

NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 9 SEPTEMBER 2020
REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT

1. PROPOSED NEW ROAD NAMES – NARROMINE AVIATION BUSINESS PARK

Author Director Community and Economic Development
Responsible Officer Director Community and Economic Development
Link to Strategic Plans CSP – 2.2 Ongoing development, diversification and sustainability of the local business and industry base

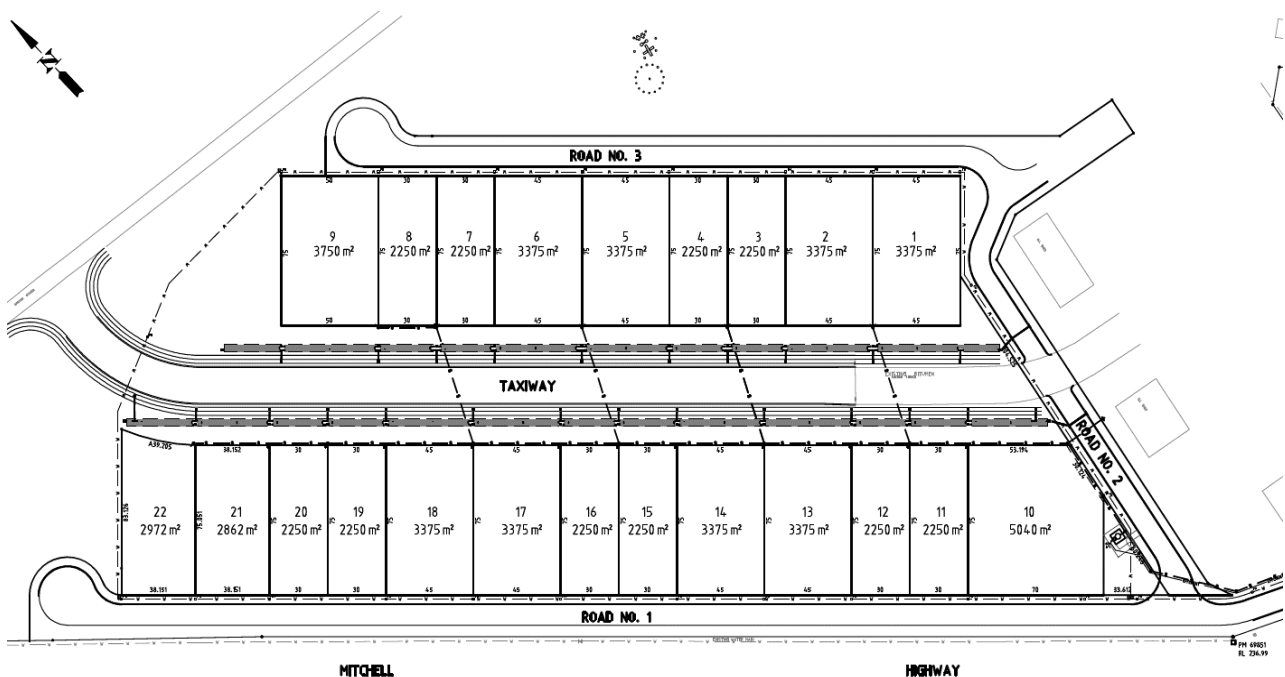
Executive Summary

This report is presented to Council to consider and adopt the proposed new road names for the Narromine Aviation Business Park subdivision.

Report

The proposed subdivision and development of the Narromine Aviation Business Park at the Narromine Aerodrome is progressing with sealing works now programmed to finalise the works at the development. At the Council meeting of the 8 July 2020 Council considered the proposed road names and resolved to

1. Adopt the use of the names Powell, Hayden and Pay for Roads 1, 2 and 3 respectively.
2. Adopt Johnston and Coomber, and Butler as alternatives should those outlined at item 1 not be suitable or other names be required at a later time at the aerodrome precinct.
3. Publish notice of the proposed road names on Council's website and notify all relevant parties of the proposal in accordance with requirements of the Road Regulation 2018.
4. Duly consider any submissions for final adoption and gazettal.



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1. PROPOSED NEW ROAD NAMES – NARROMINE AVIATION BUSINESS PARK (Cont'd)

The proposed names were put on public exhibition on the 16 July 2020 with public submissions closing on the 13 August 2020. Twelve submissions were received from the public. A copy of these submissions have been provided to Councillors under separate cover. In summary these submissions outline:

Submissions	Issues to be highlighted
Twelve submissions from the family, friends, student pilots and colleagues of Ewen Thomas David Jones	Highlighting to Council the oversight of not including recognition of Mr Ewen Jones when considering the naming of roads within the Aviation Business Park Precinct.
	<p>The significant contribution of Mr Ewen Jones to the Aviation industry in Narromine and his contribution to aviation more widely.</p> <p>Mr Jones was a member of the Narromine Aero club from 1947 to 1976.</p> <p>From the age of 21 served in the RAAF in Canada, UK, Middle East and India.</p> <p>From 1960 was a full time flight instructor training over 270 people for their first solo flights.</p>
	Submissions received recognize the significant contribution of all of those put forward for names to be included as road names within the Aviation Business Park.
	<p>Submissions received highlight many anomalies and potential duplications of names within the Narromine area that have been approved in the past.</p> <p>(Note previous approval methodology is not considered in making this recommendation in regards to the naming of roads in the Aviation Business Park).</p>

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1. PROPOSED NEW ROAD NAMES – NARROMINE AVIATION BUSINESS PARK (Cont'd)

The proposed road names must meet with the approval of the Geographical Names Board of NSW. There are a number of principles supported by the Geographical Names Board that are highlighted in the NSW Address Policy and User Manual (October 2019). These include:

- Road names shall not be offensive, racist, derogatory or demeaning.
- Road names shall not be misspelt. In particular, the spelling of personal names shall be able to be validated by reference to primary sources.
- Commercial and business names should not be used.
- Road types should not be used in the formation of a road name.
- When commemorating a person only one of the person's names shall be used. Eg a given name or surname.

In regards to commemorative names it is not appropriate to use nicknames as an alternative to an official name for the purpose of road naming. Initials of a given name should not be used and Local Governments should make every effort to consult with family members of the person who is to be commemorated.

There are a number of additional principles that are used when suggesting and approving a Road name. These include:

- Road names shall not risk public and operational safety for emergency response, or cause confusion for transport, communication and mail services. Many emergency responses and other public services are determined by the clarity of road names and road extents.
- Uniqueness is the most essential quality to be sought in proposing a new road name. A road name will be regarded as a duplicate if it is the same or similar in spelling or sound to an existing name regardless of the road type.

In summarizing the results of the public comments in regards to the naming of the new roads there is no doubt that Mr Ewen Thomas David Jones has made a significant contribution to the aviation industry and should be commemorated along with those others that have been put forward.

It should also be noted that the use of the surname 'Jones' cannot be utilized as it would duplicate two other road names within the locality being Jones Circuit and Jones Road (off Sharkey's Lane).

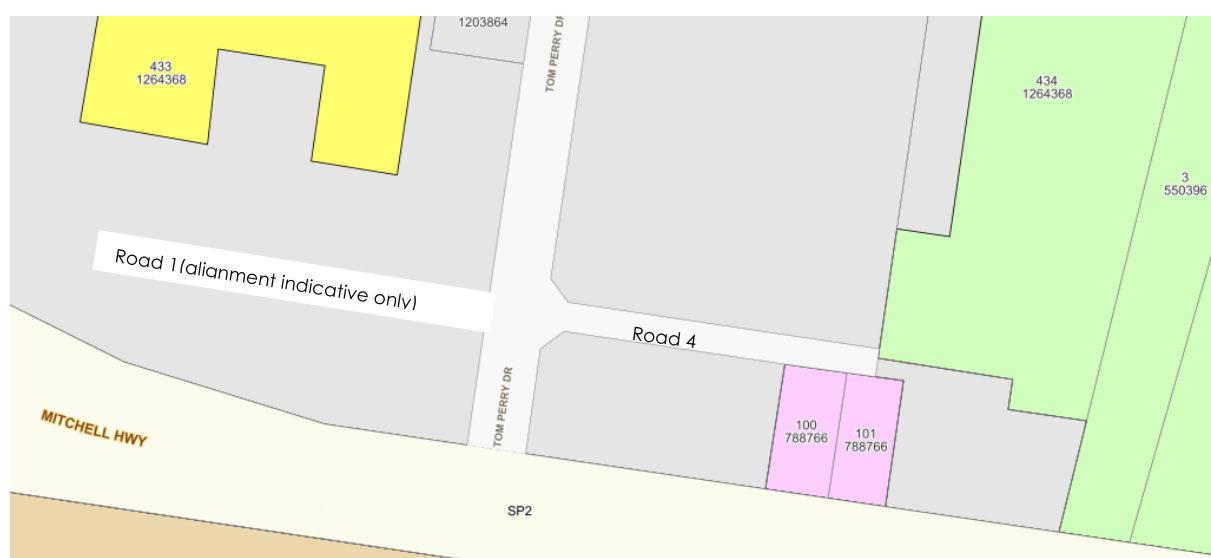
The family of Mr Jones do suggest a number of alternative names that could be utilised in the naming of a road that should be considered. One of the names suggested is the use of the name 'Ewen'. Given that this name does not conflict with the principles outlined above and given that the Geographical Names Board has found no conflicts with this suggestion utilizing the name Ewen should be considered.

1. PROPOSED NEW ROAD NAMES – NARROMINE AVIATION BUSINESS PARK (Cont'd)

ADDITIONAL ROAD TO BE NAMED AT AERODROME

The creation of Road Number 1 (as outlined on construction plans) highlights that there is a crossroad created at Tom Perry Drive and an additional unnamed road between Tom Perry Drive and the Caravan Park. This is highlighted below as Road Number 4.

Item 6.7.7 in the NSW Address Policy and User Manual in regards to Road Extents outlines: 'A road name shall apply from one end of the road to the other ie. the point where the road finishes or intersects with another road or roads'. Given that this new intersection will be built, the road is not named and the alignment is not continuous, it is reasonable to include this as Road Number 4 to be gazetted accordingly.



CONCLUSION

Following public consultation it is recommended that the names of Pay, Powell, Hayden and Ewen be utilised in the naming of roads 1,2,3 and 4 within the Aviation Business Park and aerodrome precinct.

Financial Implications

This consultation has been facilitated in house by Council staff. There are no additional financial implications.

Legal and Regulatory Compliance

- Roads Act 1993
- Roads (General) Regulation 2018
- NSW Online Road Naming System
- Australian Standards AS1742.5-1997 and AS4590-2006
- New South Wales Address Policy (October 2019)
- New South Wales Addressing User Manual (October 2019)

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1. PROPOSED NEW ROAD NAMES – NARROMINE AVIATION BUSINESS PARK (Cont'd)

Risk Management Issues

Risk management issues are considered minimal in the adoption of the recommendation.

Consultation

Reference to Statement of Environmental Effects

Public exhibition of proposed road names

Consultation with family members

RECOMMENDATION

That Council:

1. Adopt the proposed road names

Road name	Description
Hayden Place	Road 1
Ewen Way	Road 2
Powell Court	Road 3
Pay Close	Road 4

2. Adopt the names Coomber, Butler and Johnston as alternatives should those outlined at item 1 not be suitable or other names be required at a later time at the aerodrome precinct.
3. Publish notice of the proposed road names on Council's website and notify all relevant parties of the proposal in accordance with requirements of the Road Regulation 2018.

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2. DEVELOPMENT APPROVALS

Author	Director Community and Economic Development
Responsible Officer	Director Community and Economic Development
Link to Strategic Plans	CSP – 3.1.6 – Encourage developers to consider energy efficiency and sustainable building design options in new developments DP – 3.1.6.1 - Ensure compliance with relevant building codes and regulations

Executive Summary

This report provides information to Council on the approved Development Applications for the month of August 2020.

Report

The approvals for the month of August bring the total approved Development Applications for the financial year to 8 with a total value of \$8,315,888

DA No.	Location	LOT/DP	Description	Value	Assessment Time/Days
2019/70	Dappo Rd, Narromine	57 & 58 / 755131	Seniors Living, Torrens Title Subdivision	\$7,500,000	77
2020/15	Wyanga Rd, Narromine	58/755123	Dwelling	\$490,000	9
2020/20	McNamaras Ln, Narromine	3/1002601	Shed	\$10,880	7
2020/22	Harris ST, Trangie	8/759193	Transportable House & Shed	\$60,008	32

There are currently 15 applications under assessment.

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979
Environmental Planning and Assessment Regulation 2000

Risk Management Issues

Nil

Internal/ external Consultation

Nil

Attachments

Nil

RECOMMENDATION

That the information be noted.

3. DEVELOPMENT APPROVAL DA 16-2020 (DAPPO ROAD SUBDIVISION)

Author	Director Community and Economic Development
Responsible Officer	Director Community and Economic Development
Link to Strategic Plans	CSP – 3.2.2 Ensure regulatory compliance with environmental legislation DP - 3.1.6.1 Ensure compliance with relevant building codes and regulations.

Executive Summary

Council's consent is sought for the approval of Development Application 16-2020. Dappo Road Subdivision. The subdivision is of Lot 59 DP 755131, 110 Dappo Road Narromine.

The application is for the subdivision of one lot to enable the development of public roads, a 15 lot Torrens title residential subdivision as well as one lot for public infrastructure (sewer pump station).

Report

Council's consent is sought for the Dappo Road subdivision at lot 59 DP 755131. The proposal relates to land zoned as R1 and would allow for the subdivision into 15 Torrens title residential subdivisions and one lot for public infrastructure.

The development was notified to Departments and Agencies as well as to neighbours. The proposal does not contravene the planning regime that applies to the land. The impacts of the development are considered to be within reasonable limits, consistent with applicable standards and addressed by appropriate conditions of development consent. Approval of the application is recommended.

The assessment report and the development of the conditions of consent was undertaken by Strategy Hunter.



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3. DEVELOPMENT APPROVAL DA 16-2020 (DAPPO ROAD SUBDIVISION) (Cont'd)

Outline of proposed subdivision below:



Decision Framework

Development in Narromine is governed by two key documents, the Narromine Local Environmental Plan 2011 and the Narromine Development Control Plan 2011. State Environmental Planning Policies were also considered during the assessment.

Local Environmental Plans

The Narromine Local Environmental Plan 2011 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 demolition, subdivision and residential development with consent of Council. The proposed development-subdivision – is a permissible use in the R1 zone under land use table for the zone.

3. DEVELOPMENT APPROVAL DA 16-2020 (DAPPO ROAD SUBDIVISION) (Cont'd)

Clause 2.3(2) of the Narromine Local Environmental Plan 2011 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 [property zoning] 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 development is consistent with the objectives of the R1 General Residential Zone. The proposed development is unlikely to have any adverse impacts on the existing residential area to the north.

However, the proposed development may incur land-use conflict with the agricultural activities adjacent to the east and south. Generally, the agricultural activities to the east and south are grazing and forage growing. Land use conflict may arise from dust, spray drift, and machinery noise (particularly at night). It is noted that the land to the east is zoned R1 residential, and a development application for a residential subdivision and aged housing development has been lodged with Council. The land to the south is zoned R1 and is in the same ownership.

In addition, activities at the showground to the east along Dappo Road may generate traffic and create short term nuisance along Dappo Road, However this is likely to be infrequent and very short duration.

The following provisions of the Narromine Local Environmental Plan 2011 have been especially considered in the assessment of the proposal:

Clauses:

2.6 Subdivision. The proposal seeks consent for subdivision of land. This is permissible in the R1 zone.

4.1 Minimum subdivision size. The minimum lot size is 450 sq m as shown in Map LSZ 004A in the LEP. All proposed lots are greater than 450 sq m.

4.3 Height of Buildings. There is no applicable maximum building height. This clause was not adopted in the Narromine LEP.

4.4 Floor Space Ratio. There is no applicable maximum floor space ratio. This clause was not adopted in the Narromine LEP.

4.6 Exceptions to Development Standards. No exception is sought.

5.10 Heritage Conservation. There is no listed heritage item on the Site as shown in Map HER 004A in the LEP. However, the LEP shows heritage item 120 – Narromine Cemetery immediately west, across Tomingley Road. It is considered the proposed development will have minimal impact on the heritage values of the cemetery because of the separation resulting from the Tomingley Road reserve, the avenue effect of the tree planning along Tomingley Road (which tends to define spaces), and the proposed buffer landscape screening along the western side of the development adjacent to Tomingley Road. An AHIMS has identified no aboriginal places or sites within a 200m radius of the site.

3. DEVELOPMENT APPROVAL DA 16-2020 (DAPPO ROAD SUBDIVISION) (Cont'd)

6 Earthworks. Earthworks will be undertaken as part of the development of the subdivision. These earthworks are not likely to involve major cut or fill given the flat nature of the land. The earthworks are likely to relate to the making of roads, preparation of flat sites for floor slabs, and the trenching of underground drainage and services. Suitable conditions should be included in the development consent to ensure the impact of these earthworks is satisfactory.

6.2 Flood planning. The Site is not within the flood planning area described in Map FLD 004A in the LEP.

6.3 Stormwater. The proposal will impact on the volume and flow of stormwater. Accordingly, the impact of the development on stormwater needs to be considered consistent with Clause 6.3 (3) of the LEP. See later detail.

6.4 Terrestrial Biodiversity. Not applicable. The site is not shown in Map BIO 004 in the LEP.

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.

6.6 Groundwater Vulnerability. The site is identified as being vulnerable land in Map GRV 004 of the LEP. 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.

6.7 Wetlands. Not applicable. The site is not within or adjacent to a wetland as shown in Map WET 004 in the LEP. However, it should be noted that the stormwater from the proposed development will eventually drain into the Narromine wetlands area.

6.8 Essential Services. Essential services – reticulated water, reticulated sewerage, electricity, stormwater drainage, road access and telecommunications appear to be available.

6.9 Airspace Operations. Not applicable. The proposal will not penetrate the Limitation or Operations Surface of Narromine Airport.

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

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

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

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

Chapter 2 states the following residential objectives:

- to conserve the local character and amenity of the Narromine Shire, and to protect and encourage a rural lifestyle, based on community values.
- to ensure that new development does not impact negatively on the amenity, privacy and views of adjacent development.
- to reduce the potential for land use conflict.
- to ensure development is consistent with the character of the streetscape

3. DEVELOPMENT APPROVAL DA 16-2020 (DAPPO ROAD SUBDIVISION) (Cont'd)

The proposed development appears to be largely consistent with these objectives, notwithstanding the potential for occasional land use conflict with the adjacent rural uses- it is noted that there is undeveloped residential land to the south (Lot 60), and the land to the east is subject to a development application for residential purposes. When this land is developed the potential for land use conflict with development on Lot 58 will be reduced.

Financial Implications

There are no financial implications in regards to the resolution of the Development Application.

The Financial contribution towards the overall project has been the subject of other reports to Council.

Legal and Regulatory Compliance

Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulations 2000 Roads Act 1993

Risk Management Issues

Nil

Consultation

The development was notified/ advertised for exhibition from 18/05/2020 to 01/06/2020.

One submission was received raising the following issues:

1. Vehicular access to the development should be on Tomingley Road, not Dappo Road.
2. Dappo Road has considerable traffic, including heavy vehicles, and this will be exacerbated by the proposed aged development further east.
3. A fence and an avenue of trees along Dappo Road would be very attractive to visitors to the races and show.

In response:

1. Transport for NSW is requiring all vehicular access to the proposed development to be from Dappo Road.
2. Dappo Road has sufficient capacity to accommodate the additional traffic from this proposed development as well as the proposed residential development further east.
3. While a number of lots will address Dappo Road, the street trees will be maintained and where appropriate strengthened. The residential nature of the proposed development will be consistent with the residential character of the northern side of Dappo Road.

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3. DEVELOPMENT APPROVAL DA 16-2020 (DAPPO ROAD SUBDIVISION) (Cont'd)

The RMS has required a prohibition of vehicular access to the site from Tomingley Road. Further, it is considered that proposed lots 203 and 215 should not have direct vehicular access to Dappo Road for road safety reasons. The proposed prohibition of vehicular access should be formalised through a restriction to user on the relevant lots (88B instrument).

Essential Energy have not raised any issues regarding the availability of electricity to the Site.

SUMMARY

The proposed development is permissible with the consent of Council. The proposed development complies with the relevant aims, objectives and provisions of the Narromine Local Environmental Plan 2011 and the Narromine Shire Development Control Plan 2011. A section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Determination outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

As this is a planning decision made in the exercise of a function of Council under the EPA Act 1979, a division is required to be called for the motion. (section 375A, Local Government Act 1993).

RECOMMENDATION

That Council:

1. Issues consent to development application 2020/16 for the subdivision of Lot 59 DP 755131, 110 Dappo Road Narromine pursuant to the conditions of consent attached in the Notice of Determination.

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4. FINANCIAL CONTRIBUTION TO NARROMINE TURF CLUB

Author:	Director Community and Economic Development
Responsible Officer:	Director Community and Economic Development
Link to Strategic Plan:	CSP – 1.1.9 Provide active and passive recreation facilities; 4.4.5 assist in facilitating partnerships and collaboration at a local level between communities, groups, businesses and community organisations; 4.1.2 The Council elected members are representative of the community and provide strong and visionary leadership.

Executive Summary

Narromine Shire Council has been approached by the President of the Narromine Turf Club in regards to making a financial contribution towards the ground maintenance at the Narromine Racecourse. This report makes a recommendation in regards to the financial support requested and outlines the contribution made to the wider Narromine community by the Narromine Turf Club.

Report

The Narromine Turf Club leases several areas of the Narromine Showgrounds to conduct 5 TAB race meetings per year with major events being the Narromine Gold Cup held in August and the Dandy Cup held in October.

The Narromine Turf Club also facilitate the use of the showground by a number of local horse trainers maintaining the racetrack year round and caretaking the grounds immediately surrounding the race club facilities.

Over recent years the Narromine Turf Club have sought to improve the facilities utilized by the Club. This has included improvements to fencing, maintaining the racing rail, constructing a storage shed, installing a round training yard and horse walker and purchasing new starters gates.

The Narromine Turf Club is charged a fee per race meeting of \$1320 (GST Incl.) with the fees collected at the showground contributing to the overall funds utilised to operate and improve the showground facility. The Turf Club is also charged a bulk rate for water consumption utilized largely on the race track. (\$450 per ML).

The ongoing dry times experienced over the past several years, the increase in water charges and increasing facility operating costs has led to an increase in overall racecourse facility expenses. These expenses are outlined and audited by Racing NSW for the financial years ending 2017, 2018 and 2019.

Financial Year	Racecourse facility expense
2017	\$85,795
2018	\$156,885
2019	\$180,197

4. FINANCIAL CONTRIBUTION TO NARROMINE TURF CLUB (Cont'd)

The Turf Club highlight that no other Community Club in Narromine is asked to both pay for the use of the facility as well as maintain the facility to the extent that the Turf Club has. They further outline that the facility is utilised by others within the community and that the races overall provide a very positive economic and social benefit to the community. The President has outlined that these extra facility expenses have meant that the Club's cash reserves have been reduced and that future improvements such as the renewal of the fence around the parade ring and the redevelopment of the callers box may take longer to come to fruition.

Existing support from Narromine Shire Council staff

Support provided to the Narromine Turf Club by Narromine Shire Council staff is limited.

In general Council staff are tasked to maintain the buildings and ensure services to the Showground. In recent years improvements have been made to the toilet facilities and Council has provided some minor assistance to tidy the area surrounding the Turf Club facility and resealed roadway areas.

Narromine Shire Council staff have undertaken slashing in the broader areas of the showground, sprayed for weeds and enabled other facility improvements through grant funds.

The level of existing staff support does not allow for undertaking the detailed grounds maintenance to a level required by the Turf Club.

Benefits to the Community

There can be no doubt that the Narromine Turf Club and the hosting of horse racing at Narromine has a very positive benefit to the Narromine community. Race days in normal times have proven popular with the public and Narromine benefits by hosting many out of town visitors.

The facility is seen as being one of the best horse training facilities in Western New South Wales and the Narromine Turf Club contributes substantially to the overall amenity of the Narromine Showground.

Request for Assistance

The Narromine Turf Club understand that the facility needs to be kept to a high standard and that it is in the interest of the Turf Club to keep the facility to this standard to encourage trainers to utilise and provide a high quality venue to encourage horse racing. The Audited financial statements confirm that the Turf Club make healthy profits in the running of race days.

The President has asked for a financial contribution that would assist to ensure the Club continues to be successful. The potential for Council staff to contribute a greater amount of labour in support of the facility was also discussed but this may prove more expensive than a cash contribution. Splitting up the ground keeping responsibilities would be detrimental and the Turf Club Committee is best placed to ensure the grounds close to the Clubhouse are kept up to their own standards.

4. FINANCIAL CONTRIBUTION TO NARROMINE TURF CLUB (Cont'd)

A cash contribution of \$15,000 to \$20,000 is requested.

It is recommended that a financial contribution of \$15,000 is made to the Narromine Turf Club and that expected levels of service are documented.

Financial Implications

Council has not allocated any cash contribution to the Narromine Turf Club in the 2020/21 financial year budget. Any contribution would need to be sourced from existing budgets, and accounted for, during a quarterly budget review.

The Narromine Turf Club are seeking to stabilize their financial future and ensure their longevity in seeking funds to offset their costs to maintain the facility.

There is a limited ability to increase the fees of the users of the Showground in order to contribute to the Turf Club.

Legal and Regulatory Compliance

Local Government Act 1993

Risk Management Issues

There is a risk that the Narromine Turf Club will reduce its level of service in maintaining the Showground facility surrounding the main clubhouse. This will lead to reduced amenity, increased maintenance and a less desirable facility.

There is a risk that other Clubs in the Shire will see any larger financial amounts contributed to the Turf Club as setting a precedent and may request a greater amount of financial assistance. This is mitigated by the size of the contribution of the Turf Club towards the grounds maintenance.

Internal/ external Consultation

Narromine Turf Club President

RECOMMENDATION

That Council resolves:

1. That an annual financial contribution of \$15,000 is made to the Narromine Turf Club for the next three financial years, commencing in the 2020/21 financial year.
2. That the level of this contribution be reviewed prior to the budgeting process for the 2023/24 financial year.
3. That the 2020/21 contribution be allocated from Council's General Fund, and accounted for in the next Quarterly Budget Review.
4. That a summary document highlighting minimum levels of service be developed.

Phil Johnston
Director Community and Economic Development



NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under Section 4.16 of the Environmental Planning and Assessment Act 1979

APPLICANT DETAILS

Applicant: Narromine Shire Council
Address: PO Box 115
Narromine NSW 2821

APPLICATION DETAILS

Development Application Number: **2020/16**
Description of Development: **Subdivision of one lot to enable a 15 lot residential subdivision plus one lot for public infrastructure purposes**

LAND TO BE DEVELOPED

Address: 110 Dappo Road NARROMINE
Property Description: Lot: 59 DP: 755131

DETERMINATION DETAILS

Decision: **Approved subject to conditions**
Determination Date: **17 August 2020**
Approval to operate from: **17 August 2020**
Approval to lapse on: **17 August 2025**

OTHER COUNCIL APPROVALS

Sec 68 Local Government Act Nil
Roads Act Condition 46

Please address all correspondence to the General Manager, P O Box 115 Narromine NSW 2821
T: 02 6889 9999 F: 02 6889 9998 E: mail@narromine.nsw.gov.au W: www.narromine.nsw.gov.au
Office Address: 124 Dandaloo Street Narromine NSW 2821
ABN 99 352 328 405

Development Consent – DA 2020/16

A1 ADMINISTRATIVE CONDITIONS

General

1. This consent relates to the **subdivision of lot 59 to enable the development of public roads and a 15 lot Torrens title residential subdivision.**
2. The development shall be carried out in accordance with:
 - a) The table below:

Name of Plan	Drawing Number	Issue	Date
Statement of Environmental Effects		002	May 2020
Conceptual Lot Layout Option 6	17068-OPT 6	A	February 2018

- b) Other plans, specifications and supporting documentation stamped with reference to this consent.

Except where amended by plans and specifications and/or details submitted to the satisfaction of Council to meet the requirements listed in any of the following conditions.

3. Subdivision Works Certificate

Prior to the commencement of subdivision work or building work a Subdivision Works Certificate shall be obtained.

Note: If the Subdivision Works Certificate or Construction Certificate is issued by a Principal Certifying Authority that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval.

Limits of Approval

4. The consent will lapse five (5) years from the date of consent unless the works associated with the development have physically commenced.

Notes:

- *Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*

Development Consent – DA 2020/16

Development Expenses

5. 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.

Erection of signs

6. 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.
7. 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.

Essential Energy Requirements

8. As part of the subdivision, if required by Essential Energy, 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.
9. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.
10. Any proposed driveway or access into any proposed lots that will front Dappo Road or the proposed road access to the balance of the subdivision / development off Dappo Road must remain at least three (3) metres way from any electrical infrastructure (power pole) at all times to prevent accidental damage.
11. 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. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
12. Essential Energy's records indicate there is electricity infrastructure located within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements

Development Consent – DA 2020/16

and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.

B. PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE /CONSTRUCTION CERTIFICATE

Subdivision Works Certificate Application

13. A Subdivision Works Certificate (SWC) application is to be submitted to, and issued by Council or an Accredited Certifier, prior to any excavation or building works being carried out on site.
14. The plans submitted in association with the SWC application are to demonstrate compliance with the below requirements. 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 within two days of such approval and consistent with any other requirements of Clause 148E(2) Environment Planning and Assessment (EPA) Regulation 2000.

Engineering Plans

15. 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.

Road – Engineering Requirements

16. 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.

17. Complete road layout designs shall be prepared by a suitably qualified, experienced and practising person and must be submitted to Council or an Accredited Certifier for approval. Turning paths (sweep paths) for the cul-de-sac incorporating a medium rigid truck at least 12.5 metres in length shall accompany submitted design drawings, as well as plan and long sections, cross sections and pavement investigation outcomes and design for both roads.

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NOTE: The length of the waste collection truck currently in use by Council contractors is 9.1 metres in length.

18. The proposed cul-de-sac road is to be designed so that a minimum kerb line radius of 9.5 metres is achieved from the centre of the cul-de-sac. The boundary of the road reserve should be curved with a minimum radius of 14 metres. Where the head of the cul-de-sac is located on the low side of the road, special provision should be made to convey overland storm water flows through easements or drainage reserves.
19. Complete road layout designs shall be prepared by a suitably qualified, experienced and practising person and must be submitted to Council or an Accredited Certifier for approval prior to the issue of a SWC, considering the largest design vehicle. Turning paths (sweep paths) shall accompany submitted design drawings, as well as plan and long sections, cross sections and pavement investigation outcomes and design.
20. Plans showing rolltop kerb and gutter for the full frontage of the development to Dappo Road including transition treatments to the Tomingley Road intersection and with the proposed development on Lot 58 DP 755131 are to be submitted to Council or an Accredited Certifier with the application for the SWC.

Road Access – Engineering Requirements

21. Plans are to be submitted to Council or an Accredited Certifier showing an amended footway design for the Dappo Road frontage, including as a minimum, concrete dish drains or piped culverts for each of the driveway accesses to proposed Lots 200 to 202 (inclusive). The footway crossings shall be sealed across the swale to the sealed carriageway in Dappo Road from lots 200-202.

Note: Accesses may be combined, depending on stormwater management calculations and aesthetics.

22. No direct access from Dappo Road is permitted to proposed Lot 203 or 215. No direct access to Tomingley Road is permitted from any lot.
23. A min three (3) metre wide reinforced concrete vehicular crossing over the footway adjacent to the proposed ingress/egress point including splays measuring (e.g. 500 mm) to the street and (e.g. 1000 mm) perpendicular to the street and along both sides of the crossing(s), shall be designed.
24. All accesses are to be constructed in accordance with Council's Property Access and Nature Strips Policy, Austroads and relevant Australian Standards.

Footpath- Engineering Requirements

25. A footpath shall be constructed for the full width of the property on Dappo Road.
26. The construction of a concrete footpath is required. Footpath details are:
 - a) 1.5 metres wide and 100 mm thick;

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- b) for the full width of the property boundary on Dappo Road and any footpaths shown in the approved plans.

27. All footpath designs shall be in accordance with Austroads Guidelines.

Water

28. The applicant shall submit to Council or an Accredited Certifier, as relevant, engineering plans and specifications for the water main extensions, comprising of the following requirements at a minimum, to service the development:

- a) A new 150mm water main from the existing water main in Dappo Road;
- b) All works, including calculations on peak instantaneous demands and fire flow demands are to be provided and comply with AUS-SPEC 0071, AS/NZS 3500, AS/NZS 2419 and the Plumbing and Drainage Act 2011. Water demands shall include open space (gardens, lawns, etc) requirements. Note, this assessment may reveal necessary augmentation of the system by either onsite storage and/or booster sets or alternative arrangements;
- c) All designs and material selection shall comply with relevant Australian Standards, Water Services Association of Australia (WSAA) guidelines and Council requirements;
- d) Bulk/revenue water meter shall be provided at the boundary at no cost to Council;
- e) The plans are to demonstrate certification that firefighting requirements will be met.

Sewer

29. The applicant shall submit to Council or an Accredited Certifier as relevant, certified engineering plans for the design and upgrade of the sewerage system to service the development. The design is to include certification that the proposed sewer pumping station on Lot 200 has adequate capacity for this development and forecasted developments in the vicinity. The works shall comply with AUS-SPEC 0076, AS/NZS 3500 and the Plumbing and Drainage Act 2011 and relevant WSAA guidelines and Council requirements.

Stormwater

30. The Stormwater Management Plan is to be redesigned to cater for a 1 in 10 year Average Recurrence Interval (ARI) storm for underground road drainage and 1:20 ARI for aboveground road drainage (worst duration for intensity and duration for containment within road stormwater system). Drainage design must accommodate up to the 1 in 100 year ARI storm (worst intensity and duration) for overland flow. The design, plans and calculations are to be in accordance with AS/NZS3500.3 – 2003 and the Australian Rainfall and Runoff (AR&R). The redesign is to be to the satisfaction of Council or an Accredited Certifier prior to the issue of a SWC.

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31. 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.
32. 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)

Pipe Backfill

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

Landscaping

34. A detailed landscape plan to Council's or an Accredited Certifier's satisfaction is to be submitted with the Subdivision Works Certificate documentation.
35. The landscape plan is to make provision for a 1800 mm high acoustic fence on the Tomingley Road frontage, of colorbond, lapped timber or masonry materials, to Council's or an Accredited Certifier's satisfaction. The fence is to be constructed to the ground and with no gaps, in order to reduce sound transmission from Tomingley Road. The fence is to be a muted colour and compatible with the colour of native landscaping.
36. The landscape plan is to include a landscape buffer at least 3 metres in width planted with a mixture of native species of varying heights to screen the fence and subdivision beyond, on the Tomingley Road frontage. The landscape plan is also to show a streetscape plan of the Dappo Road frontage, incorporating appropriate street tree species and screening treatments for the northern boundaries of proposed lots 203 and 215.

Soil and Water Management

37. A Soil Erosion and Water Management Control Plan 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

38. 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.

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Security for Cost of Damage and Completion of Public Works

39. Prior to issue of a SWC authorising the carrying out of any work in accordance with this development consent, the applicant must provide security to the Council for the payment of the cost of the following:
- a) making good any damage caused to any property of the Council as a consequence of the doing of anything to which the consent relates,
 - b) completing any public work (such as road work, kerbing and guttering, footway construction, stormwater drainage and environmental controls) 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.
40. 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.
41. 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.

Services

42. Other services such as telecommunication, gas, electrical and lighting shall be designed by accredited persons in accordance with the relevant standards.
43. The applicant shall ensure that a terrestrial telecommunication service (telephone and internet) and adequate electrical supply is provided to all lots.

Lighting

44. Street Lighting is to comply with the relevant Australian Standard.

45. Disability Access Requirements

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

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

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The following legislation may be relevant:

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

C. PRIOR TO COMMENCEMENT OF WORKS

S138 Roads Act Approvals

46. 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.

Project Plans & Testing

47. 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:
- Sequence of operations.
 - Documented procedures and work instructions.
 - Types of equipment required, capability, maintenance and calibration.
 - Any special working environment requirements.
 - Personnel competency and skills required.
 - Criteria for workmanship and tolerances.
 - Materials required.
 - Safety requirements.
 - Reference documents.
 - Records produced.
 - Planning.
 - Verification measures.
 - Inspection, test and control points.
 - Monitoring of continuous suitability.
 - Responsibility for implementing and monitoring work process controls and rectifying any deficiencies.

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Notice of Commencement

48. The applicant is to advise Councils Engineering Manager at least 48 hours prior to commencement of any construction works on site or associated with the site, together with the approved contractor's name and address.

Erosion and Sediment Control

49. Erosion and sediment control measures in accordance with the approved soil erosion management control plan shall be installed and maintained until all disturbed areas have been revegetated.

Damage to Public Assets

50. The developer or their agent must undertake a site inspection 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.

Water Supply

51. A metered water supply point must be provided by the proponent prior to the commencement of construction of the works.

Traffic

52. 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.
53. 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.

Temporary Onsite Toilet

54. A temporary on-site toilet is to be provided and must remain throughout the construction of the project or until an alternative facility meeting Council's requirements is available on-site.

Dial Before You Dig

55. 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).

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D. DURING CONSTRUCTION

General

56. 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 construction certificate for the subdivision. Construction shall be in accordance with the most current version as approved by Council.
57. 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.

Approved hours of Construction

58. Construction work may only be undertaken in accordance with the provisions of the NSW Environmental Protection Authority – Interim Construction Noise Guideline as identified below:

DAY	HOURS
Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 1:00pm
Sunday & Public Holidays	Nil

Note: In accordance with this Interim Noise Guideline, the developer may request extension of these hours of construction where justification is provided to Council regarding the need to operate outside recommended standard hours.

Utilities

59. Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.

Land Contamination

60. Council is to be notified immediately any contaminants or hazardous substances are identified at levels of concern for human health.

Asbestos

61. 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.
62. 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.

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63. 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.

Water and Sewer

64. 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.
65. Water used for the construction, testing and commissioning of the works shall be at the applicants' cost.
66. The construction of water mains shall be as such that there is a separate and distinct water main connection wholly within the boundary of each proposed residential lot, in accordance with the Local Government (General) Regulation 2005 and in accordance with AUS-SPEC 0076, AS/NZS 3500, the Plumbing and Drainage Act 2011 and current editions of the WSAA standards and Council requirements. This work will be at the full cost to the applicant. The applicant is to arrange an inspection with Council's Engineering Department to ensure each property has a separate water supply within their respective boundaries.

Note: Stop valves are to be clockwise-close.

67. 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 and WSAA and Council requirements. This work is to be at the full cost of the applicant.

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.

68. The applicant is to arrange an inspection of the following subdivision works by Council or the PCA at the following stages of the development below:

	Item	Witness/Inspection Point
A	Drainage	Drainage <ul style="list-style-type: none"> • After laying of pipes and prior to backfill; • Pits after rendering openings and installation of step irons; and • Hydrostatic testing of drainage system.
B	Water	<ul style="list-style-type: none"> • After laying of mains and prior to backfill; • After laying of services and prior to backfill; • Hydrostatic testing; and

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		<ul style="list-style-type: none"> • Pre and Post disinfection. Disinfection of water mains and services shall be at no cost to Council.
C	Sewerage	<ul style="list-style-type: none"> • After laying of pipes and prior to backfill; – Main - air pressure testing; and – Manhole - water test for infiltration, exfiltration.
D	Civic/Roads	<ul style="list-style-type: none"> • Traffic and Pedestrian Control set up • Road formation preparation; Road pavement preparation; <p>Reinforcement details prior placement of concrete; Prior placement of seal/ wearing surface; and</p> <ul style="list-style-type: none"> • After installation of signs and line marking

69. Water used for testing shall be reused where possible.

70. Water used for testing shall only be discharged to the environment if it meets relevant discharge requirements.

Stormwater

71. The stormwater drainage system shall drain into the street drainage system located in Dappo Road.

Stormwater quality leaving the site shall comply with relevant regulations and sediment and gross pollutants shall be captured/ treated before entering the Council stormwater drainage system

NOTE 1: The use of a pump-out stormwater drainage system is not a preferred option.

NOTE 2: If stormwater is to be directed to an adjoining property prior to disposal, an easement for stormwater drainage is to be registered on the so burdened Deposited Plan prior to disposal to a public road or approved drainage inlet.

72. The construction of interallotment drainage shall be in accordance with the approved drainage plans for the subdivision.

Roads and Footpaths

73. The construction and sealing of the crossover in Dappo Road from the edge of the bitumen seal to the edge of the seal or concrete in the proposed internal road. All works must comply with Aus-Spec.

74. Access to the subject land shall only occur via the proposed access from Dappo Road. No other entrance, exit, access, gate, grid or driveway is to be constructed without the prior approval of Council.

75. Construction of rolltop kerb and gutter in accordance with the plans and specifications submitted with the application for the SWC.

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Building Materials, Plant and Equipment

76. 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.

Soil and Water Management

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

In particular, a silt fence or equivalent must be provided downhill from the cut and fill area (or any other disturbed area). The fence must be regularly inspected and cleaned out and/or repaired as necessary and all collected silt must be disposed of to the satisfaction of the Principal Certifying Authority (PCA).

Unnecessary disturbance of the site must not occur.

All cuts and fills must be stabilised or revegetated as soon as possible after the completion of site earthworks.

Stormwater and sediment controls are to comply with the “Blue Book” (Managing Urban Stormwater – Soils and Construction, Landcom).

Dust Abatement

78. 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.

Fill

79. Filling shall not be placed in such a manner that natural drainage from adjoining land will be obstructed.
80. Filling shall not be placed on land in such a manner that surface water will be diverted to adjoining land.

Essential Energy

81. 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*.

Aboriginal Heritage

82. In the event that an item of Indigenous Heritage is discovered during excavation, all work is to immediately cease and the Local Aboriginal Land Council and the NSW National Parks and Wildlife Services is to be notified. Works are not to recommence until such time as any required licenses or approvals are obtained.

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E. REQUIREMENTS PRIOR TO the ISSUE OF A SUBDIVISION CERTIFICATE

Subdivision Certificate

83. An application for a Subdivision Certificate must be made on the approved form. 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.

84. The original plan of subdivision and three (3) copies are 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 plus three (3) copies, and
 - e) All surveyor's or engineer's certification if required by the Development Consent.
85. The application **MUST** be one complete, concise package, addressing all those conditions. Failure to provide the abovementioned information in one package, will likely result in the application being refused/rejected and returned to you.
86. A right of carriageway benefiting Lot 59 is to be created burdening Lot 60 to enable a turning circle to be created.

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

87. 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.
88. 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.
89. A right of carriageway in relation to the turning circle on Lot 60 benefiting Lot 59 shall be approved by Council and registered on the title of the relevant lot(s) with Land and Property Information NSW.
90. A restriction to user prohibiting direct access to Lots 210-215 inclusive from Tomingley Road, and prohibiting direct access from Lots 203 and 215 to Dappo Road shall be approved by Council and registered on the title of the relevant lot(s) with Land and Property Information NSW.

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91. 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.

Road Dedication

92. Road 1 and 2 are to be dedicated on the final subdivision plans as public roads.
93. The applicant is to submit to Council proposed road names for the Roads 1 and 2, subject to compliance with the NSW Address Policy and User Manual.

WAE Drawings

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

- subgrade surface level
- subbase pavement level
- pavement base level
- invert levels of all pits, pipes and orifice plates
- surface levels of pits and surrounding ground levels
- drainage, sewerage & water hydraulics
- levels of spillways and surrounding kerb
- top of kerb levels at the front of the lot
- Signed inspection and Test Point/ Hold Point releases
- 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
- 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.

95. The WAE plan and report shall be submitted to and approved by Council prior to issue of a Subdivision Certificate.

Electricity

96. 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.

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Telecommunications

97. 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.

All Services Provided Within Lots

98. 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

99. 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

100. 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.

Bond

101. The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion to be held by Council for a minimum period of 12 months. The bond must be lodged with Council before a Subdivision Certificate will be issued by Council.
102. 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.

Section 7.12 Contributions

103. This consent is subject to Section 7.12 Developer Contributions and must be paid as follows:
- a) Development Applications involving subdivision - prior to the release of the Subdivision Certificate;
 - b) Development Applications involving building work - prior to the release of the first Construction Certificate;

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- c) Development Applications involving both subdivision and building work - prior to the release of the Subdivision Certificate or first Construction Certificate, whichever occurs first;
 - d) Development Applications where no Construction Certificate or Subdivision Certificate is required - prior to the commencement of any construction work or prior to any occupation, whichever occurs first;
 - e) Complying Development Certificates - prior to any work authorised by the application or certificate commencing.
104. 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.

Sewer and Water Headworks Charges

105. Sewer and Water headworks 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:

Narromine Sewerage \$3,805 per additional Lot

Narromine Water Supply \$2,450 per additional Lot

Total amount per additional residential lot: \$6,255

Calculated as follows:

15 Lots (minus one credit for existing lot)

= 14 x \$6,255 = \$87,570

Removal of Erosion and Sediment Controls

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

Completion Requirements

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

F. OCCUPATION

108. The development shall not be occupied or used prior to the issuing of a Subdivision Certificate. Where an Interim Certificate has been issued, only that part of the development to which the Certificate applies may be occupied or used.

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G. GENERAL ADVICE AND CONDITIONS

Engineering Site Supervision

109. 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 is \$157.00 per hour. Package Engineering inspections are also available for Roads, Water and Sewer in Council's current fees and charges.

Boundary Encroachments

110. 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.

Dial Before You Dig

111. 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 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.

Telecommunications Act 1997 (Commonwealth)

112. 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.

Electrical Infrastructure

113. It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW

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(www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

Lapsing of Development Consent

114. 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.

Right of Appeal

115. 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 & 8.10 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.

Review of Determination

116. An applicant may request the Council to review this determination within one (1) year 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 in respect of integrated development, or
- a determination in respect of integrated development, or a determination made by Council under Section 4.6 in respect of an application by the Crown.

CONDITIONS OF CONSENT HAVE BEEN IMPOSED TO:

1. Ensure the proposed development:
 - a) achieves the objectives of the *Environmental Planning and Assessment Act, 1979*;
 - b) complies with the provisions of all relevant environmental planning instruments;

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- c) is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
- 2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
- 3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 7.12 of the *Environmental Planning and Assessment Act, 1979*.
- 4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
- 5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
- 6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.

Date:

Jane Redden
General Manager