



***DRAFT***

**MINUTES  
EXTRAORDINARY MEETING OF COUNCIL**

***held on***

**MONDAY, 21 NOVEMBER 2022**

**PRESENT**

Councillors Craig Davies (Mayor and Chair), Dawn Collins (Deputy Mayor), Les Lambert (from 5.30pm – 5.48pm), 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) 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 Mayor.

**STATEMENT OF ETHICAL OBLIGATIONS**

The Statement of Ethical Obligations was made by the Mayor.

**APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

Nil

**DISCLOSURES OF INTERESTS**

Nil

**REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT****1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS**

**Cr Lambert left the meeting at 5.48pm**

**RESOLVED** Crs Collins/Jones;

1. That Council grant a deferred commencement consent subject to condition(s) detailed in Annexure 'A' attached.

**Annexure A****SCHEDULE A - DEFERRED COMMENCEMENT CONDITIONS**

The consent is not to operate until the following condition is satisfied, within **24 months** of the date of this determination:

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Voluntary Planning Agreement (VPA)**

A. (a) A Voluntary Planning Agreement as requested in offer by AH Investments Pty Ltd dated 12 September 2022, made for the purpose of dedication of land free of cost to Council for proposed drainage and recreation reserve (public), must be exhibited and executed.

(b) The Voluntary Planning Agreement, as executed, must be registered on the title of the land.

(c) The payment of the monetary contribution must be provided to Council in accordance with the Voluntary Planning Agreement.

(d) The guarantee must be provided to Council in accordance with the Voluntary Planning Agreement.

B. Evidence that will sufficiently enable Council to be satisfied as to those matters identified in deferred commencement conditions, as indicated above, must be submitted to Council within 24 months of the date of the determination of this deferred commencement consent, failing which, this deferred development consent will lapse pursuant to section 4.53(6) of the Environmental Planning and Assessment Act 1979.

C. The consent will not operate until such time that the Council notifies in writing that deferred commencement conditions, as indicated above, have been satisfied.

D. Upon Council giving written notification that the deferred commencement conditions have been satisfied, the consent will become operative from the date of that written notification, subject to the conditions of consent, as detailed in Schedule B Conditions of Consent.

**NOTE:** Planning Agreement means a voluntary agreement referred to in section 7.4 of the *Environmental Planning and Assessment Act 1979*. Council will only consider a reduction of Section 7.12 Contributions where it can be demonstrated by the developer that works in kind and other material benefits have been provided for the public benefit above what is required to service the development.

**SCHEDULE B – 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.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**

<b>Plan No. &amp; Revision</b>	<b>Plan Title.</b>	<b>Drawn By.</b>	<b>Dated.</b>
20071-DA01 Rev C	Existing Site Plan – Proposed subdivision Lot 117 DP1120161, Waterford Circuit, Narromine for Pyramid Builders Pty Ltd	Compass Consulting Surveyors	24/08/2021
20071-DA02 Rev C	Proposed Site Plan Concept Lot Layout– Proposed subdivision Lot 117 DP1120161, Waterford Circuit, Narromine for Pyramid Builders Pty Ltd	Compass Consulting Surveyors	29/07/2022
20071-DA04 Rev C	Proposed Site Plan Landscaping Plan– Proposed subdivision Lot 117 DP1120161, Waterford Circuit, Narromine for Pyramid Builders Pty Ltd	Compass Consulting Surveyors	29/07/2022

Other documents:

<b>Document Title.</b>	<b>Version No.</b>	<b>Prepared By.</b>	<b>Dated.</b>
Traffic Impact Assessment	21/243(Rev E)	Intersect Traffic Pty Ltd	15 July 2022
Bushfire Hazard Assessment	20071	Compass Consulting Surveyors	8 October 2021
Statement of Environmental Effects	20071	Compass Consulting Surveyors	8 October 2021
Flood Report	Rev 3	GCA Engineering Solutions	24 October 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.

1. **DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**
2. This development consent includes approval for the following:
  - a. A subdivision of land (1 existing lot into 78 residential lots) with an additional new lot for proposed drainage and recreation reserve.
  - b. No consent is granted for any child care centre. Any proposal for a child care centre on the site is to be the subject of a future development application to be submitted to Council.
  - c. Creation of an additional residential development lots is not approved for the site of the proposed road extensions to Lot 101 DP874678 (Kingsway Drive) or Lot 172 DP868885 (proposed Road 4).
  - d. This approval does not include the installation of any proposed entry signage in the road reserve (for marketing or estate entry purposes).
3. Screening is to be erected/landscaped and maintained along the eastern boundary of proposed lots 370, 371, 372, 373 & 374 to ensure privacy to adjoining to lots and amended layout plan is to be submitted to Council prior to the relevant subdivision works certificate. 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.

#### **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 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.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**

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.

**Lighting**

8. Lighting is to be designed to not impact on adjoining development, or affect the driving task and to be in accordance with the Australian and New Zealand Lighting standards, this includes Australian and New Zealand Lighting standard 1158.1-Pedestrian.

**Voluntary Planning Agreement**

9. This consent is subject to a Voluntary Planning Agreement (VPA) in accordance with Section 7.4 of the *Environmental Planning and Assessment Act, 1979*, between the Narromine Shire Council and AH Investments Pty Ltd referred to in Deferred Commencement Condition (A) in Schedule 1 of this development consent. The terms of the VPA must be complied with in any subsequent detailed design development application or applications.

**PART B – PRIOR TO THE ISSUE OF SUBDIVISION WORKS CERTIFICATE****Subdivision Works Certificate Application**

10. 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.

**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.

**Engineering Plans**

11. 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.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**

12. 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:
- Stormwater drainage, including Inter-allotment drainage, detention basin (bioretention, gross pollutant devices) as applicable;
  - Road construction including footpaths and walk ways;
  - Water and sewerage extensions;
  - Landscaping of road verges and public reserves.

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

**Road – Engineering Requirements**

13. A detailed design report shall be submitted to Council or an Accredited Certifier for endorsement prior to submitting the application for a SWC. This is to ensure that Council services can meet expected demands without impacting existing levels of service.

Detailed design information of road construction works must be provided and approved by Council or an Accredited Certifier in accordance with Austroads Guidelines and RMS QA Road works specifications for road pavement and bitumen surfacing.

14. Complete road layout designs shall be prepared by a suitably qualified, experienced and practicing person and must be submitted to Council or an Accredited Certifier for approval. Construction of roll top kerb and gutter is to be constructed in accordance with Council's requirements.
15. Cul-de-Sac shall be provided where roadways terminates at dead ends (Kingsway Drive and Road 4). This is to facilitate vehicle turn around. Where this is not possible, provision shall be made to provide vehicle turnaround vehicles without utilizing private property or private driveways.
16. Existing roads (including Kingsway Drive and Waterford Circuit) and intersection treatments are to be upgraded where required (including intersection of Manildra Street with Kingsway Drive) to ensure the existing road safety and public infrastructure is adequate for the development. The relevant standard as per Council's current Roads Management Strategy (Road Manual) - is to be referenced. The existing roads to be extended (Waterford Circuit and Kingsway Drive) are required to have pavement rejuvenation work to Council's standard.
17. All utility crossings are to be perpendicular to the road centerline and pre-formed prior to the addition of the base course.
18. All earthworks for the roads associated with the development must have compaction testing compliance with EMS Q4 and AUS-SPEC CQS-A.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Traffic**

- 19.** A Road Safety Audit is to be undertaken at the intersection of Manildra Street and Kingsway Drive before the issue of any subdivision works certificate.

NOTE: While this is an existing intersection, the proposal will triple (based on stage 2) the number of dwellings currently using Kingsway Drive to access Manildra Street and is therefore important to identify any road safety issues that may be brought on by the increase in traffic.

- 20.** A Traffic Guidance Scheme (TGS) completed by a certified person for implementation during the works is to be submitted to Narromine Shire Council for assessment and approval prior to the granting of the subdivision works certificate.

NOTE: This shall address the construction phase of the project and manage subdivision construction traffic

**Stormwater**

- 21.** The proposed stormwater design shall be certified by a suitably qualified person, in accordance with Council's requirements and shall be submitted to Council or the Accredited Certifier prior to the issue of the SWC. Certification of the proposed stormwater design shall be obtained from a Chartered Professional Civil Engineer with Institution of Engineers, Australia Corporate Membership and registered on the National Engineers Register (NER) and shall be submitted to the Accredited Certifier prior to the issue of the Subdivision Works Certificate.

- 22.** On site drainage design, plans and associated calculations to be in accordance with AS3500.3-2003 & Australian Rainfall and Runoff (AR&R). The design is to show details of the surface and invert levels of the stormwater pits, the estimated permissible site discharge, the estimated storage volume, method of detention and the point of discharge into Council's stormwater system.

- 23.** Stormwater drainage must include self- cleaning flow velocities as well as flood hazard vulnerability (flow depth and flow velocity) for road users and pedestrians as per Guideline 7-3, Australian Disaster Resilience Handbook Collection – Flood Hazard).

- 24.** Flood routing and upgrades to the stormwater retention basin, spill way and auxiliary pipework and downstream pipes and culvers is required to accommodate for the 1% EAP. Appropriate infrastructure to be provided to prevent river flows (backflows) impacting sewer, electrical, telecommunications and stormwater or the 1% AEP.

- 25.** Outfall from the detention basin is to be piped to existing infrastructure located in Crossley Drive.

- 26.** The plans must demonstrate the minimization of use of stormwater outlets and incorporate use of gross pollutant trap(s). This is to be demonstrated on the civil engineering plans and approved by Council prior to the issue of the Subdivision Works Certificate.



**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**

27. Approved kerb adaptors are to be provided for each development lot to enable stormwater runoff and discharge from future dwelling development to discharge to kerb. Connections/pipe are to be installed to extend no less than 600mm into each lot prior to the construction of footpath.

**Water and Sewer**

28. A detailed design report shall be submitted, stating design criteria and design assumptions to Council for endorsement prior to submitting the application for a SWC. This is to ensure that Council services can meet expected demands without impacting existing levels of service. This report shall reference applicable design standards and guidelines and incorporate requirements of the current Regional NSW editions of the Water Services Association of Australia (WSAA).
29. The developer is to be entirely responsible for the provision of water, sewerage and drainage facilities capable of servicing all the lots from Council's existing infrastructure. The developer is to be responsible for gaining access over adjoining land for services where necessary and easements are to be created about all water, sewer and drainage mains within and outside the lots they serve.
30. Upgrades to the existing sewer pump station are required. The required works are to be arranged and carried out under the direct supervision by Council of a nominated contractor. The costs are accordingly attributed to the developer, at no cost to Council via a private works arrangement to be entered prior to issue of a subdivision works certificate.
31. All water pipes are to be constructed at DN 150 or greater to ensure existing / adequate pressure is supplied.
32. Water quality sampling points shall be provided in a secured enclosure at predetermined locations in the reticulation network.
33. Detailed design for sewer and water mains extensions are to be included in plans submitted for a Subdivision Works Certificate.

NOTE: Council does not permit any other bodies to insert new junctions into 'live' sewer/water mains. Council would normally undertake initial connection to 'live' mains subject to a Private Works Agreement with costs associated with this work borne by the developer. Council can be contacted to obtain a quote for the connection of water and sewer (private works order).

34. A metered water supply point must be provided to each allotment as part of the subdivision works. This can be achieved by making payment in accordance with Council's adopted fees and charges to cover the costs of installing both the service and a 20mm meter on the water main (subject to CPI increase).

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**

**35.** The construction of water mains shall be as such that there is a separate and distinct water main connection wholly within the boundary of each proposed residential lot, in accordance with the Local Government (General) Regulation 2005 and in accordance with AUS-SPEC 0076, AS/NZS 3500, the Plumbing and Drainage Act 2011 and current editions of the WSAA standards and Council requirements. This work will be at the full cost to the applicant. The applicant is to arrange an inspection with Council's Engineering Department to ensure each property has a separate water supply within their respective boundaries.

NOTE: Stop valves are to be clockwise-close.

**36.** The construction of sewer mains must be such that there is a separate and distinct sewer connection wholly within the boundary of each proposed residential lot, in accordance with the *Local Government (General) Regulation 2005* and in accordance AUS-SPEC 0076, AS/NZS 3500, the Plumbing and Drainage Act 2011, WSAA and Council requirements. This work is to be at the full cost of the developer.

NOTE: The developer is to construct a 150 mm sewer riser at each property junction in accordance with AS/NZ 3500; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.

**Pipe Backfill**

**37.** All pipe backfill designs and construction information shall be in accordance with AS/NZ 3725:2007.

**Damage to Public Assets**

**38.** 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.

**39.** 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.

**Landscaping**

**40.** A detailed landscape plan to Council's or an Accredited Certifier's satisfaction is to be submitted with the Subdivision Works Certificate documentation. The following information is to be included:

- a. Existing and proposed levels
- b. North point and scale
- c. Surface treatments including driveways
- d. Planting layout, including Street Trees and Species

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**

- e. Planting plan and schedule including botanical and common names and suggested pot sizes
- f. Typical planting details
- g. Typical care details
- h. Location of services
- i. General Landscaping Notes
- j. Recreation area to ensure it can accommodate:
  - i. BBQ facilities for all abilities
  - ii. Parking area which includes disabled parking
  - i. Waste collection - bins
  - ii. Servicing (water, sewer, electricity, gas)
  - iii. Landscaping and irrigation
  - iv. Footpath and walkway access
  - v. Level site for future playground equipment.

**41.** Landscaping of stormwater drain as well as design of playground (lot 217) to be prepared by a qualified person/company and to Council's satisfaction. Plans are to be submitted with the Subdivision Works Certificate documentation.

**42.** The maintenance and vegetation care of the stormwater drain shall be the responsibility of the developer until final acceptance and handover and in accordance with the VPA.

**Rural Fire Service Requirements – General Terms of Approval**

**Access – Public Roads**

**Intent of measures:** to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

- 43.** Non-perimeter roads must comply with the general requirements of Table 5.3b of Planning for Bush Fire Protection 2019 and the following:
- minimum 5.5m carriageway width kerb to kerb;
  - parking is provided outside of the carriageway width;
  - hydrants are located clear of parking areas;
  - roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
  - curves of roads have a minimum inner radius of 6m;
  - the road crossfall does not exceed 3 degrees; and
  - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

**Water and Utility Services**

**Intent of measures:** to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**

**44.** The provision of water, electricity and gas must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
  - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
  - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

**Construction Site Management Plan**

**45.** 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. Pedestrian and vehicular site access points and construction activity zones;
- d. Details of construction traffic management including:
  - i. Proposed truck movements to and from the site;
  - ii. Estimated frequency of truck movements;
  - iii. Measures to ensure pedestrian safety near the site;
  - iv. Details of bulk earthworks to be carried out;
  - v. The location of storage areas;

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**

- vi. The equipment to be used to carry out works;
- vii. The location of a garbage container with a tight fitting lid;
- viii. Dust, noise, and vibration control measures;
- ix. The location of temporary toilets;
- x. The protective measures for any vegetation to remain.

A copy of the construction site management plan must be kept on-site at all times while work is being carried out.

**Soil and Water Management**

**46.** A Soil Erosion and Water Management Control Plan must be prepared by a suitably qualified person 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.

**Waste Management Plan**

**47.** A Waste Management Plan shall be submitted and approved by the Council or an Accredited Certifier prior to issue of the SWC. This plan shall provide details of waste management during the construction phases of the development. This Plan should seek to maximise recycling/reuse of any waste (and provide details of how this will be done), as well as details of the management of any hazardous waste.

**Geotechnical Report**

**48.** A Geotechnical Report shall be submitted and approved by the Council prior to issue of the Subdivision Works Certificate. The Geotechnical Report shall detail:

- Confirm whether sub grade soil can support the proposed pavement design and vehicle loads.
- Confirmation if there are dispersive soils, erodibility of the stormwater channel, and to inform design and construction of other underground services.

**Use of Fill**

**49.** 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.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Security for Cost of Damage and Completion of Public Works**

**50.** Prior to issue of a SWC authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:

- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
- b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls including works associated with Lot 217) required in connection with the consent,
- c) remedying any defects in any such public work that arise within six (6) months after the work is completed.

The security is to be for an amount that is the greater of \$5000 or 1% of the estimated cost of carrying out the development plus a Bond Administration Fee of \$269.00 and may be provided by way of:

- a) cash deposit with the Council, or
- b) an unconditional bank guarantee in favour of the Council.

**51.** The security may be used to meet any costs referred above and on application being made to the Council by the person who provided the security, any balance remaining is to be refunded to, or at the direction of, that person. If no application is made to the Council for a refund of any balance remaining of the security within six (6) years of the date of issue of the Subdivision Certificate for the development the Council may pay the balance to the Chief Commissioner of State Revenue under the Unclaimed Money Act 1995.

NOTE: If civil construction works are contracted to an external firm, the above bond is to be included in the contract documents and paid to Council.

**Services**

**52.** Other services such as telecommunication, gas, electrical and lighting shall be designed by accredited persons in accordance with the relevant standards.

**53.** The applicant shall ensure that a terrestrial telecommunication service (telephone and internet) and adequate electrical supply is provided to all lots.

**Lighting**

**54.** Street Lighting is to comply with the relevant Australian Standards and to be provided throughout the development, including Lot 217. A detailed lighting plan to Council's or an Accredited Certifier's satisfaction is to be submitted with the Subdivision Works Certificate documentation.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Disability Access Requirements**

**55.** Access for people with disabilities must be provided to kerb ramps and footpaths along the street frontages, by means of a continuous path of travel in accordance with Australian Standard AS 1428.1.

Note: Additional legislation exists to promote the provision of services, which enable people with a disability to maximise their potential, further their integration in the community and achieve positive outcomes.

The following legislation may be relevant:

- NSW Disability Inclusion Act 2014
- Commonwealth Disability Discrimination Act 1992
- NSW Anti Discrimination Act 1977.

**Payment of building and construction industry long service levy**

**56.** 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 construction certificate.

**NOTE:** In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the current levy payable is **\$38,500**. 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](#).

**Developer Servicing Charges**

**57.** This development requires a Certificate of Compliance under the Water Management Act 2000 to be obtained prior to issue of SWC.

NOTE: A person may apply to Narromine Shire Council, as the water supply authority, for a certificate of compliance pursuant to section 305 of the Water Management Act 2000. As a pre-condition to granting of a compliance certificate, the applicable contributions pursuant to section 64 must be paid in full (subject to CPI increase each year).

Sewer and Water Developer Charges are levied per additional Lot upon subdivision. Council's current fees and charges require the following payment which shall be paid to Council in stages with releases of subdivision plans:

Water Supply 77 X \$3,000 - Developer Charge (\$ per ET) = \$231,000

Sewerage 77 X \$3,500 - - Developer Charge (\$ per ET) = \$269,500

Total = \$500,500

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Fencing and signage**

**58.** Fencing should be considerate to the setting and purpose:

- a. Non-combustible fencing material should be used for boundaries in vicinity to bushfire hazard mapped land (i.e. proposed lots 392, 393 and 394).
- b. 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.
- c. Where ponding of water is likely and public open space/playground areas are provided, suitable fencing and signage should be considered for safety and restriction of access.

**PART C - BEFORE THE COMMENCEMENT OF WORKS****Issue of Subdivision Works Certificate**

**59.** 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**

**60.** 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.

**Water Supply**

**61.** Prior to commencement of civil construction works a metered water supply must be provided for use in and during the construction period.

**Project Plans & Testing**

**62.** Prior to any works commencing, a project construction plan must be submitted to Council for review and approval to ensure all requirements are met. All documentation required for submission should follow Aus-spec 0161 Quality Management – Construction including road works, kerb and gutter, water service, sewer service, stormwater system and other services. This should include the following:

- a) Sequence of operations.
- b) Documented procedures and work instructions.
- c) Types of equipment required, capability, maintenance and calibration.
- d) Any special working environment requirements.



**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**

- e) Personnel competency and skills required.
- f) Criteria for workmanship and tolerances.
- g) Materials required.
- h) Safety requirements.
- i) Reference documents.
- j) Records produced.
- k) Planning.
- l) Verification measures.
- m) Inspection, test and control points.
- n) Monitoring of continuous suitability.
- o) Responsibility for implementing and monitoring work process controls and rectifying any deficiencies

**Damage to Public Assets**

- 63.** 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.

**Notice of Commencement**

- 64.** Prior to commencement of subdivision works, the following actions are required to be carried out:
- a. A site supervisor including contact details is to be nominated;
  - b. Council is to be provided with two (2) days' notice of works commencing; and
  - c. 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**

- 65.** 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.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Erosion and sediment controls in place**

66. 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).

**Traffic**

67. Traffic Control Plans appropriate to the construction stages are to be devised in accordance with the RMS Traffic Control at Work Sites Manual 2018. A Section 138 approval in terms of the Roads Act, 1993 is required from Council prior to the commencement of works with any implications for local traffic flow.
68. A Traffic Management Plan (TMP) is to be devised by the applicant and adhered to in accordance with the Austroads Guide to Traffic Management. A copy of the TMP is to be submitted to Council for reference only, prior to the commencement of road works and noting changes for various stages of the development.
69. Potentially affected residents shall be notified prior commencement of construction works and informed about potential disruptions to traffic.

**Temporary Onsite Toilet**

70. 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**

71. 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).

**Existing Services**

72. Costs associated with all development works including any necessary alteration, relocation 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.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****PART D – DURING CONSTRUCTION****General**

**73.** 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.

**74.** The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

**Hours of work**

**75.** 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.

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**

**76.** 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.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Uncovering relics or Aboriginal objects -unexpected finds**

77. 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**

78. 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.

**Asbestos**

79. If asbestos is encountered during construction, measures must be in place in accordance with Safework NSW guidelines and Work Health and Safety Regulation 2017. Work shall not commence or continue until all the necessary safeguards required by Safework NSW are fully in place.

80. Only contractors who are appropriately licensed for asbestos disposal by Safework NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

81. Asbestos waste must only be disposed of at a landfill site authorised to receive such waste and copies of receipts received from such disposal kept and made available for inspection by Council during normal working hours and upon the giving of reasonable notice.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Cut and fill**

**82.** 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**

**83.** 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.

**Water**

**84.** Water used for the construction, testing and commissioning of the works shall be at the applicants' cost.

**Procedure for critical stage inspections**

**85.** 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.

**Roads and Footpaths**

**86.** Access to the subject land shall only occur via the proposed access from Kingsway Drive and Waterford Crescent. No other entrance, exit, access, gate, grid or driveway is to be constructed without the prior approval of Council.

**Building Materials, Plant and Equipment**

**87.** All materials, plant and equipment are to be placed on the site of the development so as to ensure that pedestrian and vehicular access in public places is not restricted, and also so that the road reserve is not damaged.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Detention Basin**

88. The detention basin to be constructed in Lot 217 is to be fenced to prevent unauthorized access by the public during construction. Signs noting 'construction site do not enter' are to be placed at 25 metre intervals along the fence.

**Soil and Water Management**

89. All practical measures must be taken to ensure erosion and subsequent sediment movement off-site does not occur.

**Dust Abatement**

90. All practical measures consistent with the Construction Management Plan are required to be readily available to suppress dust during construction works. During dry periods or high wind, construction works are to be delayed or postponed.

**Essential Energy**

91. 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**

92. 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.

93. 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) The 88B instrument, and
- e) All surveyor's or engineer's certification if required by the Development Consent.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Registration of Easements and Restriction to User (88B instrument)**

- 94.** All easements required for 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.
- 95.** 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.
- 96.** An appropriate instrument is to be created pursuant to the Conveyancing Act 1919 to restrict the construction type of future structures on proposed Lots 245 -250 and Lots 370 – 374 to pier and beam type i.e. ensure the limitations outlined in the flood study are carried over to future development with no lot fill permitted.
- 97.** All easements, rights of carriageway and restrictions to user must nominate Narromine Shire Council as the authority to release vary or modify the easements or restrictions.
- 98.** Evidence of installation of screening along the eastern boundary of proposed lots 370, 371, 372, 373 & 374 to ensure privacy to adjoining to lots is to be submitted to Council prior to the issue of the relevant subdivision certificate. A restriction on the title of each affected lot, under Section 88B of the Conveyancing Act, shall be created to give effect to the provision prior to the relevant subdivision certificate release.

**Road Dedication**

- 99.** Roads 1, 2, 3, 4, 5 & 6 and the extension of Kingsway Drive are to be dedicated on the final subdivision plans as public roads.
- 100.** The applicant is to submit to Council proposed road names for the Roads 1, 2, 3,4,5 & 6 subject to compliance with the NSW Address Policy and User Manual.

**Comply with VPA requirements**

- 101.** In the case of subdivision of land to which a voluntary planning agreement applies, all the requirements of the agreement that, by its terms, are required to be complied with before a subdivision certificate may be issued in relation to the plan of subdivision. Evidence of compliance with terms of the planning agreement are to be provided to the Certifier.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****7.12 Development Contributions**

**102.** 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 the VPA. 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.

<b>Contribution Type</b>	<b>Proposed Cost of Development</b>	<b>Levy Payable (%)</b>	<b>Total Payable</b>
Section 7.12 Contribution	\$4,169,844.80, which is over \$500,000.00 and therefore is subject to the Section 7.12 Contributions Plan 2019 rate of 1% =	1%	\$41,698.448

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.

**WAE Drawings**

**103.** The registered proprietor of the land shall submit a report and three (3) copies of works-as-executed (WAE) drawings of the works. The WAE drawings shall be prepared by a registered surveyor or chartered/registered professional Engineer and shall indicate the following as may be applicable:

- a) subgrade surface level
- b) subbase pavement level
- c) pavement base level
- d) invert levels of all pits, pipes and orifice plates
- e) surface levels of pits and surrounding ground levels
- f) drainage, sewerage & water hydraulics
- g) levels of spillways and surrounding kerb
- h) top of kerb levels at the front of the lot



**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)**

- i) Signed inspection and Test Point/ Hold Point releases
- j) Relevant Quality Assurance documentation such as compaction test certificates, concrete mix designs and strength test certificates, novation of relevant warranties to Council, Factory acceptance testing (FAT) certificates, site acceptance testing (SAT) certificates, and final water quality results
- k) CCTV footage and condition assessment of sewer and stormwater assets. The condition report shall comply with the most current edition of the Conduit Inspection Reporting Code of Australia. The plan shall be accompanied by a report from the designer stating the conformance or otherwise of the as constructed basins in relation to the approved design.
- l) The WAE plan and report shall be submitted to and approved by Council prior to issue of a Subdivision Certificate.
- m) Any changes or deviation from the original design shall be pre-approved by Council and shall be accompanied by design certification indicating that the works/assets will meet the required performance standards for public infrastructure.

**Electricity**

**104.** 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.

- 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**

**105.** Application is to be made to Telstra/NBN for infrastructure to be made available to each individual lot within the development. 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.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****All Services Provided Within Lots**

**106.** 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**

**107.** 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.

**Landscaping**

**108.** The car parking, lighting, BBQ areas and seating are to be installed in accordance with the approved plan. The works undertaken to implement the landscape plan are to be maintained for a period of 12 months after the issue of the Subdivision Certificate, to the satisfaction of Council. Any dead or underperforming plants are to be replaced during this period and a satisfactory level of maintenance achieved, e.g. kept weed free and well mulched.

**Removal of Erosion and Sediment Controls**

**109.** Any temporary soil erosion control measure installed during development works shall be removed.

**Completion Requirements**

**110.** 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.

**Completion of landscape and tree works**

**111.** Before the issue of a subdivision certificate, the principal certifier must be satisfied that all landscape works, have been completed in accordance with the approved plans and any relevant conditions of this consent.

**112.** A minimum of two (2) street trees per lot are to be installed with supporting barrier devices to prevent damage prior to issue of the Subdivision Certificate. A monetary payment/bond may be accepted by Council for this work upon written request and formal acceptance by Council.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****PART G. GENERAL ADVICE AND CONDITIONS****DEDICATION & FUTURE VOLUNTARY PLANNING AGREEMENT**

Any dedication of land in the future will require the applicant to enter into a VPA to address the dedication of land.

**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.

**Advice from NSW RURAL FIRE SERVICE****General Advice –**

Future development applications lodged on lots created within this subdivision may be subject to further bushfire related assessment under the Environmental Planning & Assessment Act 1979.

**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*.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****REVIEW OF DETERMINATION**

Division 8.2 of the *Environmental Planning and Assessment Act* gives you the ability to seek a review of the determination. An applicant may request the Council to review this determination within six (6) months after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

A Review cannot be requested for:

- a determination to issue or refuse to issue a complying development certificate, or
- a determination in respect of designated development, or
- a determination made by Council under Section Division 4.6 in respect of an application by the Crown.

**RIGHT OF APPEAL**

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within six (6) months of the date of this notice (section 8.7 of the *Environmental Planning and Assessment Act, 1979*).

**ELECTRICAL AND TELECOMMUNICATION SERVICES****Dial Before You Dig**

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial Before You Dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS (Cont'd)****Essential Energy**

If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location 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*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

**Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact Telstra's Network Integrity Team on phone number 1800 810 443.

**2022/264**

**The Chair called for a division of the vote. The vote was unanimous.**

**2. BUSINESS WITHOUT NOTICE – URGENT MATTERS****MAYORAL MINUTE – DECLARATION OF STATEWIDE EMERGENCY**

**RESOLVED** Crs Jones/Hoey that Council determine the matter is of great urgency and that this matter be considered at the meeting.

**2022/265**

**RESOLVED** Crs Hoey/Jablonski that Narromine Shire Council joins with Local Government NSW and Country Mayors Association of NSW in declaring a Statewide Road Emergency.

**2022/266**

There being no further business the meeting closed at 6.09pm

The Minutes (pages 1 to 29) were confirmed at a meeting held on the day of \_\_\_\_\_ 2022, and are a full and accurate record of proceedings of the meeting held on 21 November 2022.

**Chair**