

**MINUTES OF THE ORDINARY MEETING OF THE CARRATHOOL SHIRE COUNCIL HELD
AT THE MERRIWAGGA COMMUNITY HALL
on Tuesday, 21 September 2021 commencing at 10.10 am**

1. PRESENT

Councillors: DL Jardine (Mayor), RF Campbell, B Furner, GR Peters, MS Armstrong and SM Groat.

Staff: General Manager Rick Warren, Director Infrastructure Services Paul Farrell, and Director of Corporate and Community Services Robert Rayner.

2. LEAVE OF ABSENCE

A request for leave of absence was received from DP Fensom and WR Kite.

1774 RESOLVED that the request for leave of absence from DP Fensom and WR Kite be received and leave be granted.

CARRIED

Moved: Cr SM Groat / Seconded: Cr MS Armstrong

3. DECLARATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Report	Councillor/Officer	Reason	Pecuniary / Non Pecuniary
10.18	B Furner	Owens the property in the DA	Pecuniary
10.2.3	SM Groat	Committee member	Non-Pecuniary

4. CONFIRMATION OF THE PREVIOUS MINUTES

1775 RESOLVED that the minutes of the Ordinary meeting of the Carrathool Shire Council held 17 August 2021 as circulated to all Councillors, be confirmed.

CARRIED

Moved: Cr SM Groat / Seconded: Cr RF Campbell

5. BUSINESS ARISING

Nil

6. MOTIONS & QUESTIONS (NOTICE GIVEN)

Nil

7. PRESENTATIONS/PUBLIC ADDRESSES (WHERE SCHEDULED)

10.00 am Citizenship Ceremony was undertaken prior to the Council meeting starting.

Mr Sylvain Guy Andre LAFOI
Mr Paul Michael FARRELL
Mrs Annah Tambudzai MAJAZI
Mr Reuben MAJAZI
Mrs Subhashini PAVULURI
Mr Venkata Suresh Babu PAVULURI
Miss Amrutha Raghavi PAVULURI
Mr Sohan Sai PAVULURI
Laura Jayne BADGER
Mr Garth Richard LYTTLE

SUPPLEMENTARY AGENDA ITEM

1776 RESOLVED that the following supplementary report be received for inclusion in the September 2021 ordinary meeting agenda:

10.29 Infrastructure Contribution Bill – Information Paper

CARRIED

Moved: Cr B Furner / Seconded: Cr GR Peters

8. MAYORAL REPORTS

1777 RESOLVED that Council:

1. note the Mayors report for the September 2021 meeting.
2. send letters of thank you to the staff of the medical centre and volunteers who assisted with the COVID-19 testing and vaccination clinics in Hillston.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr SM Groat

9. DELEGATES REPORTS

Nil

10.0 GENERAL MANAGER'S REPORT

10.1 Ongoing Action from Previous Business Papers

1778 RESOLVED that Council note the update on action report for August 2021.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr MS Armstrong

10.2 Precis of Correspondence

10.2.1 Environment NSW – Gas Exploration Western NSW

1779 RESOLVED that Council note the NSW Government advice it will not release the Western Area Troughs north west of Hillston for gas exploration.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr RF Campbell

10.2.2 Australian Government – Building Better Regions Fund

1780 RESOLVED that Council note the information regarding round five and six of the Building Better Regions Fund.

CARRIED

Moved: Cr B Furner / Seconded: Cr SM Groat

10.2.3 Spring in the Springs Committee – Cancellation of Event for 2021

1781 RESOLVED that Council note the information regarding the cancellation of the Spring in the Springs event for 2021.

CARRIED

Moved: Cr SM Groat / Seconded: Cr B Furner

10.2.4 NSW Local Government Grants Commission - Meeting

1782 RESOLVED that Council note the report of the visit of the NSW Local Government Grants Commission on Thursday 25 November, 9am in the Goolgowi Office.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr MS Armstrong

10.2.5 Local Roads and Community Infrastructure Funding Phase 3

1783 RESOLVED that Council:

1. note the third phase of the Local Roads and Community Infrastructure Funding will commence in January 2022.
2. nominate projects for costing and consideration under the funding program.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr GR Peters

10.3 Confirmation of Memberships – Committees

1784 RESOLVED that Council resolve to re-confirm the appointment of members to the various committees as identified within the enclosed table of committees and delegates up until the general Council elections being held with the only exception being the removal of Cr BJ Lewis from the various committees due to his resignation from Council.

CARRIED

Moved: Cr B Furner / Seconded: Cr MS Armstrong

10.4 Multi Service Outlet – Elder Abuse Policy MSO002

1785 RESOLVED that Council having placed the Elder Abuse Policy on public display for the required period and having received no submissions formally adopt the Carrathool Shire Council - Multi Service Outlet Elder Abuse Policy MSO002.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr GR Peters

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CR DL JARDINE, CHAIRMAN

10.5 Internal Audit and Risk Management - Guidelines

1786 RESOLVED that Council:

1. note the guidelines and timeframes proposed for Risk Management and Internal Audit.
2. hold discussions with other Local Government bodies to ascertain if there is capacity for shared services.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr B Furner

10.6 Rankins Springs Waste Depot

1787 RESOLVED that Council:

1. having placed the Rankins Springs Waste Depot proposal on public display, and after consideration of submissions received, restrict opening hours of landfill to:

- Tuesdays 1pm to 4pm
- Thursdays 1pm to 4pm
- Sundays 9am to noon

2. review the decision with an assessment of the opening hours after a three month trial period

CARRIED

Moved: Cr SM Groat / Seconded: Cr MS Armstrong

10.7 Rankins Springs Caravan Park - Options

1788 RESOLVED that Council take no further action at this stage to provide accommodation units at Rankins Springs.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr B Furner

10.8 Lachlan River Town Water Security Challenges Consultation Paper 2021

1789 RESOLVED that Council:

1. note the consultation paper – Lachlan town water security challenges.
2. provide any feedback or concerns to the General Manager prior to the October 2021 Council meeting to enable it to be provided to the next engagement session.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

10.9 Infrastructure Report

1790 RESOLVED that Council note the Infrastructure report for August 2021.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr GR Peters

10.10 Jackson's Bridge - Update

1791 RESOLVED that Council the status of Jackson's Bridge upgrade.

CARRIED

Moved: Cr MS Armstrong Seconded: Cr SM Groat

10.11 Flood Damage 2019 - Update

1792 RESOLVED that Council note the progress of the 2019 flood damage rehab works for August.

CARRIED

Moved: Cr GR Peters / Seconded: Cr RF Campbell

10.12 Heavy Vehicle Access Update

1793 RESOLVED that Council:

1. note that all 148 roads will be updated by National Heavy Vehicle Regulator to the conditions for heavy vehicle access as proposed by Council.
2. note indications from the National Heavy Vehicle Regulator is that the roads will be gazetted and information provided to Transport for NSW.

CARRIED

Moved: Cr SM Groat / Seconded: Cr MS Armstrong

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CR DL JARDINE, CHAIRMAN

10.13 Back Hillston Road – Resheet

1794 RESOLVED that Council:

1. note the information provided on resheeting sections of Back Hillston Road.
2. inspect the road next year to determine sections to be resheeted.
3. following determination of scope identify costing and funding source.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr SM Groat

10.14 Plant Report

1795 RESOLVED that the Plant Report for August 2021 be received.

CARRIED

Moved: Cr GR Peters / Seconded: Cr SM Groat

10.15 Plant Replacement

1796 RESOLVED that Council receive the Plant Replacement report for August 2021.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

10.16 Rural Water Schemes Waterline Vegetation Clearing

1797 RESOLVED that Council:

1. note the report regarding the need for vegetation clearing on the rural water supply schemes.
2. consider the cost and scope of the works once quotations have been received.

CARRIED

Moved: Cr GR Peters / Seconded: Cr RF Campbell

11.25 am Manager Building & Regulatory Services joined the meeting.

10.17 Development Applications August 2021

1798 RESOLVED that the Determinations for Development Applications report for August 2021 be noted.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr RF Campbell

11.29 am Cr B Furner left the meeting.

10.18 Development Application 2022/001 – Water Storage Dam

1799 RESOLVED that Council resolves to grant Development Consent DA2022/001 for the construction of a water storage dam subject to conditions imposed.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr GR Peters

Division: All in favour

11.34 am Cr B Furner returned to the meeting.

10.19 Carrathool Shire Council Community Participation Plan

1800 RESOLVED that Council:

1. place the draft Community Participation Plan on public exhibition for a period of 28 days seeking submissions from the public.
2. amend the Plan to include more detail on the rural notification of development.
3. consider the adoption of the plan at the next Council meeting following the close of the submission period.

CARRIED

Moved: Cr GR Peters / Seconded: Cr RF Campbell

11.44 am Manager Building & Regulatory Services left the meeting.

10.20 Hillston Caravan Park – Redevelopment Strategy

1801 RESOLVED that Council:

1. note the update regarding the actions taken following the adoption of the Review of Operations and Redevelopment Strategy.
2. note that a survey will be undertaken to identify the lowest points on the plot.
3. consider the cost of stormwater drainage design and rectification works as part of the next round of Local Roads and Community Infrastructure Program funding (Phase 3).

CARRIED

Moved: Cr GR Peters / Seconded: Cr B Furner

10.21 Finance Report – Statement of Bank Balances – August 2021

1802 RESOLVED that Council note the Statement of Bank Balances as at 31 August 2021 and confirm payment of accounts as summarised in the reconciliation statement totalling \$5,111,184.57.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr B Furner

12.55 pm The Council meeting adjourned for lunch

1.50 pm The Council meeting recommenced after the luncheon adjournment

10.22 Finance Report – Investments Schedule – August 2021

1803 RESOLVED that Council note the Schedule of Investments as at 31 August 2021.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr GR Peters

10.23 Draft Annual Financial Statements (AFS)

1804 RESOLVED that Council confirm and approve the internal reserve balances for the 2020/21 financial year.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr MS Armstrong

10.24 End of Term Report on the Community Strategic Plan

1805 RESOLVED that Council receive the end of term report on the Community Strategic Plan for the reporting period 2017 - 2021.

CARRIED

Moved: Cr GR Peters / Seconded: Cr MS Armstrong

10.25 Financial Assistance Grant

1806 RESOLVED that Council note the overall increase in the Financial Assistance Grant of \$428,467 for 2021/22 against the original budget estimate.

CARRIED

Moved: Cr SM Groat / Seconded: Cr B Furner

2.00 pm Cr MS Armstrong left the meeting due to a personal commitment

10.26 Outstanding Rates and Sundry Debtors

1807 RESOLVED that Council note the report on outstanding rates and sundry debtors.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr SM Groat

10.27 Council Policy 158 – Related Party Disclosures

1808 RESOLVED that Council:

1. approve the draft Related Party Disclosure Policy and place the draft policy on public exhibition for 28 days.
2. adopt the policy after the exhibition period if no submissions are received.

CARRIED

Moved: Cr GR Peters / Seconded: Cr B Furner

10.35 am the Economic Development Officer and Economic Development Support Officer joined the meeting.

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CR DL JARDINE, CHAIRMAN

10.28 Economic Development Unit Report – September 2021

1809 RESOLVED that Council note the Economic Development Officer's report for September 2021.

CARRIED

Moved: Cr GR Peters / Seconded: Cr B Furner

10.50 am the Economic Development Officer and Economic Development Support Officer left the meeting.

10.29 Infrastructure Contribution Bill – Information Paper

1810 RESOLVED that Council:

1. calls on the NSW Government to withdraw the Environmental Planning Assessment (Infrastructure Contribution) Bill 2021 from the NSW Parliament.
2. calls on the NSW Government to undertake further consultation with the Local Government sector on any proposed reform to the infrastructure contribution system.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr GR Peters

11.0 COMMITTEE REPORTS

Nil

12.0 CLOSED COUNCIL REPORTS

CLOSED COUNCIL 2.18 pm

1811 RESOLVED that Council resolve into closed council pursuant to Section 10A of the *Local Government Act 1993*, to consider the closed Council reports.

CARRIED

Moved: Cr SM Groat / Seconded: Cr B Furner

12.1 General Manager Performance Review 2020-21

1812 Resolved that Council:

1. consider the performance of the General Manager over the past 12 months to be "better than satisfactory".
2. use the same agreement for the next financial year 2021-2022.

CARRIED

Moved: Cr GR Peters / Seconded: Cr RF Campbell

12.2 Expression of interest - Sale of land in Merriwagga

1813 Resolved that Council delegates authority to the Mayor and General Manager to enter into negotiations with the interested party to purchase Lot 7, Section 8, DP 758673 21 Mons Street Merriwagga NSW 2652

CARRIED

Moved: Cr GR Peters / Seconded: Cr SM Groat

OPEN COUNCIL 3.30 pm

1814 RESOLVED that Council resolve into open Council.

CARRIED

Moved: Cr SM Groat / Seconded: Cr B Furner

CLOSED COUNCIL REPORT

The resolutions of Council made while the meeting was closed to the public were read to the open Council meeting by the General Manager.

CARRIED

Moved: Cr SM Groat / Seconded: B Furner

13.0 NEXT MEETING

The next **Ordinary Meeting** of Council will be held at the Hillston District Office on **Tuesday 19 October 2021** commencing at **10.00 am**.

CLOSURE

There being no further business, the meeting terminated at 3.35 pm.

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CR DL JARDINE, CHAIRMAN

The Minutes of the Ordinary Meeting of the Carrathool Shire Council held on Tuesday, 21 September 2021 were confirmed at the subsequent Ordinary Meeting of Council on Tuesday, 19 October 2021.

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Chairman of the Meeting of the Carrathool Shire Council held on Tuesday, 19 October 2021, at which meeting the above signature was subscribed.

ATTACHMENT

CONDITIONS OF APPROVAL DA2022/001

GENERAL

1. Development Consent is issued subject to the conditions stated hereunder, in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979. Consent is granted for the construction of a **450ML Water Storage Dam**.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the following (and as per conditions of this development consent):

- a) Geotechnical Investigation – ‘*Proposed Water Storage Dam, “Belah” Tabbita Lane, Carrathool, NSW*’ by Aitken Rowe Geotechnical Engineering dated 19 January 2021.
 - b) Leak Detection Plan – ‘*Proposed 415ML Water Storage Dam, Lot 5, Carrathool Road Gunbar, NSW*’ by Aitken Rowe Environmental Consultancy dated 25 May 2021.
 - c) *Statement of Environmental Effects 450ML Irrigation Dam on Lot 54 DP756073 – Belah Farm Holding in Carrathool* by SKM Planning.
 - d) Drawings: A3-(547919, 547920, 547921, 547922, 547923 & 547924) Rev 2A by PHL Surveyors dated 26/04/21.
2. The applicant must comply with all prescribed conditions of development consent relevant to the proposed development as contained within division 8A of the *Environmental Planning and Assessment Regulation 2000* (as detailed at the end of this consent).

PRIOR TO THE COMMENCEMENT OF ANY WORKS

1. Erosion and sediment control measures shall be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. Measures are to be installed in accordance with the details specified in the Soil and Water Management Plan which forms part of the approved Construction Management Plan.
2. Council is to be provided with a copy of the new or amended water supply work(s) approval issued to the Applicant.
3. A Waste Management Plan is to be submitted to Council. The plan must detail estimated waste generation, on-site storage and proposed disposal.

WATER NSW – GENERAL TERMS OF APPROVAL



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS139280
Issue Date of GTA:	12 August 2021
Type of Approval:	450ML Storage Dam
Description:	450ML Storage Dam
Location of work/activity	Lot 54 DP 756073,134 Tabbita Lane Carrathool NSW 2711
DA Number:	DA 2022/001 CNR-24982
LGA:	Carrathool Shire Council
Water Sharing Plan Area:	Murrumbidgee Unregulated Water Sources

The GTA issued by WaterNSW do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to WaterNSW for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number:	Details
GTA00001	A. This General Terms of Approval (GTA) only applies to the proposed water supply work(s) described in the plans and associated documents found in Schedule 1, relating to development application DA 2022/001 provided by Council to WaterNSW. B. Any amendments or modifications to the proposed water supply work(s) may render the GTA invalid. If the proposed water supply work(s) is amended or modified, WaterNSW, Deniliquin Office must be notified in writing to determine if any variations to the GTA will be required.
GTA00002	Before constructing or carrying out any proposed water supply work(s), an application must be submitted to WaterNSW, and obtained, for a new or amended water supply work(s) approval under the Water Management Act 2000.
GTA00003	A. The application for a water supply work(s) approval must include the document(s) listed in Schedule 1.

8-20 Edwardes Street, Deniliquin NSW 2710 | PO Box 453 Deniliquin NSW 2710
Telephone 1300 662 077 | www.watarnsw.com.au

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CR DL JARDINE, CHAIRMAN

GTA00004	Any water management work(s) must comply with the conditions of the rules of the Water Sharing Plan where the work is to be constructed and used.
GTA00005	Water NSW reserves the right to apply discretionary conditions to any approval granted, from time to time as required.
GTA00006	The water supply work must be constructed and maintained in a way that will: <ul style="list-style-type: none"> A. Ensure the work's safe construction and operation, and B. Prevent the possibility of damage being caused by the work resulting from the work, to any public or private interest
GTA00007	Monitoring piezometers must be installed to monitor the groundwater levels and quality. If monitoring shows adverse changes or impacts on groundwater levels, remedial work will be required.
GTA00008	The application for a water supply work(s) approval must include the following: The location proposed of monitoring piezometers; <ul style="list-style-type: none"> a) The proposed sampling regime of proposed monitoring piezometers. b) Proposed mitigation measures should dam leakage be identified.
GTA00009	a) The water management work must be constructed in accordance with the document listed in Schedule 1.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by WaterNSW for integrated development associated with DA 2022/001 as provided by Council:

- Development Application for proposed 450ML Storage Dam, Lot 54 DP 756073, 134 Tabbita Lane Carrathool NSW 2711.

DURING WORKS

4. Clearing of land, excavation, and/or earthworks, building works, and the delivery of materials shall be carried out between the following hours:
 - a) Mondays to Fridays - 6:00am to 7:00pm
 - b) Saturdays - 7:00am to 6:00pm
 - c) No work is permitted on Sundays and Public Holidays
5. All mature native vegetation to be retained within the vicinity of the proposed development must be suitably protected at all times during construction. Excess fill/spoil material resulting from the construction phase must also not be placed around any mature vegetation.
6. Requirements of the Waste Management Plan shall be complied with during site preparation and throughout construction. Waste management and storage must not pose a threat to public health or the environment.
7. Appropriate dust monitoring in accordance with the approved construction management plan is to be implemented on site. Should at any point in time during construction the established dust emission criteria adopted on site as per the approved construction management plan be exceeded, works must cease until such time appropriate dust suppression measures are implemented. Dust suppression measures must also be implemented at the request of Council should any complaints be received.
8. Noise emanating from the site during construction must not exceed 5dB(A) above the established ambient background noise level at the nearest sensitive receptor. Should any exceedances occur, works must cease and construction methodologies altered to mitigate noise. Works must also cease at Council's request should any complaints be received, and appropriate noise mitigation measures implemented to Council's satisfaction.
9. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
10. Any fill material which may be required to be brought onto site for the proposed development must be virgin excavated natural material (VENM) as defined under the Protection of the Environment Operations Act 1997. Any excess excavated material required to be removed from the site must be disposed of lawfully at a licenced landfill.
13. If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - a) Not further harm the object
 - b) Immediately cease all work at the particular location;
 - c) Secure the area so as to avoid further harm to the Aboriginal object;
 - d) Notify the Officer of Environment & Heritage (OEH) as soon as practical on 131555, providing any details of the Aboriginal object and its locations; and
 - e) Not commence any work at the particular location unless authorised in writing by OEH

In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and OEH contacted.

ON-GOING USE

14. No alteration, expansion or the like of the proposed development (with the exception of routine maintenance) is permitted to occur without prior approval of Council.

15. The storage dam must be monitored on a daily basis to assess the integrity of the embankments and general storage operation. Monitoring must be recorded and available for inspection by Council. Should the embankment require capping and/or topping up to approved design levels as part of routine maintenance, this must be completed under the supervision of a suitably qualified and experienced Engineer.

PRESCRIBED CONDITIONS OF DEVELOPMENT CONSENT

16. For a development that involves any building work, that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
17. In the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
18. For development that involves any building work, subdivision work or demolition work, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition 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 building 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.

The reason for the imposition of the above consent conditions is as follows:-

1. To achieve the objectives of *Section 1.3 of the Environmental Planning and Assessment Act 1979*, having regard to the relevant matters for consideration contained in *Section 4.15 of the Act and the Environmental Planning Instruments* applying to the land;
2. To ensure compliance with the *Building Code of Australia*, to enable the achievement and maintenance of acceptable standards of structural sufficiency, safety, health and amenity, for the benefit of the community now and in the future;
3. To confirm the details of the application and plans submitted by the applicant;
4. To ensure compliance with relevant planning controls;
5. To ensure that appropriate environmental protection measures are in place;
6. To ensure the development complies with the requirements of Council policies;
7. To ensure that works do not interfere with reasonable amenity expectations of residents and the community.

ADVICE TO APPLICANT

1. The above consent is not an approval to commence work or to carry out any structural work. A Construction Certificate under Part 4 of the Environmental Planning & Assessment Act 1979 (preceding the 1 March 2018 amendments) shall be sought and obtained before any work is carried out to implement the above consent. Also, the applicant is not relieved of any obligation to obtain an approval required under any other Act.
2. This Notice of Determination does not remove the applicant's obligation to obtain approvals

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CR DL JARDINE, CHAIRMAN

required by any other legislation.

3. *Part 8, Sections 8.3 and 8.7 of the Environmental Planning and Assessment Act 1979* confers on the applicant who is not satisfied with determination of the consent authority a right of appeal to the Land and Environment Court exercisable within 6 months of receipt of this notice.
4. Any person who contravenes this Notice of Determination of the above consent shall be guilty of a breach of the *Environmental Planning and Assessment Act, 1979*, and shall be liable to a monetary penalty and/or a restraining order which may be imposed by the Land and Environment Court.
5. The applicant should be aware of the provisions of the *Disability Discrimination Act 1992*. This Act imposes responsibilities additional to planning legislation.
6. Prior to commencing works on site, Telstra's "Dial Before You Dig" should be contacted by phoning 1100 (follow the prompts) and provide the following details:
 - Street name and number;
 - Side of street (north side, east or west);
 - Distance to nearest cross street
7. *Division 8.2 of the Environmental Planning and Assessment Act 1979* confers on the applicant the right to request Council to conduct a Review of this Notice of Determination within 6 months of receipt of this notice.