Casey Forrester, Adine Hoey, Diane Beaumont, Ewen Jones and Mrs Jane Redden (General Manager), Mr Phil Johnston (Director Community & Economic Development), Mr André Pretorius (Director Infrastructure & Engineering Services), Mr Barry Bonthuys (Director Finance & Corporate Strategy), Mrs Marion Truscott (Director Governance) and Mrs Sally McDonnell (Minute Taker).

WELCOME

The Chair welcomed those present and declared the meeting open at 5.30pm.

PRAYER

The Lord's Prayer was taken by those present.

ACKNOWLEDGEMENT OF COUNTRY

The Acknowledgement of Country was made by the Deputy Mayor.

STATEMENT OF ETHICAL OBLIGATIONS

The Statement of Ethical Obligations was made by the Deputy Mayor.

APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

RESOLVED Crs Lambert/Roberts that the apology of Cr Davies be noted and leave of absence be granted on medical grounds.

2023/001

CONFIRMATION OF MINUTES

RESOLVED Crs Lambert/Jones that the Minutes of the Ordinary Meeting held on 14 December 2022 be adopted.

2023/002

DISCLOSURES OF INTERESTS

Nil

MAYORAL MINUTE

1. MAYORAL DIARY

RESOLVED Crs Jablonski/Lambert that the information be noted.

2023/003

2. DEPUTY MAYORAL DIARY

RESOLVED Crs Lambert/Forrester that the information be noted.

2023/004

MAYORAL MINUTE (CONT'D)

3. DELEGATES REPORT – COUNTRY MAYORS ASSOCIATION

RESOLVED Crs Lambert/Hoey that the information be noted.

2023/005

4. DELEGATES REPORT – ALLIANCE OF WESTERN COUNCILS

RESOLVED Crs Lambert/Beaumont that the information be noted.

2023/006

REPORTS OF COMMITTEES

1. REPORT OF THE NARROMINE SHOWGROUND AND RACECOURSE ADVISORY COMMITTEE

RESOLVED Crs Beaumont/Roberts that the report of the Narromine Showground and Racecourse Advisory Committee and the recommendations from the minutes of the Meeting held on 8 December 2022 be adopted.

2023/007

2. REPORT OF THE NARROMINE AUSTRALIA DAY COMMITTEE

RESOLVED Crs Lambert/Hoey that the recommendations from the minutes of the Narromine Australia Day Committee Meeting held on 16 January 2023 be adopted.

2023/008

REPORTS TO COUNCIL - GENERAL MANAGER

1. EQUAL EMPLOYMENT OPPORTUNITY POLICY AND MANAGEMENT PLAN

RESOLVED Crs Lambert/Jones that the revised Equal Employment Opportunity Policy and Management Plan, as attached to the report, be endorsed.

2023/009

2. NARROMINE AND TRANGIE TENNIS FACILITY LEASE AGREEMENTS

RESOLVED Crs Lambert/Roberts;

1. That Council lease four Trangie tennis courts and the clubhouse for a two-year period, at a fee of \$110 per annum.
2. That Council lease four Narromine tennis courts and the clubhouse for a two-year period, at a fee of \$110 per annum.

2023/010

3. DELIVERY PROGRAM PROGRESS REPORT – 1 JULY 2022 TO 31 DECEMBER 2022

RESOLVED Crs Lambert/Jones that the Delivery Program Progress Report from 1 July 2022 to 31 December 2022 be noted.

2023/011

REPORTS TO COUNCIL - GENERAL MANAGER (CONT'D)

4. ADMINISTRATION OF COUNCIL ELECTIONS

RESOLVED Crs Lambert/Jones that Narromine Shire Council: -

1. Pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

2023/012

5. COUNCILLOR EXPENSES AND FACILITIES POLICY

RESOLVED Crs Hoey/Forrester that the Councillor Expenses and Facilities Policy be adopted.

2023/013

6. WORK HEALTH AND SAFETY POLICY

RESOLVED Crs Jones/Beaumont that the revised Work Health and Safety Policy be adopted.

2023/014

REPORTS TO COUNCIL – FINANCE AND CORPORATE STRATEGY

1. INVESTMENT REPORT AS AT 31 DECEMBER 2022

RESOLVED Crs Lambert/Beaumont.

1. That the report regarding Council's Investment Portfolio be received and noted;
2. That the certification of the Responsible Accounting Officer is noted and the report adopted.

2023/015

2. INVESTMENT REPORT AS AT 31 JANUARY 2023

RESOLVED Crs Lambert/Jones;

1. That the report regarding Council's Investment Portfolio be received and noted;
2. That the certification of the Responsible Accounting Officer is noted and the report adopted.

2023/016

REPORTS TO COUNCIL – FINANCE AND CORPORATE STRATEGY (CONT'D)

3. QUARTERLY BUDGET REVIEW STATEMENT – 31 DECEMBER 2022

RESOLVED Crs Lambert/Beaumont;

1. That the document entitled "Attachment 3 – QBR 2 31 December 2022", as attached to the report, be noted;
2. That the variations of income, operating expenditure, capital expenditure and reserves as identified in the "Quarterly Budget Review Statement – 31 December 2022" be approved and voted.
3. That Council note the amount of \$356,537 is being allocated from Council's Unrestricted Cash Reserves.

2023/017

REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT

1. DEVELOPMENT APPROVALS

RESOLVED Crs Lambert/Jablonski that the information be noted.

2023/018

Cr Jablonski requested the addition of comparative data from the previous year be included in future reports. The Director Community and Economic Development advised this would be taken on notice for consideration.

1. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT

RESOLVED Crs Lambert/Jablonski that Council grant consent subject to condition(s) detailed in Annexure 'A' attached.

Annexure A

SCHEDULE A – CONDITIONS OF CONSENT

PART A - GENERAL CONDITIONS

Approved plans and supporting documentation

1. Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise. Any modification otherwise required to the approved plans will require the submission of a modification application under section 4.55 of the Environmental Planning and Assessment Act.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

Plan No. & Revision	Plan Title.	Drawn By.	Dated.
2022009.dwg Surveyors Ref 2022/009	Plan Showing Detail and Contours over Lot 14 in DP114146 and Lot 2021 in DP1234675	Langford and Rowe	13/06/2022
Sheet 1 of 3	Location Plan (DRAFT Community Plan)	Langford and Rowe	
Sheet 2 of 3	Detail Plan Sheet 1 of 1	Langford and Rowe	
Sheet 3 of 3	Community Property Plan	Langford and Rowe	

Other documents:

Document Title.	Report No.	Prepared By.	Dated.
Site and Soil evaluation for on-site sewage systems Proposed subdivision Lot 2021 DP1234675, 127 Webbs Siding Road, Narromine New South Wales	KHEFF2226	K&H Geotechnical Services	August 2022

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

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

2. This development consent includes approval for the following:
 - a. A community title subdivision of land (1 existing lot into 3 development lots and 1 common lot).
 - b. No consent is granted for any dwelling or secondary dwelling. Any proposal for habitable building works is to be subject to future development application to be submitted to Council and to be supported by a flood assessment.
3. A restriction as to the use of the land is to be applied to the land to identify the Town Cowal and prevent inappropriate land use within the flood area. An instrument, under Section 88B of the Conveyancing Act, shall be created to give effect to the provision. This shall be created prior to the relevant subdivision certificate. The restriction is to prevent any dwelling/structure/effluent disposal area/inappropriate filling of land from being located in the land identified as Flood Planning Constraint 1.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

Development Expenses

4. It is the responsibility of the applicant to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.
5. Costs associated with all development works including any necessary alterations, relocations of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
6. All costs associated with the preparation of Survey Plan and associated easement/s and community management statement documentation are to be borne by the developer.

Shoring and adequacy of adjoining property

7. If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must, at the person's own expense —
 - a) Protect and support the building, structure or work from possible damage from the excavation, and
 - b) Where necessary, underpin the building, structure or work to prevent any such damage.
 - c) Repair, restore, replace or make good any damage to the meet applicable standards, codes or performance criteria and to the satisfaction of the affected party.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Note: This is a prescribed condition - EP&A Regulation clause 74.

PART B – PRIOR TO THE ISSUE OF SUBDIVISION WORKS CERTIFICATE

Subdivision Works Certificate Application

8. A Subdivision Works Certificate (SWC) application is to be submitted via the NSW Planning Portal to, and issued by Council or an Accredited Certifier, prior to any excavation or building works being carried out on site.
 - a. The plans submitted in association with the SWC application are to demonstrate compliance with conditions. The plans are to be approved by Council or an Accredited Certifier, as relevant as satisfying this requirement prior to the issue of a SWC.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

- b. A Community scheme plan to be accompanied by a management statement.

NOTE 1: There are conditions in this consent that must be satisfied before a Subdivision Works Certificate can be issued.

NOTE 2: If the Subdivision Works Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Certificate and other approved documents with Council via the NSW Planning Portal.

Community Management Statement

- 9. A Community Management Statement is to be prepared complying with *Schedule 2 Community Land Development Act 2021*. Prior to the issue of a subdivision works certificate the draft Community Management Statement is to be provided to Council. The Community Management Statement is to reflect the commitments in the proposal, and address the following items, not limited to:
 - a. Specific rules for flood management. Including future fencing, will need to demonstrate that the fence (new or replacement fence) would create no impediment to the flow of floodwater.
 - b. Address future land filling restrictions.
 - c. Rules for effluent disposal. Adopt the provisions of the Site and soil evaluation for on-site sewage systems prepared by K&H Geotechnical Services.
 - d. Management of water supply sharing and cost distribution.

Engineering Plans

- 10. Engineering plans, showing details of all proposed work and adhering to any conditions of development consent, are to be submitted to, and approved by, Council or an Accredited Certifier, prior to issue of the SWC.
- 11. A detailed Engineering Design is to be submitted to and approved by Council prior to the issue of a subdivision works certificate. The engineering design is to comply with Council's requirements, adopted guidelines and standards. A SWC is required for, but not limited to the following civil works:
 - a. Stormwater drainage;
 - b. Road construction work including shared driveway and driveway connection to Webbs Siding Road (subject to s138 Roads Act Approval);
 - c. Water sharing infrastructure to each lot from the bore within Lot 1 to each lot;

Note: No works is permitted to commence prior to the issue of a Subdivision Works Certificate.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

Road – Engineering Requirements

12. Vehicles should be able to enter and leave the scheme land in a forward direction. Provision shall be made to provide vehicle access for Lot 2, 3 and Lot 4 from the common property driveway access, with no additional direct access onto Webbs Siding Road approved.

Damage to Public Assets

13. The developer or their agent must undertake a site inspection and prepare a preconstruction dilapidation report of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.
14. This dilapidation report is to be accepted by Council prior to issue of the Subdivision Works Certificate and prior to any works commencing on site.

Construction Site Management Plan

15. Prior to the issue of a subdivision works certificate a construction site management plan (CSMP) must be prepared and provided to the Certifier for approval. The plan must include the following matters:
- a. The location and materials for protective fencing and hoardings on the perimeter of the site;
 - b. Provisions for public safety.
 - c. Soil Erosion and Water Management Control measures in accordance with the guidelines set out in the manual 'Managing Urban Stormwater: Soils and Construction Certificate' (The Blue Book) (as amended from time to time) and shall be submitted and approved by Council or an Accredited Certifier prior to issue of the SWC. The site shall be protected from erosion and sediment loss during the construction works. All erosion and sediment control measures must be in place prior to earthworks commencing.

Use of Fill

16. Where filling is required all finished surface levels and contours to Australian Height Datum (AHD) shall be shown on the plans submitted for the Subdivision Works Certificate. Where it is proposed to import fill, the material shall be free of hazardous materials and contamination and be classed as VENM to ENM under the guidelines of the NSW Environment Protection Authority by a qualified Geotechnical Engineer.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

Services

- 17. Other services such as telecommunication, gas, electrical and lighting shall be designed by accredited persons in accordance with the relevant standards.
- 18. The applicant shall ensure that a terrestrial telecommunication service (telephone and internet) and adequate electrical supply is provided to all development lots.
- 19. Shared Water Supply is to be designed to provide a supplementary water supply volume for domestic and firefighting purposes. The subdivision works plans and community management statement are to demonstrate the infrastructure proposed including pipes, meters, tanks included in the system.

Payment of building and construction industry long service levy

- 20. Before the issue of a Construction Certificate or Subdivision Works Certificate, the applicant is to ensure that the person liable pays the long service levy to be calculated based on a cost estimate prepared by a suitably qualified person to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. The final revised cost estimate and proof of payment is required to be provided to the certifier prior to issue of the relevant certificate.

NOTE: In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the current levy payable is \$0 (No levy is payable on work with a total value of less than \$250000). This payment can be made directly to the Long Service Levy Corporation. All benefits and requirements are determined by the [Building and Construction Industry Long Service Payments Act 1986](#).

Fencing and signage

- 21. Fencing should be considerate to the setting and purpose:
 - d. Non-combustible fencing material should be used for new boundaries.
 - e. Fencing should be of an open design to permit the flow of flood water where possible. Any solid fencing panel designs should have provision to allow the passage of water in the event of a flood.
 - f. Where ponding of water is likely, suitable fencing and signage should be considered for safety and restriction of access.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

PART C - BEFORE THE COMMENCEMENT OF WORKS

Issue of Subdivision Works Certificate

22. This consent does not permit commencement of any site works. Works are not to commence until such time as a Subdivision Works Certificate has been obtained and the appointment of a Principal Certifier.

S138 Roads Act Approvals

23. Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a S138 Roads Act Approval will need to be obtained from Council. In this regard, the applicant is to make a formal application to Council. The S138 application is to be submitted to, and approved by, Council prior to works commencing.

Notice of Commencement

24. Prior to commencement of subdivision works, the following actions are required to be carried out:

- g. A site supervisor including contact details is to be nominated;
- h. Council is to be provided with two (2) days' notice of works commencing; and
- i. Council is to be notified in writing of any existing damage to Council's infrastructure (dilapidation report). Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the developer's expense.

Erection of signs

25. A sign must be erected in a prominent position on any site on which demolition or construction work, is being carried out:

- a) showing the name, address and telephone number of the principal certifying authority for the work, and
- b) showing the name of the principal contractor (if any) for any work and a telephone number on which that person may be contacted outside working hours, and
- c) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

Erosion and sediment controls in place

- 26. Before the commencement of any work, the principal certifier must be satisfied the erosion and sediment controls in the erosion and sediment control plan, are in place, and remain until the site is rectified (at least 70% ground cover achieved over any bare ground on site).
- 27. Potentially affected residents shall be notified prior commencement of construction works and informed about potential disruptions to traffic.

Temporary Onsite Toilet

- 28. A temporary on-site toilet is to be provided and must remain throughout the construction of the construction works. Disposal of sewage shall be to an approved site.

Dial Before You Dig

- 29. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

PART D – DURING CONSTRUCTION

General

- 30. The development shall be constructed in accordance with the plans submitted with the Development Application, unless modified by subsequent design plans submitted with the application for the Subdivision Works Certificate for the subdivision. Construction shall be in accordance with the most current version as approved by Council.

Hours of work

- 31. The principal certifier must ensure that building work, demolition or vegetation removal is only carried out between:

7:00am to 6:00pm on Monday to Friday

8:00 am to 1pm on Saturday

Nil on Sunday & Public Holidays

The principal certifier must ensure building work, demolition or vegetation removal is not carried out on Sundays and public holidays, except where there is an emergency.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

Unless otherwise approved within a construction site management plan, construction vehicles, machinery, goods or materials must not be delivered to the site outside the approved hours of site works.

NOTE: Any variation to the hours of work requires Council's approval.

Construction noise

- 32.** While building work is being carried out and where no noise and vibration management plan is approved under this consent, the applicant is to ensure that any noise caused by demolition, vegetation removal or construction does not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the property where the construction is being carried out.

Uncovering relics or Aboriginal objects -unexpected finds

- 33.** While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:
 - (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
 - (b) is of State or local heritage significance; and
- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Land Contamination

- 34.** Council is to be notified immediately any contaminants or hazardous substances are identified at levels of concern for human health and work is to stop until further direction from Council.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

Cut and fill

- 35.** While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:
- a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.
 - b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.

Ground Levels

- 36.** Finished ground levels are to be graded away from adjoining properties which must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the stormwater drainage system.

Procedure for critical stage inspections

- 37.** While construction work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

Essential Energy

- 38.** All works must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

PART E - REQUIREMENTS PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

Subdivision Certificate

- 39.** An application for a Subdivision Certificate must be made via the NSW Planning Portal. The Subdivision Certificate fees, in accordance with Council's adopted schedule of fees and charges, must accompany such application.

NOTE: The application must address ALL those conditions of consent required to be complied with "Prior to the issue of a Subdivision Certificate" with a clear explanation of how that condition has been complied with, together with supplying ALL the relevant information/documents/certificate and/or plans that is required by that condition.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

- 40.** The plan of subdivision is to be submitted to Council together with payment of the Subdivision Certificate application fee, in accordance with Council's adopted schedule of fees and charges. The following details shall also be submitted:
- a) A copy of the development consent,
 - b) Evidence that all conditions of Development Consent have been satisfied,
 - c) Evidence of payment of all relevant fees,
 - d) Any 88B instrument,
 - e) All surveyor's or engineer's certification if required by the Development Consent, and
 - f) Community Management Statement.

Registration of Easements and Restriction to User (88B instrument)

- 41.** All easements required for restriction as to use of land, drainage, sewer, water and electricity shall be approved by Council and registered on the title of the relevant lot(s) with Land and Property Information NSW in accordance with section 88E of the Conveyancing Act 1919.
- 42.** Easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.

7.12 Development Contributions

- 43.** The monetary contribution set out in the following table is to be paid to Council prior to the issue of a Subdivision Certificate unless otherwise addressed in a Voluntary Planning Agreement. The contribution is current as at the date of this consent and is levied in accordance with the Narromine Shire Council Section 7.12 Contributions Plan 2019, adopted on 29 January 2020.

The contribution payable will be calculated in accordance with the contributions plan current at the time of payment and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each quarter.

Contribution Type	Proposed Cost of Development	Levy Payable (%)	Total Payable
Section 7.12 Contribution	\$170,000	0.25%	\$425

A documented costing of the costs of the subdivision works and/or building work shall be provided to Council to enable the amount of the contribution to be accurately calculated. The applicant is to contact Council's Planning & Regulatory Services Department for a quotation. The quotation is valid for one month.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

Electricity

- 44.** Documentary evidence is to be provided to Council showing that arrangements have been made with the relevant electricity authority for the provision of electricity services to the proposed lots (including the common lot).
- a. A Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) must be issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision and development, which may include the payment of fees and contributions. Any requested changes by Essential Energy will require a separate Section 4.55 modification application to be submitted for approval by Council.

Telecommunications

- 45.** Application is to be made to Telstra/NBN for infrastructure to be made available to each individual development lot within the scheme. Either a Telecommunication Infrastructure Provisioning Confirmation or Certificate of Practical Completion is to be submitted to the Principal Certifying Authority confirming that the specified lots have been declared ready for service prior to the issue of a Subdivision Certificate.

All Services Provided Within Lots

- 46.** A registered surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, electricity, telephone) as constructed are contained within each lot, or within appropriate easements to accommodate such services. The certification is to be provided to the Certifying Authority prior to the issue of a Subdivision Certificate.

Public Infrastructure

- 47.** The applicant shall rectify any damage to public infrastructure (including roads, gutters, footpaths, street trees etc.) prior to the issue of the Subdivision Certificate at no cost to Council.

Completion Requirements

- 48.** All of the foregoing conditions are to be completed at the full cost of the developer and to be completed prior to the issuing of the Subdivision Certificate, unless otherwise stated.

2. DEVELOPMENT APPLICATION – DA2022/43 PROPOSED COMMUNITY TITLE RESIDENTIAL SUBDIVISION TO CREATE TWO NEW DEVELOPMENT LOTS AND ONE COMMON LOT (Cont'd)

PART F. GENERAL ADVICE

ENGINEERING SITE SUPERVISION

Where Council is the Principal Certifying Authority, the applicant shall pay engineering site supervision fees in accordance with Council's current fees and charges with the application for a Construction Certificate for the site. Council's current engineering site supervision fee can be found in its adopted Annual Fees and Charges. Package Engineering inspections are also available for Roads, Water and Sewer in Council's current fees and charges.

BOUNDARY ENCROACHMENTS

Consent given to build in close proximity to the allotment boundary is in no way to be construed as permission to build on, or encroach over, the allotment boundary. Your attention is directed to the provisions of the *Dividing Fences Act*, which gives certain rights to adjoining owners, including use of the common boundary. In the absence of the structure standing well clear of the common boundary, it is recommended that you make yourself aware of your legal position. This may necessitate a survey to identify the allotment boundary.

LAPSING OF DEVELOPMENT CONSENT

Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the *Environmental Planning and Assessment Act*.

2023/019

The Chair called for a division on the planning matter. The vote was unanimous.

REPORTS TO COUNCIL - INFRASTRUCTURE & ENGINEERING SERVICES

1. WORKS REPORT

RESOLVED Crs Lambert/Jones that the information be noted.

2023/020

2. DRAFT WATER AND SEWER POLICY

RESOLVED Crs Lambert/Forrester that Council endorse the draft Water and Sewer Policy to be placed on public exhibition for a period of 28 days.

2023/021

Cr Lambert left the meeting at 6.08pm

REPORTS TO COUNCIL - INFRASTRUCTURE & ENGINEERING SERVICES (CONT'D)

3. DRAFT WATER SERVICES CONNECTIONS AND BACKFLOW PREVENTION POLICY

RESOLVED Crs Jones/Beaumont that Council endorse the Draft Water Services Connections and Backflow Prevention Policy to be placed on public exhibition for a period of 28 days.

2023/022

4. DRAFT WATER USAGE CHARGES FOR CONCEALED LEAKAGE POLICY

RESOLVED Crs Hoey/Forrester that Council endorse the Draft Water Usage Charges for Concealed Leakage Policy to be placed on public exhibition for a period of 28 days.

2023/023

5. TREES AT THE NARROMINE CEMETERY

RESOLVED Crs Hoey/Beaumont that Council commences with the Review of the Environmental Factors (REF) for the removal of the trees at the Narromine Cemetery at a cost of approximately \$15,000.00 (excl GST), following which a report be provided to Council for further consideration.

2023/024

Cr Jablonski recorded her vote against the motion.

QUESTIONS WITH NOTICE REPORT

The Question with Notice Report was noted.

Cr Jablonski left the meeting at 6.23pm.

There being no further business the meeting closed at 6.23pm

The Minutes (pages 1 to 17) were confirmed at a meeting held on the day of _____ 2023, and are a full and accurate record of proceedings of the meeting held on 8 February 2023.

Chair