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**NARROMINE SHIRE COUNCIL  
EXTRAORDINARY MEETING BUSINESS PAPER –  
REPORTS TO COUNCIL - COMMUNITY AND ECONOMIC DEVELOPMENT**

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**1. DEVELOPMENT APPLICATION – DA2021/87 PROPOSED TORRENS TITLE RESIDENTIAL SUBDIVISION TO CREATE 77 NEW LOTS**

<b>Author</b>	Manager Planning
<b>Responsible Officer</b>	Director Community and Economic Development
<b>Link to Strategic Plans</b>	LSPS – Priority 4 – A range of housing options for the community. LSPS – Priority 6 – Sustain and grow our local population.

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**Executive Summary**

The development application DA2021/87 received by Council, was originally submitted as a one (1) existing lot into forty-five (45) lots with new road (being 43 residential lots, 1 drainage lot and 1 residue lot). The application was amended in progress on 1<sup>st</sup> August 2022, to include an additional 35 residential lots from the previously identified residue lot. The application was submitted as an 'integrated' development pursuant to s100B of the Rural Fires Act 1997. General terms of approval from the NSW Rural Fires Services are to be included with any approval.

The proposed detention basin, drainage reserve and public open space is to be dedicated to Council through a voluntary planning agreement (VPA). The details of the VPA are to be negotiated through a separate process to the development application for subdivision.

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**Report**

**Background:**

DA76/05 was previously approved on 16 February 2005 for the subdivision of Lot 104 in DP874678, however, only Stage 1 was constructed consisting of Lots 101 – 116 DP1120161, known as Stage 1 Macquarie Park Estate works. Stage 1 as approved, is shown in Figure 6 below, together with the proposed layout for the Stage 2 subdivision and the residual land to be the future Stage 3. The application was for a 78 lot residential subdivision (including one allotment for public open space) and associated roads and detention basin. Approval for both Stage 2 and 3 works have now been sought.

**Application Details:**

Development Application No: DA2021/87 (PAN-154605)  
Description of Development: Torrens Title Residential Subdivision to create 77 lots.  
Applicant: Mr Amir Abdelbadie of Pyramid Builders Pty Ltd  
Landowner(s): AH Investments Pty Ltd  
Landowners consent provided:  Yes

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

**Timeline for Development Assessment:**

<b>Date</b>	<b>Summary of Events</b>	<b>Comment</b>
1 November 2021	Council received the development application. Proposed subdivision to create 43 residential lots and new drainage reserve, with residue lot.	The proposal creates new roads and is integrated development with approval pursuant to s100b of RF Act also required.
11 November 2021 to 25 November 2021	The proposal was placed on public exhibition for a period of 14 days.	2 submissions were received.
3 December 2021	Request for further information was sent to applicant: Servicing details; Traffic / Layout issues.	'Clock stopped'
21 December 2021	Traffic Impact Assessment provided by the applicant.	
23 March 2022	Information provided regarding electricity servicing design. Response from Ogden's Bus service provided	Additional information letters uploaded to Portal.
1 April 2022	Consultants engaged through the DPE Regional Housing Flying Squad (RHFS) program, were appointed to assist in the assessment process.	DPE program scheduled to be complete by end June 2022. DPE permitted the extension to this program to allow continued assessment.
4 April 2022	Amended Plans provided by applicant.	Rev B uploaded to the Portal.
10 June 2022	Request for further information was sent to applicant: Flooding and Stormwater; Water Supply Land Dedication Proposed lot 217 Drainage reserve and recreation area details Traffic and Parking issues Response to submissions Additional plans required (cut/fill plan, survey plan of existing levels, turn paths, landscaping plan).	'Clock remains stopped'
28 July 2022	Revised Traffic Impact Assessment provided by the applicant.	V2 uploaded to the Portal.
1 August 2022	The applicant amended the application in progress to include stage 3 lots. The proposed subdivision is now for the total 78 residential lots including: a drainage reserve lot and no residue lot. (i.e. the stage 3 originally shown subject to separate application is now included).	Rev C plans uploaded to Portal 2 Aug 2022

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<b>Date</b>	<b>Summary of Events</b>	<b>Comment</b>
1 August 2022	Water modelling details provided for assessment.	Additional information received for assessment.
18 August to 01 September 2022	Neighbour notification period for amended proposal.	One submission was received.
19 August 2022	Request for further information was sent to the applicant: Updated description of DA proposal Updated quantity surveyors report Letter of offer for Voluntary Planning Agreement Flooding and Stormwater issues Flood study and cut/fill plan remain required. (Revised Bushfire Assessment required by NSW RFS)	Amendment also required re-referral to Rural Fire Service (RFS) to receive updated General Terms of Approval (GTA's). A request for further information was forward separately on behalf of the NSW RFS in this regard, 18th August 2022.
29 August 2022	Updated bushfire assessment forward to NSW RFS for review and issue of GTA's.	V2 BFA uploaded to Portal 29 Aug 22.
2 September 2022	Response letter to RFI and revised Flood Assessment provided.	Flood Assessment Rev 1 uploaded to the portal.
12 September	Draft Voluntary Planning Agreement letter of offer submitted to Council for consideration.	'Clock remains stopped'
23 September 2022	Request for further information was sent to the applicant: Flooding and Stormwater issues remain outstanding Cut/Fill plan Survey Plan Response to issues raised in submission received.	'Clock remains stopped'
27 September 2022	Decision from NSW RFS received with conditions to be included with approval pursuant to s100B RF Act.	GTA's received.
28 October 2022	Comments regarding Flooding and updated Flood Assessment report provided via email to Council.	The flood impacts have been curtailed by taking out the fill on Lots 245 – 250 and 370 – 374, which are the lots that back onto existing residences – in Crossley Dr and Red Gum Place.
1 November 2022	Quantity Surveyor's Report provided.  Cut/Fill plan provided for assessment.	Report by Property and Building Assessments Pty Ltd uploaded to Portal 1 November 2022.  Plan SY22-085-C0100 uploaded to Portal.
1 November 2022	Outstanding items available to finalise assessment.	Off Stop Clock

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

**Property Description and Context:**

*Legal Description: Lot 117 DP1120161 located at Waterford Circuit, Narromine (the site)*

*Existing Improvements: Vacant site*

*Current land-use: R1 - General Residential*

The site has an area of 13.48 ha and is currently cleared vacant land. The site is irregular in shape with frontages to Waterford Crescent to the west, existing low density residential to north and east in proximity to Crossley Drive and cleared land to the south, intermittently used for animal grazing. The residential allotments to the north and east vary in size with larger allotments to the east.

Waterford Circuit connects to Kingsway Drive which connects to Manildra Street approximately 100 metres west of the site. Manildra Street is currently in the process of being reclassified as State Road and transferred to Transport for NSW. The site is approximately 1km east of the Narromine CBD and 400m north of the Mitchell Highway.

The site is flat with elevation ranging between approximately 238.90AHD to 239.39AHD. There is no vegetation of significance within the site. The predominant surface cover is grass and it is understood that the site has been used for minor animal grazing in the past. The bushfire prone land is confined within the adjacent lot to the south, with the buffer slightly extending over the southern boundary of the site.



**Figure 1: Locality and Site Context Map**

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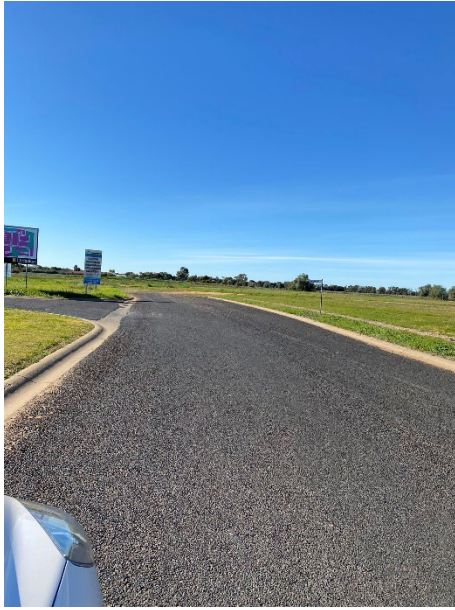
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**Site Photographs**

**Figure 2:** Site looking east from Kingsway Drive



**Figure 3:** Site looking north from Waterford Crescent



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**Figure 4:** Site looking east from Waterford Crescent



**Figure 5:** Site looking south from Waterford Crescent



**Development Description:**

The proposed development subject of this DA is for the Torrens Title Subdivision of Lot 117 in DP1120161. The development application is for subdivision of land (previously referred to as Stage 2 & 3), specifically the creation of 78 residential lots, a drainage reserve lot and dedication of public roads. The lots are numbered 218 to 260 and 361 to 395 as residential lots and the remaining land as a Lot 217 to be dedicated to Council via a Voluntary Planning Agreement (VPA). Earthworks, road construction, including the extension of Kingsway Drive and the construction of roads 1, 2, 3, 4, 5 and 6 as well as footpaths and walking tracks and servicing is also proposed as part of this DA.

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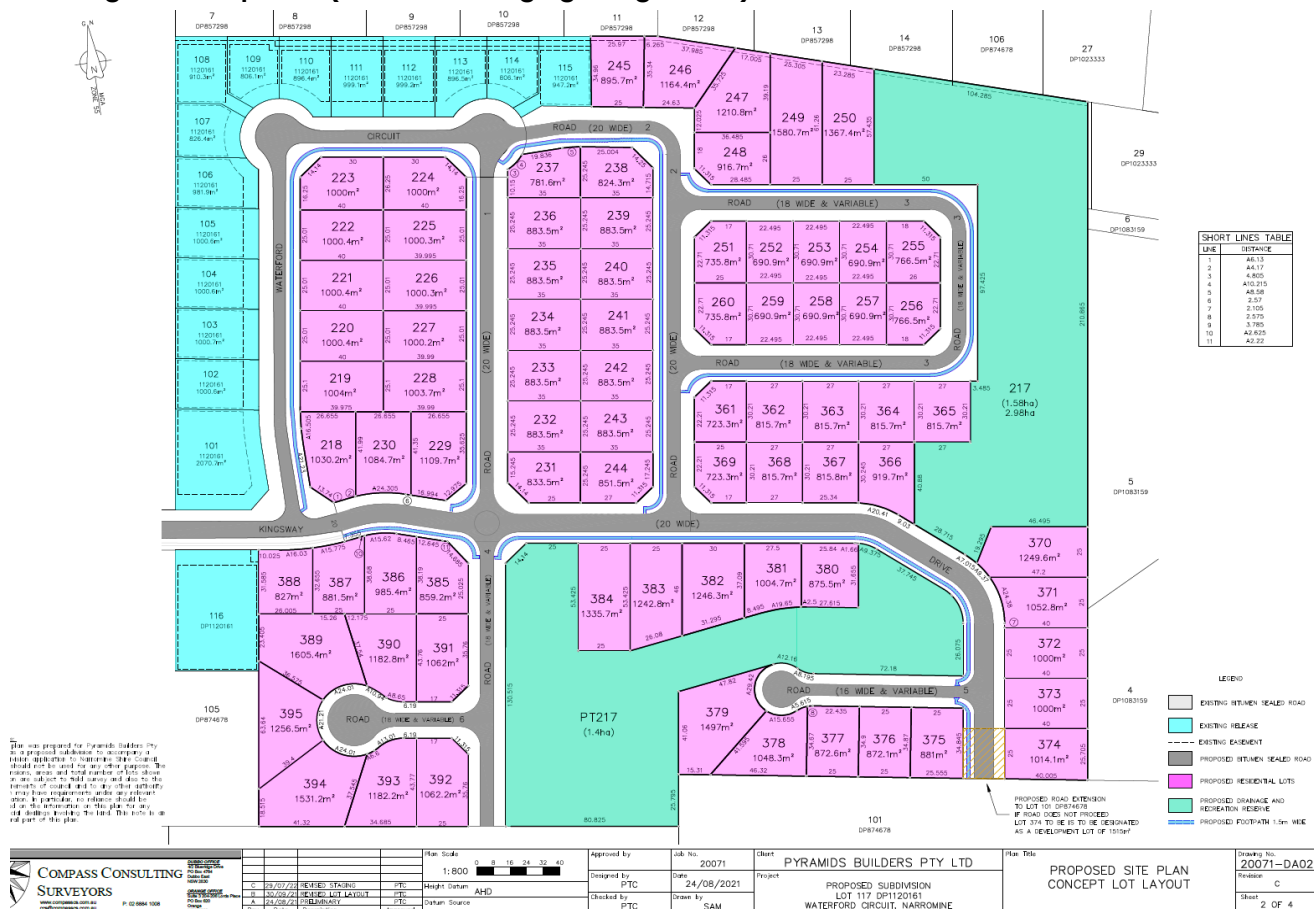
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Previously referenced Stage 3 was included as part of this development application on 1 August 2022 on the request of the applicant (being Lots 361 to 395). The application was subsequently re-exhibited by Council. This includes road extensions and new cul-de-sac roads 5 and 6.

The proposed detention basin, drainage reserve and public open space is to be dedicated to Council through a voluntary planning agreement (VPA). Works associated with the drainage works within proposed Lot 217 will be undertaken as part of the approval to ensure stormwater and flood control is provided for the proposed residential lots within Stage 2 with an easement created to benefit Council, prior to the VPA being executed during what is referred to as Stage 3 (final release). Playground equipment and BBQ area is to be provided by the developer as a condition of approval.

Access to all of the lots of the proposed subdivision will be via either Waterford Circuit or the extension of Kingsway Drive with connections to either the existing constructed sections of Kingsway Drive or Waterford Circuit as shown in Figure 6.

**Figure 6: Proposed (combined staging -Stage 2 & 3) Site Plan**



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**Site Location:**

Has the subject land been correctly identified on Development Application Plans and Statement of Environmental Effects? Yes No N/A

Is the land freehold title with all owners consent? Yes No N/A

Is the site vacant of buildings? Yes No N/A

Are there other buildings / structures located on the subject land? Yes No N/A

Has the proposed building location been confirmed on the subject land? Yes No N/A

Do the provided plans, specifications and supporting documents accurately depict the site conditions? Yes No N/A

**Comments:** Site has been identified by a survey plan, as well as site plan which demonstrates the current layout including Stage 1.

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**Site Inspection:**

Was the Applicant present? Yes No

Was the owner present? Yes No

**Comments:** Site inspection carried out by Council staff on 28 June 2022. Photos taken for assessment report.

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**Public Exhibition:**

The development application was on exhibition from 11 November 2021 to 25 November 2021. The proposal was placed on public exhibition for a period of 14 days in accordance with the *Environmental Planning & Assessment Act 1979* (EP&A Act), *Environmental Planning & Assessment Regulations 2021* (EP&A Regulations). Two (2) submissions were received during the notification period. A response to the issues was received from the applicant prepared by Compass Consulting Surveyors in correspondence dated 21 June 2022.

The application was subject to a second neighbour notification period following amended plans and additional lots proposed in the development, from 18 August to 1 September 2022. One submission was received in this period (no additional submitters). The applicant did not respond directly to the issues raised in the second period, as similar matters were raised.



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**Internal Referral Advice:**

Has an Internal Engineering Referral been received? Yes No N/A  
Has an Internal Building Referral been received? Yes No N/A  
Has an Internal Heritage Advice Referral been received? Yes No N/A

**Comments:** Specialist advice was obtained from the Council engineers. This included providing the applicant with Requests for Information on 10 June 2022, 19 August 2022 and 23 September 2022 including the request for updated plans and a flood report. A response was received from the applicant on 5 July 2022, 5 September 2022 and several conditions of consent have also been included reflective of engineering requirements.

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**Easement(s):**

Are there any easements applying to the subject land? Yes No N/A  
Is the proposed development clear of easements? Yes No N/A  
Are there any proposed easements? Yes No N/A  
Are easements required? Yes No N/A

**Comments:** No registered easements are located on the subject site. Easements will be required to address utility services including drainage, sewer and electricity. Restriction/covenant is required to reflect the restrictive elements/assumptions of the flood assessment (version 3), i.e. It is proposed to restrict the construction type of future structures on proposed Lots 245 -250 and Lots 370 – 374 to pier and beam type i.e. with no lot fill.

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**Consolidation of Lots:**

Are there more than one lot owned by the landowner in same holding? Yes No  
Is there a need to consolidate lots? Yes No N/A

**Comments:** Not applicable. The proposed development is for the subdivision of residential zoned land.

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**Section 4.14 Consultation and development consent—certain bush fire prone land:**

Is the site identified on the Bushfire Prone Land Map? Yes No N/A

Does the development comply with "Planning for Bushfire Protection" or a certificate provided by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirement? Yes No N/A

Has consultation been done Commissioner for Rural Fire Service? Yes No N/A

**Comments:** Rural Fire Service provided General Terms of Approval on 17 January 2022, under Division 4.8 of the Environmental Planning and Assessment Act, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, subject to conditions. The General Terms of Approval were subsequently updated reflective of the inclusion of additional lots referred to as stage 3 during assessment. Updated General Terms of Approval were provided on 27 September 2022.

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**Contributions:**

Does the Section 7.11 Contributions Plan apply? Yes No N/A

Does the Section 7.12 Contributions Plan apply? Yes No N/A

Does the Developer Services Plan apply? Yes No N/A

**Comments:** The proposed development is valued at \$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% = \$41,698.448 at time of this report (to be updated with CPI in accordance with 7.12 contribution plan).

A letter of offer was received from the applicant on 12 September 2022 for the dedication of Lot 217 to Council, to which a planning agreement must be entered. The Letter of Offer outlined:

*The planning agreement will relate to the dedication to Council of the drainage/recreation reserve of approximately 2.98 hectares and the roads shown on the attached plan by the Developer, in the course of the residential subdivision of the Property.*

*It is expected that the value of the drainage/recreation land will exceed the financial contribution that would otherwise be payable by the Developer under Part 7 of the Environmental Planning and Assessment Act 1979 (Act). It is proposed that the Developer should be entitled to some reimbursement of this excess cost – for example, by the allocation of a surplus credit that can be used in satisfaction of section 7.11 contributions payable for developments by the Developer elsewhere in the Local Government Area, in recognition of the value and public amenity of the dedication of the recreation and drainage land.*

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*The public purpose of the land dedication is the purpose a drainage and recreation reserve and the enhancement of the natural environment in accordance with section 7.4(2)(a) and (f) EP&A Act.*

*The Developer will dedicate proposed Lot 217 and the roads to Council at the completion of the subdivision. Specifically, the cost of works and value of the dedicated land will be offset against any obligation to pay any monetary contributions for the proposed development application.*

*If the value of the works and land is over and above the total value of any (otherwise required) contributions, the planning agreement will specify the amount of that additional value and that this may be taken into account in relation to any other development by the developer in the local government area.*

The Letter of Offer will be considered by Council separately to the DA assessment and form part of an executed Voluntary Planning Agreement. The Voluntary Planning Agreement is to be executed prior to Subdivision Works Certificate and will form subject of a deferred commencement condition of consent.

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**Development Services Plan (DSP)**

Based on 77 residential lots (credit for one lot assuming existing connections exist for Lot 117 DP1120161) the water supply and sewerage developer charges for the areas covered by the DSP document have been determined as follows:

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

The developer shall be responsible for the full cost of the design and construction of water supply and sewerage reticulation works within subdivisions.

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**Section 4.15(1) Assessment**

**S4.15 (1) (a) (i) The provisions of any environmental planning instrument**

**Local Environmental Plans**

The *Narromine Local Environmental Plan 2011* (LEP) applies to all land within the Narromine Local Government Area. The site of the proposed development is zoned R1 - General Residential under the *Narromine Local Environmental Plan 2011*. The Land Use Table for the R1 General Residential zone permits subdivision with consent of Council.

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Clause 2.3(2) of the LEP provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the R1 General Residential zone are:

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

The proposed subdivision to create 78 residential allotments is consistent with the objectives of the R1 General Residential zone to provide for the housing needs of the community. The proposed subdivision will not have any adverse impacts on the adjoining allotments or the environment (with mitigation measures). The future dwellings as a result of the subdivision will provide for the housing needs for the community. The site is proximity to services and facilities within the town centre of Narromine.

The following provisions of the LEP have been considered in the assessment of the proposal:

Clause 4.1 – The proposal complies with the minimum subdivision size of 450sqm. No lot is less than 450sqm with lot areas ranging in size from 690.9sqm to 1580.7sqm.

Clause 4.3 Height of Buildings - No height of building maximum applies to the site.

Clause 4.4 Floor Space Ratio - No FSR control applies to the site.

Clause 4.6 – No variations to development standards are sought as part of this application.

Clause 5.10 Heritage Conservation - The site is neither listed, nor adjoining an item of environmental heritage.

Clause 5.21 Flood planning - A flood report was requested from the applicant on 10 June 2022. The flood report was provided on 5 September 2022. The applicant was requested to update the flood report on 23 September 2022 to ensure 5.21(2)(b) was satisfied. Specifically, that the development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties. An updated flood report was provided on 27 October 2022.

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6.1 Earthworks - Earthworks will be undertaken as part of the subdivision works. A cut and fill plan was requested from the applicant on 10 June 2022 and subsequently provided on 1 November 2022. These earthworks will not involve major cut given the flat nature of the land, however, the main area of earthworks will be associated with proposed Lot 217 and the construction of a detention basin and filling for meeting future flood planning levels for habitable areas. The earthworks will also relate to the making of roads, preparation of sites for future dwelling construction, and the trenching of underground drainage and services. Suitable conditions will be included in the development consent to ensure the impact of these earthworks is satisfactory, this includes the preparation of a geotechnical report.

Clause 6.3 Stormwater Management – The DA plans include stormwater management details including an Onsite Detention system (OSD) in Lot 217 that will be connected to the proposed kerb and gutter, which is to be extended to connect into Council's system. Council's engineers requested further stormwater details on 10 June 2022 to ensure appropriate mitigation measures were in place. A response was received on 5 September 2022, however, the applicant wished to defer stormwater matters to post-consent. This was not deemed sufficient and further information to resolve matters relating to stormwater was requested on 23 September 2022.

Conditions are recommended to be imposed to this effect and require the submission of on-site detention, including gross pollutant trap drawings to be endorsed by the Certifier prior to the issue of the Subdivision Works Certificate.

6.4 Terrestrial Biodiversity - Not applicable. The site is not shown in Map BIO 004 in the LEP. The site is also not identified on the Biodiversity Values Map under the *Biodiversity Conservation Regulation 2017*.

6.5 Riparian Land and Watercourses - Not applicable. The site is not in or within 40 metres of a sensitive area as shown in Map WCL 004 in the LEP.

Clause 6.6 Groundwater vulnerability - The site is identified as being vulnerable land. Accordingly, the impact of the development on groundwater needs to be considered consistent with clauses 6.6 (3) and (4) of the LEP. The proposed development is unlikely to adversely affect groundwater quality due to the consent conditioned stormwater management arrangements as well as the use of reticulated sewer and water services. A Geotechnical Report has also been conditioned. In fulfilling these conditions, the clause can be satisfied.

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Clause 6.8 Essential Services – Consent must not be granted unless the following essential services are available:

**a) the supply of water** – the development is proposing to connect into the existing watermain on Kingsway Drive, proposed watermains will then extend through the site following the proposed road network.

On 10 June 2022, Council requested further information to confirm that all water pipes will be DN 150 or greater and to demonstrate that minimum flows, including fire flows, and pressures can be met.

The applicant subsequently responded on the 5 July 2022 and demonstrated water pipes as 150DN or greater. Water pressure modelling has been completed by GCA consultants.

**b) the supply of electricity** – the development is proposing to connect into the existing electricity system and a Notice of Arrangement to connect is included as a condition of consent.

**c) the disposal and management of sewage** – the development will connect into the existing sewer line and sewer lines are then proposed to extend throughout the site. The proposed development has been adequately sited to allow each proposed lot access to the reticulated water and sewage collection. Concept engineering plans showing the proposed sewage connection have been provided.

An investigation into the capacity and ability of the current Sewer Pump Station No 9 to meet the projected loadings for the expansion of the area in line with the plans and information has been submitted with the development application. The analysis indicates that the pumping and associated hydraulic equipment will require upgrading to cope with both the short-term staged growth and the long-term final growth of the subdivision. Please note that upgrades to the structural, civil and electrical infrastructure could be required. Due to it being an operating pump station, the required works are to be arranged and carried out under Council's direct supervision by a nominated contractor and the applicant be billed accordingly via a private works arrangement to be entered before any commencement of works on site.

**D) storm water drainage or on-site conservation** – the proposed stormwater mains will connect into an on-site detention system (Lot 217) and relay the stormwater to the existing Council system. Council required the applicant to consolidate multiple stormwater outlets and incorporate a gross pollutant trap(s).

The applicant responded with advice that this detail would be shown on construction plans at the subdivision works certificate stage. This has been conditioned.

Appropriate infrastructure is to be provided to prevent river flows (backflows) impacting sewer and stormwater or the 1% AEP and will also be conditioned.

**e) suitable road access** – the site will connect directly onto Waterford Crescent and Kingsway Drive, part of these roads was previously completed as part of Stage 1.

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6.9 Airspace Operations - The proposal will not penetrate the Limitation or Operations Surface of Narromine Aerodrome.

Schedule 1 Additional Permitted Uses - The site is not affected by Schedule 1.

**State Environmental Planning Policies**

The following State Environmental Planning Instruments (SEPPs) apply to the Narromine Local Government Area:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- State Environmental Planning Policy (Housing) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development.
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Precincts—Central River City) 2021.
- State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021.
- State Environmental Planning Policy (Precincts—Regional) 2021.
- State Environmental Planning Policy (Precincts—Western Parkland City) 2021.
- State Environmental Planning Policy (Primary Production) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Resources and Energy) 2021.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.

The following SEPPs are specifically relevant to the assessment of the proposed development:

- **State Environmental Planning Policy (Transport & Infrastructure) 2021** – Referral under Clause 2.48 of SEPP (Transport and Infrastructure) 2021, is not required, given the development is not:
  - (i) within or immediately adjacent to an easement for electricity purposes or
  - (ii) immediately adjacent to an electricity substation.

Under Schedule 3 Traffic-generating development of the SEPP referral to TfNSW is not required given consent is for 77 residential lots. Referral is only required when 200 or more allotments are proposed with connection to a public road. However, given Manildra Street became a State Road during the assessment of the application, referral to TfNSW was undertaken. A response was not received prior to finalisation of this assessment.

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- **State Environmental Planning Policy (Resilience and Hazards) 2021** - Under Clause 4.6 (1) a consent authority must not consent to the carrying out of any development on land unless:
  - (a) it has considered whether the land is contaminated, and
  - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

The current and previous land use history of the site is not known to have included any of the potentially contaminating activities listed in Table 1 of Managing Land Contamination Planning Guidelines. Vegetative cover is consistent (mostly grass cover) and do not indicate possible contamination by previous uses. There are no buildings or structures within the site that indicate potentially contaminating activities associated with previous land use.

Condition 4.6 (1) is satisfied as there is no evidence of historical land uses of contamination. In the event contamination is discovered it must be suitably managed and controlled as required by condition 62.

- **State Environmental Planning Policy (Biodiversity and Conservation) 2021** – The land is cleared and does not have any significant vegetation on site. The site is removed from areas of biodiversity value. Part 2.2 Clearing vegetation in non-rural areas of the SEPP is satisfied.

**S4.15 (1) (a) (ii) The provisions of any proposed environmental planning instrument**

There are no draft LEPs or draft SEPPs that apply to the site for the purposes of section 4.15(1)(a)(ii) of the EP&A Act.

**S4.15 (1) (a) (iii) The provisions of any development control plan**

Narromine Shire Council Development Control Plan 2011 (DCP) applies to the land.

The following clauses within the Residential Development Chapter 5(a) of the DCP are specifically relevant to the assessment of the proposed development:



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<b>Clause</b>	<b>Control</b>	<b>Proposed</b>	<b>Complies</b>
Dimensions	The minimum width of an allotment at the front boundary must be not less than 25 metres. Consideration may be given to lots where access is via a battle-axe access handle. The width of a battle-axe handle is to have a minimum width of 6 metres for access to a single dwelling and a minimum of 8 metres for the first 6 metres from the entry of the lot, and 6 metres thereafter, for two or more dwellings	<p>A number of the allotments, specifically Lot 252 to 259 have frontages of 22.495m which do not meet this requirement.</p> <p>However, it is considered that the subdivision pattern can appropriately cater for future setbacks and built form namely 4 metres for rear and side setbacks. Adequate width has also been provided for vehicle access and driveways to each allotment. The non-compliance is less than 10% of the 25m requirement and is considered adequate.</p> <p>It is noted that as part of the stage 1 approval frontages that were less than 25m were approved including Lots 107, 109 &amp; 110 DP1120161, the stage 2 subdivision is consistent with the design of these allotments.</p> <p>There are no battle-axe lots proposed for this subdivision.</p>	No – justification provided
Services, Storm water and Roads	Development applications for subdivisions that are located within a town boundary and propose to connect to reticulated water, storm water and sewerage systems must also include preliminary engineering drawings. Such drawings must include the design of the water and sewerage systems and any roads proposed.	The application has included concept engineering plan for water and sewerage systems and typical roads layouts which have been reviewed by Council's engineers. A Construction Site	Yes

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	<p>Consideration should be given to the availability of electricity, telephone and gas services available to the site.</p> <p>For larger scale subdivisions, consideration should be given to the incorporation of Water Sensitive Urban Design principles.</p>	<p>Management (CSMP) including erosion and sediment control plan will be conditioned.</p> <p>Each proposed lot will have access to water, sewerage, electricity and telecommunication services. An upgrade to the sewer pump station will be required.</p>	
Access	<p>All land must have legal access to a public road. Usually this is in the form of direct vehicular access to a public road. In certain circumstances where direct access to a road is not possible, a right of way carriage way can be created over adjoining land.</p> <p>Where access is provided to a formed Crown Road or a road not under the responsibility of the Council or the Roads and Maritime Services (RMS), the responsibility for maintenance is with the landowners.</p>	<p>The site has access to a public road, namely Kingswood Drive which connects to Manildra Street.</p> <p>New lots all have frontage to existing or proposed new roads.</p>	Yes
Performance Criteria	<p>All development applications are required to clearly identify the means of vehicular access, access points and the standard of access provided (all weather access). Vehicular access will be required to comply with relevant engineering standards.</p>	<p>The applicant has submitted plans which demonstrate means of vehicle access and access points, including an extension to Waterford Circuit and Kingsway Drive. Vehicle access has been reviewed by RFS who have provided GTAs to ensure compliance with relevant standards.</p> <p>A Traffic Impact Assessment (TIA) has been prepared and reviewed. Updates to the TIA were provided to Council and appropriate conditions of consent will be included. The DA was referred back to RFS given the inclusion of Stage 3. A</p>	Yes

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		response was received on 27 September 2022.	
Acceptable Solutions	<p>Vehicle access must be designed and constructed such that:</p> <ul style="list-style-type: none"> <li>Public utilities and drainage infrastructure are able to be accommodated; and</li> <li>Construction materials must be concrete or other all-weather seal approved by Council so they do not cause noise or dust issues to the road surface or adjoining residences:</li> </ul>	<p>Vehicle access has been designed to ensure public utilities and drainage infrastructure are accommodated.</p> <p>Potential impacts arising from construction will be appropriately conditioned through the requirement of the CSMP.</p>	Yes
Acceptable Solutions	<p>In residential areas with kerb and guttering:</p> <ul style="list-style-type: none"> <li>Crossovers are to be constructed in reinforced concrete, 125mm thick with F72 mesh.</li> <li>Gutter ramps, concrete in-fills or any other gutter obstruction are not permitted and will be removed, unless, in extreme circumstances, Council's written approval is given for such a device.</li> <li>Roll back kerb and gutter will be used wherever possible to avoid the need for gutter crossings.</li> <li>Where "roll back kerb and gutter" exists, kerb inverts are not required.</li> </ul> <p>Existing inverts may be used provided they are of sufficient width</p>	<p>Rolls kerbs and gutters are proposed and are in accordance with DCP requirements. To ensure the design is implemented conditions of consent have been included.</p>	Yes
Contamination	<p>Certain previous uses on a site can have effect on land that may make it unsuitable for residential development. These uses include: industrial operations and some agricultural uses. It is beneficial for an applicant to research the previous uses of the site to determine if any remediation works are required prior to any subdivision work.</p>	<p>The current and previous land use history of the site is not known to have included any of the potentially contaminating activities. Vegetative cover is consistent (mostly grass cover) and does not indicate possible contamination by previous. There are no buildings or structures within the site. Relevant conditions of consent have been</p>	Yes

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		included to ensure remediation works if required.	
Bushfire	Bushfire prone land is identified in Councils Bushfire Prone Land Mapping. If the development site is identified as bushfire prone, the subdivision application may be referred to the Rural Fire Service and, if necessary, additional conditions placed on any consent granted. Development in areas identified as bushfire prone should consult with the NSW Rural Fire Service document Planning for Bushfire Protection for additional controls that may be applicable to the development.	A Bushfire Hazard Assessment was prepared and submitted as part of the development application. The RFS has reviewed the information provided and has considered it acceptable and issued General Terms of Approval which are included in the proposed conditions of consent.	Yes
Flooding	Certain land in the Narromine Shire is identified as flood prone. While this hazard may not prohibit the subdivision, additional actions may need to be taken by the applicant to assist in further development of the land e.g. dwelling houses etc. <input type="checkbox"/> Substantial subdivisions may require an individual flood study to be conducted on the site to determine the extent of flooding on the land. Subdivision of land is not encouraged in high hazard flood areas. Refer to Chapter 6 of this plan for additional flood protection requirements.	A flood report was requested from the applicant by Council on 10 June 2022, in accordance with Council's flood policy. The flood report was provided on 5 September 2022 and further updates to the flood report were requested by Council on 23 September to ensure no impacts to surrounding properties and to ensure appropriate mitigation measures were in place. An updated flood report was received on 27 October 2022. The report concludes that impacts external to the site will be negligible with no affluxes that affect existing dwellings, with a reduction in flood levels to existing dwellings on the western side of the site.	Yes. However, Lots 362, 363, 366, 367 and 368 may have to be constructed on piers.

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Amount of Open Space	In the Narromine Shire, a figure of 30sqm per person is recommended. This area can be utilised in different ways to cater for the demographic of the proposed catchment area. The catchment of a site is defined as being within a walkable distance of 500m from the site.	Proposed lot 217 has an area of approximately 2.98ha and will accommodate a stormwater basin and also act as a recreation area. This lot is within 500m of each of the proposed allotments. The lot will satisfy the requirement of 30sqm of open space per person.	Yes
Open Space Design	The design of an open space area is important to ensure the optimum and effective use of the area which suits the needs of the residents. Three principles of open space design are adopted: Amenity, Accessibility and Useability.	<p>As part of the RFI dated 10 June 2022, the applicant was requested to provide further details in relation to the proposed open space to demonstrate the following:</p> <ul style="list-style-type: none"> <li>• BBQ facilities for all abilities</li> <li>• Parking area which includes disabled parking</li> <li>• Waste collection - bins</li> <li>• Servicing of playground (water, sewer, electricity, gas)</li> <li>• Landscaping and irrigation</li> <li>• Footpath access</li> </ul> <p>Information was provided on 5 July 2022 and provided the relevant details. There are 2 suggested areas of development, linked by a footpath alongside Kingsway Drive, as well as via the path through the allotment. Parking spaces, including accessible spaces, are proposed. Waste collection bins are</p>	Yes

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		<p>shown. The concept plan for the park area has been designed to be wheelchair accessible. Footpaths are proposed at 2m in width to accommodate wheelchairs, prams and bicycles. Toilet and drinking fountain instalments are designed to allow access for all abilities. Shade sails and trees are strategically placed to allow for full utilisation of the space. Electric BBQs are suggested to encourage community interaction.</p>	
Amenity	<ul style="list-style-type: none"> <li>• Protects and enhances the environmental, cultural and heritage values of an area.</li> <li>• Builds on the special attributes of, and integrates into, an area</li> <li>• Is pleasant and welcoming through embellishments and landscaping</li> <li>• Is well maintained and actively managed</li> <li>• Is safe and perceived to be safe</li> <li>• Provides weather protection such as shade and shelter and areas to stop and rest such as seating</li> </ul>	<p>The proposal is consistent with these provisions. The concept plan for the playground area has been designed to be inclusive of all potential users and encourages interaction by creating enjoyable spaces with shelter, footpaths, BBQs and public benches.</p>	Yes
Accessibility	<ul style="list-style-type: none"> <li>• Is distributed through an area providing equitable access to all residents</li> <li>• Is easily accessible via the walking and cycling network</li> <li>• Is connected where practicable with a broader open space network throughout the area</li> <li>• Caters for the needs of people with a disability or those with difficulty with moveability</li> </ul>	<p>Lot 217 extends the length of the site and provides access for all residential allotments. Due to the surrounding residential development and grazing activities there is limited open space and such the proposed Lot 217 will provide accessible space close to the</p>	Yes

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		town centre and future dwellings.	
<b>Landscaping</b>			
Street Trees	Careful consideration should be given to the selection of landscaping and street trees, in particular, to the mature height of the tree, whether or not it is deciduous, or the typical root system. This should ensure there is no damage to underground or overhead services. A landscaping plan should be submitted with an application for subdivision to allow the proposed landscaping to be assessed.	A landscape plan has been submitted and includes the proposed location of street trees. Proposed species include <i>Prunus Nigra</i> and <i>Hymensporum Favun</i> spread evenly across each allotment while allowing sufficient distance to cater for driveway access. The tree species and location will be accordingly conditioned, including the requirement of a detailed landscape plan.	Yes
Footpaths	Where footpaths exist in the vicinity of a development, it is preferred that the footpath is continued across and/or within the development. Footpaths should be of appropriate width to accommodate the anticipated pedestrian and bicycle traffic and of suitable construction to withstand this anticipated activity. The detail of the location, construction and dimensions of proposed footpaths should be included on the landscaping plan.	The development proposes to extend footpaths from Kingsway Drive into the site, including Waterford Circuit. Street sections have been provided and demonstrate footpaths will be 2m wide. Footpaths will be on one side of each road throughout the subdivision, the design and dimensions of the footpaths will be conditioned accordingly.	Yes
Street Lighting	Street lighting on public roads is to be designed in accordance with the Road Lighting Design Standards as nominated in AS1158 Lighting for Roads & Public Spaces. The proposed locations and types of street lighting is to be shown on the Landscaping Plan.	Street lighting will be in accordance with relevant standards and appropriately conditioned.	Yes
Building over sewer	To comply with Council's Building Over Sewer Policy 2016	An investigation by an independent consultant into the capacity and ability of	Yes

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		<p>the current Sewer Pump Station No 9 to meet the projected loadings for the expansion of the area in line with the plans and information submitted with the development application was undertaken. The analysis indicates that the pumping and associated hydraulic equipment will require upgrading to cope with both the short-term staged growth and the long-term final growth of the subdivision. Due to it being operating pump station, the required works be arranged and carried out under Council's direct supervision by the nominated contractor and the applicant be billed accordingly via a private works arrangement to be completed prior to works commencing.</p>	
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The proposed development generally complies with the Development Control Plan controls. With one variation for reduction in widths to proposed lots justified in the submission to be approved by Council.

**S4.15 (1) (a) (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.**

A Voluntary Planning Agreement (VPA) is to be entered with Council as part of the subdivision to allow for dedication of Lot 217, consistent with recent case law in L & G Management Pty Ltd v Council of the City of Sydney [2021] NSWLEC 1084. The dedication will occur through the following process:

- The Consent will be recommended with a deferred commencement condition to ensure the details and requirements of section 7.4 are met prior to the consent becoming operational.



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- A condition of the consent will be included, which will outline that lot 217 is to be dedicated via a Voluntary Planning Agreement to be executed prior to any subdivision works certificate and registered on the title.
- Prior to dedication, a number of pre-conditions will be required to be met, including all civil and stormwater works within the Lot to be completed.

**S4.15 (1) (a) (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)**

Division 1 of Part 4 of the *Environmental Planning and Assessment Regulation 2021* specifies additional matters that must be taken into consideration by a consent authority in determining a development application.

Consideration of these matters is included below:

- **Clause 61 - Building Demolition** – no demolition is proposed.
- **Clauses 62 – Fire Safety Upgrades** – not relevant to the proposal.
- **Clause 63 - Temporary Structures** - not relevant to the proposal.
- **Clause 64 – Upgrade of buildings** – not relevant to the proposal.
- **Clause 67 - Modification or surrender of development consent or existing use** - not relevant to the proposal.
- **Clause 68 - Voluntary surrender of development consent** – not relevant to the proposal.

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**S4.15 (1) (b) the likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality**

- **Context and Setting** – The proposed land use is residential which is consistent with the existing R1 General Residential zone, of and surrounding the site. The site, specifically Stage 2, is removed from the IN1 Light Industrial zoned land to the south by approximately 340m and is predominately surrounded by low density residential. The proposal has provided a flood report which demonstrates that impacts external to the site will be negligible with no affluxes that affect existing dwellings, with a reduction in flood levels to existing dwellings on the western side of the site.

The site is in proximity to Narromine town centre, which provides key services including supermarkets, health care, Narromine High School, Narromine Public School and Narromine Sports and Fitness Centre. These services will cater for future residents.

- **Access and Traffic** – A traffic impact assessment (TIA) was submitted with the application and was reviewed by an external consultant. The following comments were provided:
  - *The TIA is addressing Stage 2 and 3 of the development.*

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

- *The following items have been identified as requiring an RFI*
  - *The traffic generation rate for the development used is 0.71 trips per dwelling during the AM Peak and 0.78 trips during the PM peak as per the Guide to Traffic Generating Developments. While these rates are the average for low-density regional dwellings, the maximum rates are 0.85 in the AM Peak and 0.90 in the PM Peak period. It is recommended trip generation, and subsequent impact is assessed using the maximum rates. This is because the worst-case scenario needs to be accounted for. Considering the limited public transport available, the higher vehicle trip generation rate should also be adopted as trip generation is likely to be more towards the maximum trip generation rates.*
  - *The TIA does not acknowledge any crash history. Transport for NSW Centre for Road Safety crash data is to be analysed at key intersections controlling access to the site. This needs to be addressed in the background section of the report and is important as it may identify any existing road safety issues.*
  - *The modal split has not been determined. A modal split based on ABS census data for Narromine is to be provided. The modal split is important as it identifies the preferred mode of travel for residents in Narromine which then may impact trip generation.*
  - *A swept path test of a 9.25 metre long council garbage truck needs to be undertaken to ensure this vehicle can safely access and manoeuvre within the site.*
  - *Sidra Intersection analysis needs to be undertaken at the intersection of Kingsway Drive and Manildra Street as there will be a significant increase in the number of vehicles accessing Kingsway Drive (coming off a low base). Sidra intersection analysis should be undertaken in a network and not as two individual intersections as to measure cumulative impacts.*
- *The following is recommended to be conditioned as a part of any consent:*
  - *A Road Safety Audit is to be undertaken at the intersection of Manildra Street and Kingsway Drive before the issue of any construction certificate. 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.*
  - *A Construction Traffic Management Plan is to be completed and approved before the issue of a construction certificate of any housing.*
- *If the above issues in the RFI can be addressed and conditions are accepted, approval of the development can be supported.*
- *The applicant updated the TIA on the 28 July 2022. The revised TIA was reviewed by an independent consultant who confirmed the revised TIA had responded to the matters raised, specifically:*

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

- the TIA is addressing Stage 2 and 3 of the development.
  - the appropriate trip generation rate as previously advised has been used.
  - crash history has been included in Section 12 of the report and indicates no underlying road safety issues.
  - while a mode split for Narromine has not been included, it is not considered it significant enough to affect the outcome of the assessment.
  - there is limited benefit from public transport to the site.
  - The SIDRA intersection results indicate negligible traffic impact.
  - That the SIDRA intersection network has been undertaken as a network.
- **Public Domain** - Works are proposed in the public domain relating the stormwater connection in proposed Lot 217 and space for a playground and recreation in accordance with Council's DCP. The landscape design includes accessible elements, making good use of the site's relatively flat topography, include a mix of activities to cater for a variety of ages and abilities, while also providing stormwater detention basin to cater for flood and stormwater impacts. Planting has been used to assist with wayfinding, which assist with understanding of road hierarchy and will help establish the area's character. The landscape plan shows street tree planting that is regular and has an offset structure, this design will be accordingly conditioned.
  - **Utilities** - it is proposed the subdivision will connect into the existing watermain on Kingswood Drive. Proposed watermains will then extend through the site following the proposed road network. The proposed allotments will be connected to the existing electricity easements and a Notice of Arrangement to connect will be a condition of consent, to ensure suitable supply has been provided to each lot.

The proposed allotments are to be connected to the existing sewer line and sewer lines will be extended throughout the site. The proposed development has been adequately sited to allow each proposed lot access to the reticulated water and sewage. Concept engineering plans showing the plans of sewage connection have been provided. An investigation into the capacity and ability of the current Sewer Pump Station No 9 to meet the projected loadings for the expansion of the area in line with the plans and information supplied by the applicant was undertaken. The analysis indicates that the pumping and associated hydraulic equipment will require upgrading to cope with both the short-term staged growth and the long-term final growth of the subdivision. Please note that upgrades to the structural, civil and electrical infrastructure could be required. Due to it being an operating pump station, the required works be arranged and carried out under Council's direct supervision by our nominated contractor and the Developer be billed accordingly via a private works arrangement.

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

Proposed kerb and gutter and stormwater main are proposed to connect into an on-site detention system to be located on proposed Lot 217 and relay the stormwater to the existing Council system. Council required the applicant to consolidate multiple stormwater outlets and incorporate a gross pollutant trap(s). Appropriate infrastructure is to be provided to prevent river flows (backflows) impacting telecommunications, sewer and stormwater or the 1% AEP. This will be conditioned accordingly.

On 10 June 2022, Council requested further information to outline that all water pipes to be DN 150 or Greater. It was requested that the plans are amended so all water pipes are DN 150 or greater and it is demonstrated that minimum flows, including fire flows, and pressures can be met.

The applicant subsequently responded and demonstrated all water pipes are DN 150 or greater.

- **Flooding and Stormwater** – An RFI was issued to the applicant on 10 June 2022 which requested the following:

*A flood report and plans are to be prepared which satisfies Clause 5.21 of the Narromine Local Environmental Plan 2011, and demonstrates the following:*

- *Confirmation that the proposed development is in accordance with Council's Flood Plain Risk Management Study, including:*
  - *Certify that the development will not increase flood affectation elsewhere, including suitably manage flood impacts from developments upstream and result in no downstream impacts. When assessing flood affectation, the following must be considered:*
    1. *Loss of storage in the floodplain.*
    2. *Changes in flood levels and flow velocities caused by alteration of conveyance of flood waters.*
    3. *Impacts of urbanisation on peak flood flows and volumes.*
    4. *Any impacts on existing infrastructure as a result in a change in flood behaviour to be clarified - Flood routing and upgrades to the stormwater retention basin, spill way and auxiliary pipework; and downstream pipes and culverts is required to accommodate for the 1% EAP.*
      - *Applicant is to demonstrate that there is rising road egress/access from all allotments internal to the subdivision to land which lies above the PMF/Extreme Flood. Provide updated engineering plans and referenced within Flood Report.*
- *Council's engineers also request the following information included in the flood report and plans:*
  - *The proposed lot levels are to be demonstrated on the plans:*
    - o *The proposed finished ground levels of each lot are unknown. Consideration should be given to flood levels from Macquarie River and include consideration of the future requirement for dwellings to meet a minimum floor level (FPL – 1%AEP plus 500mm).*

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- *Overland flow paths for the 1% EAP must be shown on engineering plans:*
- *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 is to be provided to prevent river flows (backflows) impacting sewer and stormwater or the 1% AEP.*
- *The proposed development plans should clarify any required upgrades to Council's existing Stormwater lines to the north of the development for flood routing associated with AEP 1%.*
- *The development must consolidate multiple stormwater outlets and incorporate a gross pollutant trap(s). This is to be demonstrated on the engineering plans.*

A response from the applicant was provided on 5 September 2022. The applicant was requested to update the flood report on 23 September 2022 to ensure 5.21(2)(b) was satisfied. Specifically, that the development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties. An updated flood report was provided on 27 October 2022. The report concludes that impacts external to the site will be negligible with no affluxes that affect existing dwellings, with a reduction in flood levels to existing dwellings on the western side of the site.

This report was accepted by Council's engineering dept as meeting the LEP requirements. Yes, however Lots 362, 363, 366, 367 and 368 may have to be constructed on piers.

Design of the stormwater network including the drainage channel, GPTs, retention basin and associated infrastructure can be conditioned as prior issuance of the Subdivision Certificate.

- **Heritage** – No items of European or Indigenous heritage are located on the site. Past investigations indicate no archaeological or significant sites have been identified in close proximity of the site and it has been entirely cleared in the past. No sandstone outcrops are evident and no known areas of importance to the Aboriginal community are located within the site. Nevertheless, conditions of consent have been included if items of heritage significance are discovered during construction.
- **Other land resources** – N/A

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- **Bushfire** – A Bushfire Hazard Assessment has been completed and submitted with the development application, the bushfire report was subsequently updated 23 August 2022 to respond to the inclusion of Stage 3. The report found that the proposed development is compatible with the subject land in regard to land mapped as bushfire hazard. The affected residential allotments of 392 – 394 are of sufficient size and shape to allow a suitable building envelope to be nominated that will allow any future dwelling to be located outside the mapped buffer area. Due to the exclusion criterion of A1.10 and the distance from any grassland on the southern lot, no prescribed setbacks or APZ are required on this land. The remainder of the site is not affected by the potential bushfire hazard and will be subdivided; therefore, no provision is required.

The roads proposed with the subdivision are two-way sealed roads with a carriageway of 8-10 metres with a road corridor of 20 metres. Hydrants will be placed to ensure they are not obstructed by parked vehicles and will be appropriately conditioned to ensure compliance with PBP 2019. All residential lots in the proposed subdivision will be supplied by reticulated water, with appropriate hydrants located near the proposed road. The location of these hydrants are to be shown on the submitted civil design plans.

Non-combustible fencing could be proposed as a condition of consent on these allotments, and consideration should be given to any future landscaping to conform with the requirements of PBP 2019.

The Development Application was referred to the Rural Fire Service as part of the Integrated Development Application and General Terms of Approval were provided, updated General Terms of Approval were provided on 27<sup>th</sup> September 2022 following re-referral.

- **Surface Water and Groundwater** – The concept stormwater design is adequate and full details of the proposed on-site detention system and stormwater disposal system will be prepared and endorsed prior to the issue of the Subdivision Works Certificate.
- **Soils** – A cut and fill plan has been prepared by the applicant as well as details on construction the stormwater detention. It will be conditioned that a geotechnical report and erosion and sediment control plan will be required prior to works commencing. This will inform pavement design.
- **Air & Microclimate** - No advise impacts are anticipated.
- **Noise and Vibration** - No advise impacts are anticipated. Conditions are to be included to control and mitigate noise impacts during construction.
- **Flora and Fauna** – No native fauna/flora is to be removed. The site is currently void of vegetation.
- **Waste** – A Construction Waste Management Plan is required to be prepared as a condition of consent.

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- **Natural Hazards** – Natural hazards are addressed – bushfire potential, and flooding potential.
- **Technological Hazards** – No known technological hazards are present.
- **Safety Security and Crime Prevention** – The proposed development is designed to comply with crime prevention principles. It is not anticipated that the development will result in adverse impacts in regard to safety and crime prevention within the locality. The design allows for the passive surveillance through all allotments providing a frontage to a street and proposed Lot 217 detention basin.
- **Social Impact in the Locality** - The proposal will have a positive social through increasing housing supply and creating open space in close proximity to future residential dwellings. The site is in close proximity to Narromine town centre which provides key services for future residents.
- **Economic Impact in the Locality** – The proposed development will positively stimulate the local economy by creating new residential lots for future dwellings in accordance with the R1 Residential Zone objectives. The proposed works will also create employment during construction.
- **Construction** - Construction impacts are expected to be short term and limited to the construction program. A Construction Site Management Plan (CSMP) will assist in managing identified impacts and will likely be developed by the contractor (to be conditioned).
- **Site Design and Internal Design** – The proposed subdivision layout is considered acceptable. All lots will have access to a public road and footpaths. Street tree planting has been provided at regular intervals between each allotment while also providing for sufficient future driveway access. Whilst some allotments do not comply with 25m frontage requirement of the DCP, this is only a minor compliance and is consistent with the subdivision pattern approved as part of Stage 1.
- **Cumulative Impacts** – There are no adverse cumulative impacts from the proposed development.

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**S4.15 (1) (c) The suitability of the site for the development,**

The site has previously been approved for additional residential lots and new roads. The capacity to support the proposal residential subdivision without creating adverse impacts on the site and adjoining land has been sufficiently demonstrated. The residential subdivision will be wholly located within the site. The proposed development will be in character for the residential area and will not lead to cumulative impacts on the environment, neighbouring land-uses, cultural or heritage items. The proposed subdivision will enhance the site by increasing tree planting and providing recreational areas to support future residents.

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

**S4.15 (1) (d) Any submissions made in accordance with this Act or the regulations,**

The development was notified/advertised. Two (2) submissions were received during the exhibition period the matters raised are outlined in the table below:

<b>Matter</b>	<b>Response</b>
<p><b>Traffic Issues</b></p> <p>Number of vehicle movements including visitors.</p> <p>The proposed subdivision does not appear to include a detailed traffic impact statement addressing the impact the development will have on the local traffic network, nor the truck and vehicle movements for the site.</p>	<p>A review of the TIA prepared was undertaken by an independent consultant. This resulted in further assessment and updates to the TIA were undertaken which were deemed satisfactory, this included a SIDRA analysis.</p>
<p><b>Size of Allotments</b></p> <p>Whilst the proposed subdivision meets the minimum lot size of 450m<sup>2</sup> for R1 zoning purposes, the subdivision does not respect the predominant adjoining subdivisions and development patterns of Crossley Drive and Redgum Place which range from 4300m<sup>2</sup> to 20 000m<sup>2</sup>. The subdivision is considered to be medium density to high density with no buffer between either of the predominant adjoining developments, apart from drainage and recreational reserve on the north eastern portion of the subdivision.</p> <p>Blocks 370 to 374 adjoin two existing and developed large residential blocks. This scale of development does not provide adequate separation between the neighbouring properties for visual and acoustic privacy, not does it provide a reasonable level of view sharing between the development and the neighbouring dwellings.</p> <p>Council's DCP provides that the minimum width of an allotment at the front boundary must not be less than 25 meters. There are a number of proposed lots which do not meet this requirement i.e. lots 370, 361, 369, 251 – 256, 246, 247 etc.</p>	<p>The proposed subdivision meets and significantly exceeds the minimum 450sqm minimum allotment size requirement of the LEP. The subdivision is considered low density residential. Any development application for dual occupancy would be treated on its merits in the future.</p> <p>Blocks 370 to 374 are not subject of the application and will be assessed as part of Stage 3 subdivision application. Appropriate mitigation measures may be introduced during the preparation and assessment of that subsequent DA.</p> <p>As outlined in the DCP assessment above, the lot width is deemed sufficient.</p>



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<p><b>Building Heights</b></p> <p>The proposed subdivision is located in Flood Prone land. As such minimum building floor levels heights required satisfy the 1 in 100-year flood levels will be required to meet development conditions of consent. These buildings will therefore directly overlook the private open spaces of Lots 5 and 4 DP 1083159. The erection of rear boundary fencing at the required standard of 1.8 m will not provide adequate noise and privacy reduction measures, critical to maintaining the amenity of the neighbours.</p>	<p>A condition of consent will be included to provide sufficient screen planting to adjacent Lots 4 and 5 in DP 1083159 to Council's satisfaction.</p>
<p><b>Bushfire Prone Land</b></p> <p>The bushfire report submitted by the applicant concludes that the mapping of this vegetation is highly likely to be the result of an error, as the mapped land consists purely of short grass vegetation.</p> <p>The mapped bushfire prone area to the east of the development consists of established trees and not just grassed areas</p>	<p>The Bushfire Hazard Assessment was reviewed and is deemed satisfactory. General Terms of Approval was also provided by RFS and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997. Non-combustible fencing could be proposed as a condition of consent on impacted allotments that are affected.</p>
<p><b>Sewer</b></p> <p>It is noted that Lots 4, 3, 2 and 1 of DP 1083159 have a 75 m wide restriction on the rear boundaries. It is understood this restriction was placed on the land as the fall ratio in these areas is inadequate. It is therefore unlikely that Council's sewer system will be able to accommodate increased sewerage with all proposed residences sewer discharging into the existing overburdened upstream manhole of the sewer pump station located in Lot 6 DP1083159.</p>	<p>An investigation into the capacity and ability of the current Sewer Pump Station No 9 to meet the projected loadings for the expansion of the area in line with the plans and information supplied by the applicant was undertaken. The analysis indicates that the pumping and associated hydraulic equipment will require upgrading to cope with both the short-term staged growth and the long-term final growth of the subdivision. As it is an operating pump station, the required works be arranged and carried out under Council's direct supervision by a Council nominated contractor and the Developer be billed accordingly via a private works arrangement to be entered prior to works commencing.</p>

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<p><b>Drainage</b></p> <p>The Waterford Circuit development together with proposed expansion of the industrial precinct will increase stormwater flow quickly during rain events. Runoff from the rural catchment already pools in the existing detention basin on the north eastern portion of the property. Further urban and industrial development is likely to cause significant backflow flooding adjoining properties.</p>	<p>An RFI was issued on 10 June 2022 requesting a flood report to ensure no impacts to adjoining properties. This was subsequently provided on 5 September 2023, Council subsequently requested further updates to the flood report and was provided on 27 October 2022 and outlined that the impacts external to the site will be negligible with no effluxes that affect existing dwellings, with a reduction in flood levels to existing dwellings on the western side of the site.</p>
<p><b>Water Service Provision</b></p> <p>The development proposes to use Council's existing water reticulation facilities. Whilst it is likely that Council will be able to provide water capacity to the proposed development it is unlikely to be able to provide the appropriate pressure. The capacity of the existing reticulated water system will not cope with an additional demand. There is nothing in the concept civil design suggesting installation of bigger mains pipes to carry the necessary flow needed. It is relying solely on tapping into Council's already overburdened infrastructure. This would adversely affect existing water pressure to adjoining properties. There are no identified fire hydrants in the Concept Civil Design.</p>	<p>On 10 June 2022, Council requested further information to demonstrate that all water pipes would be DN 150 or greater and to demonstrate that minimum flows, including fire flows, and pressures can be met. The applicant subsequently responded on the 5<sup>th</sup> July 2022 and demonstrated: This plan has been updated to show water pipes as 150DN or greater. Water pressure modelling has been completed by GCA.</p>

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**Legal and Regulatory Compliance**

Environmental Planning and Assessment Act 1979  
Environmental Planning and Assessment Regulation 2021

**Risk Management Issues**

Manages expectation and demand and supports growth in the Shire by clarifying development standards for residential subdivision.

The Voluntary Planning Agreement will ensure land dedication process addresses any risk to Council.

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**Internal/ external Consultation**

Consultation and exhibition periods were carried out in accordance with the Community Participation Plan and Environmental Planning and Assessment Act/Regulation.

**Attachments**

(Annexure A)

As this is a planning decision made in the exercise of a function of a Council under the Environmental Planning and Assessment Act 1979, including a decision relating to an environmental planning instrument under that Act, a division is required to be called.

**RECOMMENDATION**

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:

**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.

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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*.

<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

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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.

- 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.

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**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.

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.

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

**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.

**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:

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

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

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

**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.

**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 bought on by the increase in traffic.



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**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.

**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.

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

**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).
- 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.

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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, WSA 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
  - 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

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- 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.*

- 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;

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- 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;
  - 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.

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**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.

**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,

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- 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.

### **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.

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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.

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

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**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.



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**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

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- 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.