

**MINUTES OF THE ORDINARY MEETING OF THE CARRATHOOL SHIRE COUNCIL HELD
AT THE HILLSTON DISTRICT OFFICE
on Tuesday, 19 October 2021 commencing at 10.00am**

1. PRESENT

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

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

2. LEAVE OF ABSENCE

Nil

3. DECLARATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Report	Councillor/Officer	Reason	Pecuniary / Non Pecuniary
10.7	Cr DL Jardine	Partner works for Council	Non-Pecuniary
10.18	Cr B Furner	DA Approval on own property	Pecuniary
10.21	Cr RF Campbell	Family works for proponent	Non-Pecuniary

4. CONFIRMATION OF THE PREVIOUS MINUTES

1815 RESOLVED that the minutes of the Ordinary meeting of the Carrathool Shire Council held 21 September 2021 as circulated to all Councillors, be confirmed.

CARRIED Moved: Cr GR Peters / Seconded: Cr MS Armstrong

5. BUSINESS ARISING

Cr Groat: A request for more information in Council newsletters around information on Australian Citizenship recipients. Dependent on privacy consent.

6. MOTIONS & QUESTIONS (NOTICE GIVEN)

Nil

7. PRESENTATIONS/PUBLIC ADDRESSES (WHERE SCHEDULED)

10.00 am Dr Bhupinder Kumar

10.15 am Mr James Bissett – Gunbar Water

8. MAYORAL REPORTS

1816 RESOLVED that Council note the Mayors report for the October 2021 meeting.

CARRIED Moved: Cr DL Jardine / Seconded: Cr B Furner

9. DELEGATES REPORTS

Cr Fensom & Cr Peters attended the Floodplain Management Committee meeting on 7 October 2021.

10.0 GENERAL MANAGER'S REPORT

10.1 Ongoing Action from Previous Business Papers

1817 RESOLVED that Council note the update on action report for October 2021.

CARRIED Moved: Cr MS Armstrong / Seconded: Cr DP Fensom

10.2 Precis of Correspondence

10.2.1 NSW Rural Fire Service – Rural Boundary Clearing

1818 RESOLVED that Council note the introduction of the Rural Boundary Clearing Code Scheme by NSW Rural Fire Service.

CARRIED Moved: Cr MS Armstrong / Seconded: Cr GR Peters

10.2.2 Resilience NSW – Appointment of Regional Director

1819 RESOLVED that Council note the appointment of Donna Argus as the Regional Director for Resilience NSW for the Riverina Murray Region.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

10.2.3 M. Clarke – Request use of old Council Building

1820 RESOLVED that Council approve the use of the building for mental health professionals to conduct counselling as requested, with the building to remain available for use for other purposes when not used by mental health counsellors.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

10.3 2021 NSW Local Government Election – Key Dates

1821 RESOLVED that Council note the Key Dates leading up to the 4 December, 2021, ordinary election.

CARRIED

Moved: Cr GR Peters / Seconded: Cr SM Groat

10.4 Post Election Considerations

1822 RESOLVED that Council note the office of all Councillors will cease on 4 December 2021, and Council delegate to the current Mayor civic and ceremonial responsibility until the election of the Council in January 2022.

CARRIED

Moved: Cr WR Kite / Seconded: Cr DP Fensom

10.5 Office of Local Government Council Comparisons 2019-2020

1823 RESOLVED that Council note the information provided by the Office of Local Government in measuring Councils performance and comparative information of Councils for the 2019/20 financial year.

CARRIED

Moved: Cr SM Groat / Seconded: Cr GR Peters

10.6 Pool Opening 21-22 Season and COVID-19

1824 RESOLVED that Council note the information provided on Council's swimming pools.

CARRIED

Moved: Cr GR Peters / Seconded: Cr DP Fensom

10.7 Christmas and New Year Closure

1825 RESOLVED that the Council approve the closure of Council Offices, Library and Depots from 3pm Friday 24 December 2021 and reopen on Tuesday 4 January 2022.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr B Furner

10.8 Infrastructure Report

1826 RESOLVED that Council note the Infrastructure report for September 2021.

CARRIED

Moved: Cr SM Groat / Seconded: Cr DP Fensom

10.9 Jackson's Bridge - Update

1827 RESOLVED that Council note the progress report of Jacksons Bridge for the month of September 2021.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

10.10 Flood Damage 2019 - Update

1828 RESOLVED that Council note the progress of the 2019 flood damage rehab works for September 2021.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

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CR DL JARDINE, CHAIRMAN

10.11 Regional Road Transfer and NSW Road Classification Review

1829 RESOLVED that Council:

1. nominate Carrathool Road, Murrumbidgee River Road, Bringagee Road and Roto Road (to the cotton gin) for classification from Local to Regional status with Council maintaining management;
2. support the neighbouring Councils of Hay, Murrumbidgee and Griffith City Council for joint submissions of the aforementioned roads.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr B Furner

10.12 Bore Condition Assessments

1830 RESOLVED that Council note the report of the bore condition assessment.

CARRIED

Moved: Cr GR Peters / Seconded: Cr RF Campbell

10.13 Floodplain Management Committee Minutes

1831 RESOLVED that Council:

1. note the minutes of the FRMC meeting held in October 2021.
2. adopt the Hillston flood study report completed under milestone 3 of the floodplain risk management funding.

CARRIED

Moved: Cr B Furner / Seconded: Cr MS Armstrong

10.14 Request to go to Tender – Fixing Local Roads Round 3

1832 RESOLVED that Council:

1. adopt the selective tender method in accordance with clause 166c of the Local Government (General) Regulation 2005, with a minimum of two tenders to be provided.
2. receive a report with a summary of tenders.

CARRIED

Moved: Cr SM Groat / Seconded: Cr WR Kite

10.15 Request for Speed Reduction Signage Kidman Way-Tabbita Lane

1833 RESOLVED that Council approve the request for Traffic Committee members to approach Transport for NSW, to seek approval for the Kidman Way/Tabbita Lane intersection to be reduced to an 80km/h speed zone.

CARRIED

Moved: Cr GR Peters / Seconded: Cr B Furner

10.16 Plant Report

1834 RESOLVED that the Plant Report for September 2021 be received.

CARRIED

Moved: Cr GR Peters / Seconded: Cr DP Fensom

10.17 Plant Replacement

1835 RESOLVED that Council receive the Plant Replacement report for October 2021.

CARRIED

Moved: Cr WR Kite / Seconded: Cr MS Armstrong

12.34 pm Manager Building & Regulatory Services joined the meeting.

10.18 Development Applications September 2021

1836 RESOLVED that the Determinations for Development Applications received for September 2021 be noted.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DP Fensom

10.19 Variations to Development Standards – 2021 Quarter 3

1837 RESOLVED that Council note the Clause 4.6 LEP Variations to Development Standards received for July-September 2021.

CARRIED

Moved: Cr WR Kite / Seconded: Cr GR Peters

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CR DL JARDINE, CHAIRMAN

10.20 Development Application 2021/040 - Short Stay Accommodation

1838 RESOLVED that Council approve DA2021/040 for the installation of three (3) manufactured homes to be used as short stay accommodation subject to the conditions imposed.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr RF Campbell

Division: All in favour

10.21 Development Application 2021/042 – Poultry Production Facility

1839 RESOLVED that Council grant Development Consent for DA2021/042 for construction of a poultry production facility (20 sheds) along with associated infrastructure, subject to the conditions imposed.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr GR Peters

Division: All in favour

10.22 Development Application 2022/002-Three (3) Manufactured Dwellings

1840 RESOLVED that Council approve DA2022/002 for the installation of three (3) Manufactured homes subject to the conditions imposed, including the following:

1. the garbage bin area to be located near the visitor parking/turning area.
2. a code of conduct for tenants be developed and a copy supplied to Council and occupants.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr SM Groat

Division: All in favour

12.57 pm The Council meeting adjourned for lunch

1.47 pm The Council meeting recommenced after the luncheon adjournment

10.23 Development Application 2022/008 – Subdivision

1841 RESOLVED that Council grant Development Consent for DA2022/008 for a 13 lot subdivision subject to the conditions imposed as amended being:

1. water to be provided to all resultant lots at mains pressure from Councils reticulated system at the developer's cost.
2. on site sewerage systems to be in accordance with the NSW Health Regulations.
3. access to each lot of the subdivision to be provided to the specification of the Director of Infrastructure Services and in accordance with Council Policy 48, Rural Roads Access and Notification Policy. Clause 2.4 where new entrances are required as a result of a subdivision, then the owner is responsible for providing the entrances at their own cost.
4. all buildings erected are to be of new construction.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

Division: All in favour

2.25 pm Manager Building & Regulatory Services left the meeting.

10.24 Finance Report – Statement of Bank Balances – September 2021

1842 RESOLVED that Council note the Statement of Bank Balances as at 30 September 2021 and confirm payment of accounts as summarised in the reconciliation statement totalling \$6,320,967.24.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr WR Kite

10.25 Finance Report – Investments Schedule – September 2021

1843 RESOLVED that Council note the Schedule of Investments as at 30 September 2021.

CARRIED

Moved: Cr GR Peters / Seconded: Cr DP Fensom

10.26 First Quarter Budget Review 2021/22

1844 RESOLVED that the Budget Review for the 1st Quarter of 2021/22 be received and the vote variations as listed in the Budget Review Statements be made.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr B Furner

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CR DL JARDINE, CHAIRMAN

10.27 Pecuniary Interest Returns

1845 RESOLVED that Council note the pecuniary interest returns for 2020/21.

CARRIED

Moved: Cr SM Groat / Seconded: Cr WR Kite

10.28 Councillor Expenses and Facilities Report

1846 RESOLVED that Council note the report on Councillors Expenses and Facilities and that it will appear in the annual report for 2020.

CARRIED

Moved: Cr GR Peters / Seconded: Cr DP Fensom

10.29 Council Policy 153 – Community Grants and Donations

1847 RESOLVED that Council:

1. approve the draft Community Grants and Donations Policy and place the draft policy on public exhibition for 28 days.
2. adopt the policy after the exhibition period subject to consideration of any submission received.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr MS Armstrong

11.17 am the Economic Development Officer joined the meeting.

10.30 Economic Development Unit Report – October 2021

1848 RESOLVED that Council:

1. note the Economic Development Officer's report for October 2021.
2. allocate funding up to \$1,500.00 for the publication of the book on historic internments as a result of a tragedy, in private and public cemeteries in the southern parts of the shire.
3. the EDO to investigate possible grant funding for research and publication of other historically significant sites throughout the Shire.

CARRIED

Moved: Cr B Furner / Seconded: Cr SM Groat

11.42 am the Economic Development Officer left the meeting.

11.0 COMMITTEE REPORTS

Nil

12.0 CLOSED COUNCIL REPORTS

CLOSED COUNCIL 2.50 pm

1849 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 MS Armstrong / Seconded: Cr DP Fensom

12.1 Medical Centre Services - Hillston

1850 RESOLVED that Council note the information regarding the operation of the Hillston Medical Centre.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

12.2 Cowper Street – Land Acquisition

1851 RESOLVED that Council:

1. acquire lots 1-48 section 3, DP2559 134-152 Cowper Street, Hillston NSW 2675 or part thereof for the widening of Cowper Street.
2. investigate the potential subdivision of the above mentioned lots.
3. staff report back to the Council on costs and a new design for the road widening.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

12.3 NSW Planning Portal Grant Funds

1852 RESOLVED that Council utilise the remaining grant funding to purchase a vehicle for the planning department.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr WR Kite

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CR DL JARDINE, CHAIRMAN

12.4 Audit, Risk and Improvement Committee

1853 RESOLVED that Council:

1. establish an Audit, Risk and Improvement Committee.
2. appoint Mr Derek Francis as the Chair of the committee.
3. appoint Mr David Webb as a committee member.
4. appoint Mr Ray Christoff as a community representative committee member.
5. adopt the Carrathool Shire Council Audit, Risk and Improvement Committee Charter.
6. set the fee at \$250.00 per meeting for a community member of the committee.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr GR Peters

SUPPLEMENTARY CLOSED AGENDA ITEMS

1854 RESOLVED that the following supplementary reports be received for inclusion in the October 2021 closed meeting agenda:

- 12.5 Real Café
- 12.6 Gateway Determination

CARRIED

Moved: Cr B Furner / Seconded: Cr GR Peters

12.5 Real Café

1855 RESOLVED that Council authorise the General Manager to negotiate temporary use of part of the Real Café for the Lions Opportunity Shop.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr SM Groat

4.10 pm Manager Building & Regulatory Services re-joined the meeting.

12.6 Gateway Determination

1856 RESOLVED that Council request an additional gateway determination in relation to Council's LEP instrument, to amend the Main Street of Hillston (CBD section) to a business category.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr B Furner

4.29 pm Manager Building & Regulatory Services left the meeting again.

OPEN COUNCIL

4.30 pm

1857 RESOLVED that Council resolve into open Council.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

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 MS Armstrong / Seconded: Cr GR Peters

13.0 NEXT MEETING

The next **Ordinary Meeting** of Council will be held at the Goolgowi Council Chambers on a **date to be advised in January 2022** commencing at **10.00am**.

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CR DL JARDINE, CHAIRMAN

CLOSURE

There being no further business, the meeting terminated at 4.36 pm.

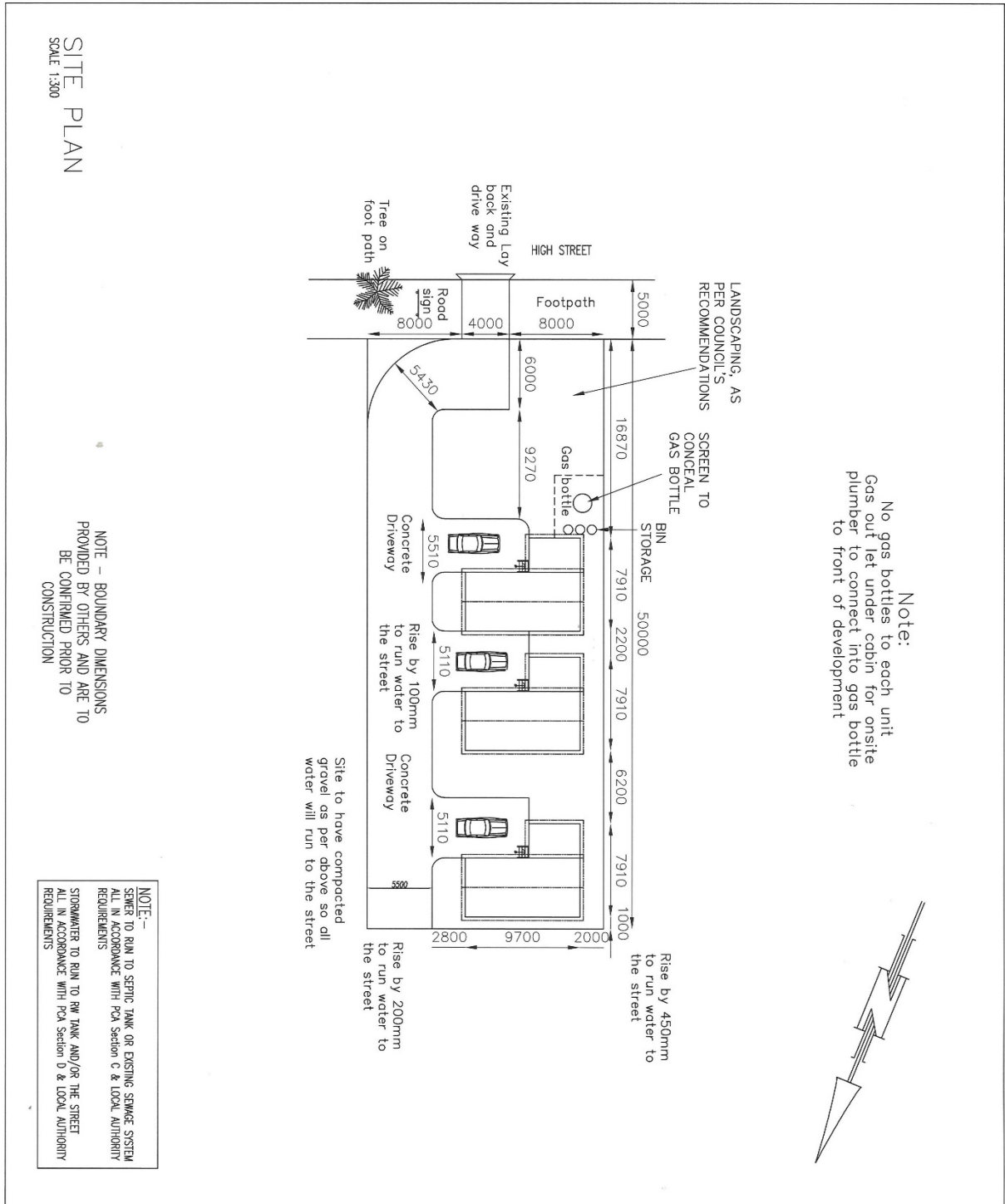
The Minutes of the Ordinary Meeting of the Carrathool Shire Council held on Tuesday, 19 October 2021 were confirmed at the subsequent Ordinary Meeting of Council on Tuesday, date to be Advised.

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Chairman of the Meeting of the Carrathool Shire Council held on Tuesday, date to be Advised, at which meeting the above signature was subscribed.

ATTACHMENT

CONDITIONS OF APPROVAL DA2021/040

SITE PLAN



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 CR DL JARDINE, CHAIRMAN

1. PLANS

The development shall be generally in accordance with the supporting documentation, including, but not limited to, the following:

Statement of Environmental Effects by SKM Planning Lot 10 DP35909, 189 High Street, Hillston dated 13 June 2021
Site Classification Job No. 7648 189 High Street Hillston NSW 2675 by McMahon Earth Science dated March 2021
Specifications (7 pages) and Drawings: Job No. 21153(6 Sheets) Rev B 189 High Street Hillston NSW 2675 dated 06.09.21 by Taylor Made Buildings
Structural Drawings: Number 19920-(S01 Rev4 12.08.2019, S02 Rev2 13.06.2017, S03 Rev1 18.10.2016, S04 Rev1 18.10.2016, S05 Rev1 18.10.2016, S06 Rev1 18.10.2016, S07 Rev3 28.06.2019, S08 Rev2 03.05.2019, S09 Rev1 18.10.2016, S10 Rev1 18.10.2016, S11 Rev2 09.12.2016, S12 Rev2 09.12.2016, S13 Rev3 13.06.2017, S14 Rev1 18.10.2016, S15 RevA 22/4/2015, S16 Rev0 10/11/2016, S17 Rev1 14.12.2016 & S18 Rev0 06/12/2016 by Barnson.

and as modified by any conditions of this consent.

2. CONFORM WITH APPROVED PLANS

No departure from the approved plans and specifications shall be made unless the prior approval of Council has been obtained in writing.

- The development shall be carried out in conformity with the provisions of the *Environmental Planning and Assessment Act, 1979*, and the regulations made thereunder, in accordance with the plans and specifications approved by Council.

4. DEVELOPMENT APPLICATION RECORD TO BE KEPT ONSITE

The builder shall maintain on the site, at all times a legible copy of the following:

- Development Consent including plans and related documentation;
- Construction Certificate when applied for and issued, including plans, specifications and certificates.

5. SIGNS

No more than two signs shall be erected at the front of the site to display the following details at the appropriate times. At least one of these signs shall have the following minimum information:

- the name of the Approval & Inspection Authority, their address and telephone number;
- the name of the person in charge of the work site and telephone number at which that person may be contacted outside working hours;
- that unauthorised entry to the work site is prohibited;

and each of the signs shall be maintained to a tidy and legible standard at all times and must be removed when the work has been completed.

SITE PREPARATION

Cut and Fill

- The applicant shall ensure that any cut or fill on site is appropriately graded, drained, retained and vegetation commenced.
- It is a prescribed condition of this consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
 - Protect and support the adjoining premises from possible damage from the excavation;
 - and

- b) Where necessary, underpin the adjoining premises to prevent any such damage;
- c) This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given written consent to this condition not applying.

8. EROSION CONTROL

Erosion and sedimentation control measures shall be implemented on the site prior to work commencing.

***NOTE: ENSURE THAT SEDIMENT AND EROSION CONTROL ARE IN PLACE BEFORE EARTHWORKS COMMENCE**

HEALTH AND AMENITY

Smoke Alarms

9. A smoke alarm system complying with Australian Standard *AS3786 Self Contained Smoke Alarms* or listed in the Scientific Services Laboratory (SSL) *Register of Accredited Products - Fire Protection Equipment* shall be installed in suitable locations on or near the ceiling in every sleeping room.

10. No noise or nuisance sound exceeding 5dB(A) above the background ambient sound pressure level area shall leave this site, when measured at the boundary of the nearest residential receptor.

11. No parties, music or gatherings involving music, loud noise or raucous behaviour shall occur after 8pm on any night of the week from this development.

STORMWATER DRAINAGE

12. Stormwater from roof and hardstand areas as well as any overflow from a tank shall be conveyed to the street piped drainage system. Connection to this system shall be under the supervision of Council's Utilities Staff.

WASTEWATER DRAINAGE

13. The top of the yard gully to the sanitary drainage system is to be minimum of 150 mm below the finished floor level and a minimum of 150 mm above the finished ground level.

14. Separate Application shall be made for a Section 68 approval under the Local Government Act for the connection of the Plumbing & Drainage to Council's infrastructure, or modifying or amplifying that existing on site.

15. PLUMBING AND DRAINAGE WORKS

Any sewer or stormwater works associated with the development are to meet the requirements of the AS3500 and the New South Wales Plumbing Code of Practice. In this regard, it may be necessary for you to contact a Licensed Plumber and Drainer.

A Plumbing Permit must be obtained by a Licensed Plumber and Drainer, prior to any sewer or stormwater work being carried out on site. Further, a final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development.

16. WORKS AS EXECUTED DIAGRAM

Council requires a "Works as Executed Diagram" to be approved by Council Plumbing Inspector, prior to the issue of a Final Plumbing Certificate.

The Works as Executed Diagram must be submitted in electronic format in PDF File in accordance with Council Requirements.

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CR DL JARDINE, CHAIRMAN

17. PLUMBING INSPECTIONS

The applicant must obtain a Compliance Certificate pursuant to Section 6.16 of the Environmental Planning and Assessment Act 1979, as amended from Council or an accredited certifying authority certifying that the plumbing work identified in column 1 has been installed in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. For the purposes of obtaining the Compliance Certificates the plumbing works must be inspected by the accredited certifying authority at the times specified in Column 2.

	COLUMN 1	COLUMN 2
	Internal House Drainage	When all internal plumbing work is installed and prior to concealment.
	External House Drainage	When all external plumbing work is installed and prior to concealment.
	Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
	Final	Prior to occupation of the building.

18. LICENSED PLUMBER

All plumbing and drainage work must be carried out by a Licensed Plumber and Drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.

19. HOURS OF OPERATION

For reasons of residential amenity in the neighbourhood, work on the project shall be limited to the following hours:

- (i) Monday to Friday - 7:00 am to 6:00 pm
- (ii) Saturday- 8:00 am to 5:00 pm
- (iii) No work to be carried out on Sunday/Public Holidays, without the prior written consent of Council.

ENGINEERING REQUIREMENTS

Roads

20. Any construction work, including accesses, footpaths, or the like on public roads (Council or Crown Road Reserves) shall comply with the following requirements;

- a) Application made to Council for a Works Within Road Reserve Permit for the site
- b) Works Within Road Reserve Permit issued by Council for the site
- c) Works constructed in accordance with Works Within Road Reserve Permit for the site.

21. Any works within the road reserve requires the following to be carried out prior to commencement;

- a) Traffic Control Plan (TCP) shall be prepared and submitted to Council for approval
- b) The Traffic Control Plan shall be developed by an accredited person and it shall contain the certification number and the date of issue by the accredited person.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

22. The Applicant is to submit a Plan of Management and the proposed Code of Conduct for the occupiers, to Council for approval.

23. The Applicant is to submit a detailed Landscaping Plan to Council for approval.

24. Prior to commencing excavation of pier holes, the Applicant is to inform Council of their intention to commence work. Council's Water and Sewer department will locate the sewer main

running through the property, before any works commence. No building is to be located over Council's sewer main.

PRIOR TO OCCUPYING THE BUILDING

25. COMPLETION CERTIFICATE

The applicant must obtain a Completion Certificate, pursuant to Clause 69 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, from Council prior to occupation of the building.

REASONS FOR CONDITIONS

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

1. To achieve the objectives of *section 5(a) of the Environmental Planning and Assessment Act 1979*, having regard to the relevant matters for consideration contained in *section 79C 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 required by any other legislation.
3. Section 97 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:

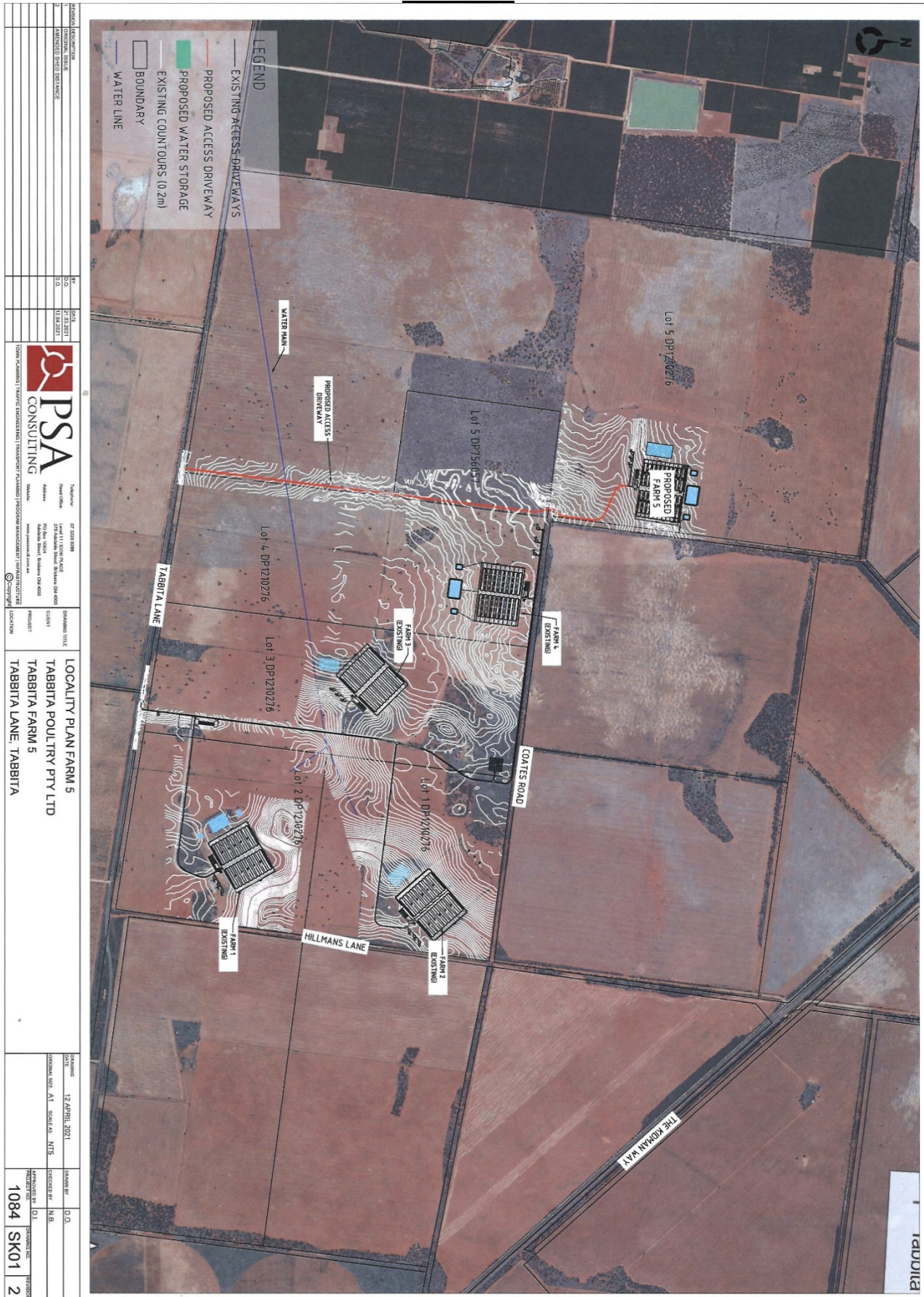
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CR DL JARDINE, CHAIRMAN

- Street name and number;
- Side of street (north side, east or west);
- Distance to nearest cross street

7. Section 82A 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.

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CR DL JARDINE, CHAIRMAN

SITE PLAN



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 and use of a **Livestock Intensive Agriculture (Poultry Production Facility)** development, generally entailing:

- twenty (20) poultry sheds;
- thirty (30) free-standing silos;
- two (2) generator sheds;
- one (1) amenities/workshop/storage building;
- ten (10) water tanks, each of 225,000 litres capacity;
- one (1) water storage dam of 50 megalitre capacity;
- three (3) stormwater dams;
- construction of internal driveways, parking areas and stormwater works;
- extension and alteration of services;
- water treatment facility;
- four (4) x 250KVA backup generators.

To confirm and clarify the terms of consent, the development must be carried out in accordance with the following, unless where amended by Council in red and as modified by any conditions of this development consent:

1. Environmental Impact Statement, titled *Tabbita Poultry Farm 5, Tabbita NSW*, dated 21 June 2021 including appendices, but excluding Appendix 7 which is superseded by 2) below;
 2. Revised Appendix 7 "Noise Impact Statement", titled *Proposed Poultry Complex Farm 5 Tabbita Lane Tabbita NSW* dated March 2021;
 3. Response to further Information Requested from WaterNSW prepared by PSA Consulting dated 9 August 2021 and Response to further Information Requested by Department of Primary Industries – Agriculture prepared by PSA Consulting dated 10 August 2021.
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 within this consent).
3. In accordance with section 4.16(4) of the *Environmental Planning and Assessment Act 1979*, the following parts and/or aspects of the development are **not approved** via this development consent:
- a) The above ground 75,000 litre LPG gas tank as shown on plan and as described in the EIS.
 - b) The dwelling-houses referred to as "caretakers residences" in the EIS.
 - c) The proposed solar panels as referred to on page 13 of the EIS.
- Parts and aspects in a), b) and c) above are subject to **separate approval** and must be accompanied with appropriate & relevant supporting information & documentation.
4. The proposed development must take place in accordance with Murrumbidgee Irrigation's relevant Water Delivery Contract applicable to the subject site and their Development Rules. Further information regarding these requirements can be obtained from Murrumbidgee Irrigation and at www.mirrigration.com.au/Customers/Contracts-Rules.
5. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

6. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the subject site are to be complied with.
7. Any activities, located near any electricity infrastructure, within the location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

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CR DL JARDINE, CHAIRMAN

General Terms of Approval - Issued



Notice No: 1611728

Attachment 'A'

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the development application No. 2021/042 submitted to Carrathool Shire Council on 23 June 2021; and
- any environmental impact statement titled "Tabbita Poultry Farm 5" and its attachments dated 21 June 2021 relating to the development.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

A3. Premises to which these General Terms of Approval apply

A3.1 These General Terms of Approval apply to the following premises:

The property known as 'Tabbita Poultry Farm 5' at Lot 1 DP 722019, Lot 5 DP 756057 and Lot 5 DP 1210276 1 Tabbita Lane Carrathool as depicted in Figure 6 of the environmental impact statement.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

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L3. Noise limits

L3.1 Noise from the premises must not exceed an Leq (15 minute) noise emission criterion of 40dB(A) during the day time period (7.00am to 6.00pm) and 35dB(A) at all other times.

L3.2 Noise from the premises is to be measured at the nearest affected sensitive receptor not associated with the development to determine compliance with this condition.

Definition

Leq(15 minute) is the level of noise equivalent to the energy average of noise levels occurring measured over a 15 minute period.

L4. Hours of operation

L4.1 All construction work at the premises must only be conducted between:

- a) 7.00am and 6.00pm Monday to Friday;
- b) 8.00am to 1.00pm Saturday; and
- c) at no time on Sundays or Public Holidays

L4.2 The hours of operation specified in conditions L4.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L5. Other limit conditions

L5.1 The total number of birds accommodated at the premise, at any one time, must not exceed 1,248,040.

L5.2 All waste water collection ponds must have a minimum base and wall permeability of 1×10^{-9} metres per second over a thickness of 600 millimetres or be artificially lined with an impermeable high density polyethylene liner.

L5.3 All waste water collection ponds must be designed, constructed and maintained to accommodate the stormwater runoff volume generated by the intensity, frequency and duration of a 1 in 20 year, 24 hour rainfall using a volumetric runoff coefficient of 0.8.

L5.4 The applicant shall not populate the farm with the total number of broilers permitted simultaneously at the commencement of a production cycle.

L5.5 The shed 'down-time' for clean out between each batch of birds must be equal to or greater than 9 days.

Operating conditions

O1. Odour

O1.1 No condition of this Approval identifies a potentially offensive odour for the purposes of section 129 of the *Protection of the Environment Operations Act 1997 (POEO Act)*.

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Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in an environment protection licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours permitted.

O1.2 The premises must not emit offensive odour beyond the boundary of the premises.

O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Waste management

O3.1 The premises must have;

- a) sufficient on site chillers to store all bird mortality's (~0.5% of birds on site at any time);
- b) remove all mortality's found in the sheds immediately to the chillers; and
- c) ensure that when chillers are in use they are kept at ≤ 4 degrees celcius.

O3.2 Any bird mortality's generated at the premises are not permitted to be buried on site. Bird mortality's must be disposed or processed at a facility that can lawfully receive the waste.

Note: This condition does not apply if the applicant is directed by the NSW Department of Primary Industries to bury the birds on site.

O4. Waste water management

O4.1 All waste water and contaminated stormwater must be captured in a waste water collection system which prevents waste water from leaving the premises.

Note: This condition does not apply in rainfall events which create greater volumes of stormwater than an event with an average recurrence interval of a local 1 in 20 year, 24 hour rain event.

O5. Air quality conditions

O5.1 All activities carried out in and on the premises must be undertaken in a manner that prevents and/or minimises the emission of air pollutants from the premises.

Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

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M1.2 All records required to be kept by the licence must be:
in a legible form, or in a form that can readily be reduced to a legible form;
kept for at least 4 years after the monitoring or event to which they relate took place; and
produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;
the time(s) at which the sample was collected;
the point at which the sample was taken; and
the name of the person who collected the sample.

Reporting conditions

R1. Annual returns

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.

Special conditions

E1. Air quality management plan

E1.1 The Applicant must develop and implement an Air Quality Management Plan (AQMP) that includes all project particulate emissions from all sources and a ranking of the project particulate sources.

The AQMP must identify the control measures that will be implemented for each emission source.

The AQMP must nominate for each of the proposed controls;

- a. Key performance indicator;
- b. Monitoring method;
- c. Location, frequency and duration of monitoring;
- d. Record keeping;
- e. Response mechanisms; and
- f. Compliance reporting.

E2. Odour complaints

E2.1 Odour validation report

Based on odour complaints and when directed by the Environment Protection Authority (EPA) the Applicant must submit an Odour Validation Report (OVR) to the EPA.

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The OVR must:

- Be carried out by a suitably qualified independent person experienced in the characterization and treatment of odours from chicken broiler farms;
- Include a summary of any odour complaints received and actions taken to reduce odour emissions where complaints are verified;
- Where possible includes a field odour survey that characterises the frequency, intensity, duration, offensiveness, location and extent of off-site odours;
- Benchmark the design and management practices at the premises against industry best practice for minimising odour emissions, including investigation of newly developed and emerging control technology.
- Determine the premises compliance with S129 of the *Protection of the Environment Operations Act 1997* and recommend if additional odour mitigation measures are required.
- Where additional odour mitigation measures are recommended, nominate appropriate mitigation measures or management practices to ensure that odour is minimised as far as practicable.
- Any odour mitigation measures nominated must include a timetable for implementation.

E2.2 De-stocking of sheds

1. Where additional mitigation measures are recommended in any OVR submitted to the EPA, the applicant must de-stock sheds as directed by the EPA during the interim period until the mitigation measures have been physically installed, commissioned and are operating.
2. Should odour reports be received and verified by the EPA after the implementation of the additional odour mitigation measures the licensee must de-stock the premises as directed by the EPA until such time as the odour issues are addressed to the satisfaction of the EPA.

Note: The intent of this condition is to stagger de-stocking in consultation with the applicant until offensive odours are not leaving the boundary of the premises. Bird age and batch stage may be taken into consideration by the EPA when directing the de-stocking of sheds.

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Attachment 'B' – Mandatory Conditions for all EPA licences

Administrative conditions

Other activities

(To be used on licences with ancillary activities)

This licence applies to all other activities carried on at the premises, including:

- waste storage (broiler mortality's in chillers)

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- a. must be maintained in a proper and efficient condition; and
- must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;

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- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

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Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence – the date from which notice revoking the licence operates.

Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

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Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or
- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.



General Terms of Approval

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

Reference Number:	IDAS139285
Issue Date of GTA:	12 August 2021
Type of Approval:	Water Supply Work
Description:	50ML Storage Dam
Location of work/activity	Lot 5 DP 756057, "Allwood" 2245 Tabbita Lane, Goolgowi NSW
DA Number:	DA 2021/042 CNR-24361
LGA:	Carrathool Shire Council
Water Sharing Plan Area:	Murrumbidgee Unregulated River 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 2021/042 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.waternsw.com.au

.....
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: 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; 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 2021/042 as provided by Council:

- Development Application for proposed 50ML Storage Dam, Lot 5 DP 756057, "Allwood" 2245 Tabbita Lane Goolgowi NSW

TRANSPORT FOR NSW CONDITIONS

1. As a minimum the access driveway to Tabbita Lane shall be constructed as a "Rural Property Access" in accordance with the Austroads Guide to Road Design as amended by the supplements adopted by Transport for NSW and with a minimum width of 6 metres to accommodate 2 way movement and be bitumen sealed with a pavement and road surface suitable for road trains for a minimum length of 40 metres from the carriageway of Tabbita Lane.
2. The proposed treatment of the intersection of Tabbita Lane and the driveway shall be constructed as a sealed Basic Right Turn (BAR) and Basic Left Turn (BAL) intersection treatment in accordance with the Austroads Guide to Road Design for a Road Train route for the posted speed limit.
3. Any entry gate to the subject site from Tabbita Lane shall be located at least 40m from the edge of seal of the carriageway or at the property boundary, whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.
4. The access driveway shall be sealed from the carriageway of Tabbita Lane to the access gate. A management plan to provide measures to suppress dust generation from the development site and the access road shall be prepared and implemented to the satisfaction of Council and Transport for NSW.
5. The intersection of the proposed driveway with Tabbita Lane is to be designed, constructed and maintained to prevent water from proceeding onto, or ponding within, the carriageway of Tabbita Lane. If a culvert is to be installed and is to be located within the clear zone of the highway for the posted speed limit is to be constructed with a traversable type headwall.

NSW RURAL FIRE SERVICE CONDITIONS

1. A minimum 20 m APZ is to be maintained around each proposed dwelling as mapped on Figure 4.
2. The APZ and defensible space surrounding buildings is to be maintained to achieve the performance requirement of an Inner Protection Area (IPA) as described by Appendix 4 of PBP. The following landscaping specifications have been designed to achieve the IPA at this site:
 - a. Trees
 - Trees at maturity should not touch or overhang the building;
 - Tree canopies should not be connected when at maturity. Gaps between crowns or groups of crowns are to be maintained at distances of 2 to 5m; and
 - Preference should be given to smooth barked and evergreen trees.
 - b. Shrubs
 - Shrubs should not comprise of more than 20% of the APZ.
 - Ensure gaps in the vegetation to prevent the spread of fire towards the building;
 - Shrubs should be separated from glazing and doors by a distance of at least twice the height of the vegetation.

c. Groundcovers

- Grass should be kept mown (no more than 100 mm in height);
 - Leaves and vegetation debris should be regularly removed;
 - Organic mulch is not to be used within 1 m of a building.
3. The dwellings are to be designed and constructed to comply with AS 3959 BAL-12.5 and the NSW variation to AS 3959 which can be found at Section 7.5.2 of PBP.
 4. The proposed internal access road is to comply with the PBP design and construction standards for 'property access' roads as listed in Table 5.3b of PBP. The standards are repeated below.
 - a. *Minimum 4 m carriageway. Some short constrictions in the access may be accepted where they are not less than 3.5 m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed.*
 - b. *In forest, woodland and heath situations, rural property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum trafficable width of 6m at the passing bay.*
 - c. *A minimum vertical clearance of 4m to any overhanging obstructions, including tree branches.*
 - d. *Property access must provide a suitable turning area.*
 - e. *Curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress.*
 - f. *The minimum distance between inner and outer curves is 6m.*
 - g. *The crossfall is not more than 10°.*
 - h. *Maximum grades for sealed roads do not exceed 15° and not more than 10° for unsealed roads.*
 - i. *A development comprising more than three dwellings has access by dedication of a road and not by right of way.*
 5. Each dwelling is to have a water supply tank with a minimum volume of 10,000 litres that can be shared for domestic requirements. The tank, or its outlet, is to be located within 4 m of the standing position of a Category 1 tanker, such as the driveway or turning facility. The outlet is to be fitted with 65 mm metal Storz outlet with gate or ball valve. An above ground tank is to be non-combustible.
 6. So that the occupants can access the water supply for fire-fighting, a minimum 3 kW (5 hp) diesel powered pump should be provided with enough fire hose (19 mm diameter) to reach all sides of a dwelling.
 7. To inform responding brigades of the presence of a static water supply on the property, a 'SWS' marker obtained from the local NSW Rural Fire Service brigade is to be positioned in a visible position and on the outlet.
 8. The vegetation distances to any overhead electrical supply line is to comply with the clearance distances specified in *ISSC 3 Guideline for Managing Vegetation Near Power Lines* (Industry Safety Steering Committee 2005). The guidelines specify a clearance distance of 0.5 m for a typical connection for a single residential dwelling.
 9. Any gas services are to be installed and maintained in accordance with *AS/NZS 1596-2014 The storage and handling of LP gas* (Standards Australia, 2014).
 10. The storage tanks are to have an outlet within 4 m of the standing position of a Category 1 tanker, such as the driveway or turning facility. The outlet is to be fitted with 65 mm metal Storz outlet with gate or ball valve.
 11. Any hazardous materials such as fuels are to be stored in compliance with the relevant Australian Standard in a location that has a managed area (i.e. APZ) of at least 20 m surrounding.

PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

8. Prior to the issue of a Construction Certificate, a contribution in the amount of \$229,700.00 is payable to Council in accordance with the Carrathool Shire Council Section 7.12 Fixed Levy Plan. This figure is subject to increase under the consumer price index (CPI) and the final amount payable will be calculated by Council at the date of payment.

9. In relation to the proposed dams, details and justification of the developments stock water requirements and water management arrangements must be provided to Council for approval prior to the issue of a Construction Certificate. Geotechnical and any other associated design information supporting the suitability of soils for the proposed dams must also form part of documentation provided to a certifying authority for a Construction Certificate.

10. Prior to the issue of a Construction Certificate, a suitably qualified and experienced environmental consultant/ecologist is to be appointed to provide advice and monitoring throughout the development, specifically in relation to the felling of trees approved for removal and potential fauna impacts. Details of the consultant/ecologist are to be provided to Council and the certifying authority.

11. Prior to the issue of a Construction Certificate, a Construction Management Plan is to be submitted to Council for approval that details at minimum the following information:

- a) Traffic management, including safe access to and from the site, including heavy equipment, plant, materials delivery and the like. It must include proposed methods and locations of loading and unloading excavation machines within the site.
- b) The proposed areas within the site to be used for a site office and amenities, the storage of excavated material, construction materials and waste containers during the construction period.
- c) How it is proposed to ensure that soil/excavated material is not transported on wheels or tracks of vehicles or plant and deposited on the roadway.
- d) Proposed dust suppression measures during construction.
- e) Construction noise control measures recommended within the noise impact assessment prepared by Reverb Acoustics, document ref: 20-2534-R1, dated March 2021.
- f) A Soil and Water Management Plan detailing all necessary erosion and sedimentation controls.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

12. No activity is to be carried out on site until a Construction Certificate has been issued by a certifying authority, other than:

- a) Site investigation for the preparation of the construction, and/or
- b) Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

13. The Construction Certificate for the work is to be issued and the person having the benefit of the development consent must appoint a Principal Certifier prior to the commencement of any building works.

The Principal Certifier (if not the Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than 2 days before the building work commences.

14. Approval is to be obtained from Council in accordance with section 68 of the *Local Government Act 1993* for the installation of all proposed on-site sewerage management systems. Plans and specifications of the type of system, including any required geotechnical reports are to be included with the application.

15. A Section 138 approval pursuant to the *Roads Act 1993* is required to be obtained from Council for any required works to be undertaken within Council's road reserve(s) in relation to the provision of a water supply pipeline to the development. The proponent will also be required to enter into an agreement with Council for the occupation of the road reserve. This agreement must be established prior to the commencement of works.

16. 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.

17. A Waste Management Plan is to be submitted to Council. The plan must detail estimated construction waste generation, on-site storage during construction and proposed disposal.

18. Prior to carrying out any works, a "Dial Before you Dig" enquiry must be undertaken in accordance with the requirements of *Part 5E (Protection of Electricity Power Lines) of the Electricity Supply Act 1995 (NSW)*.

19. Prior to the commencement of any landscaping works, a detailed Landscaping Plan is to be submitted to Council for approval. The plans must include proposed species, planted and mature heights suitable for the development proposal.

DURING WORKS

20. All development activities and traffic movements must be carried out in accordance with the approved Construction Management Plan. All controls in the Plan must be maintained at all times. A copy of the Plan must be kept on site at all times and made available to the certifying authority and Council on request.

21. Prior to tree removal approved under this consent, the appointed environmental consultant/ecologist is to inspect the trees and provide a report to Council regarding the habitat value of the trees and any potential fauna impacts, specifically, the report must address the potential roosting habitat for microbats as identified by OEH along with any other native fauna. If any fauna is encountered (such as microbats) the report must detail proposed methods to be undertaken prior to tree felling to ensure the fauna population will not be adversely impacted upon.

22. 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.

23. The internal driveway/road extension works to service the proposed development must be undertaken to as to not result in any tree removal or adverse impacts to condition and health of any existing trees.

24. 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.

25. Appropriate dust monitoring and suppression in accordance with the approved Construction Management Plan is to be implemented on site. Dust suppression measures must also be implemented at the request of Council should any complaints be received.

26. 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 Certifier or an officer of the Council.

27. The proposed development is to comply with the relevant requirements of the Disability (Access to Premises – Buildings) Standards 2010.

28. 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.

29. Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. There include the Code of Practice – Work Near Overhead Power Lines and Code of Practice – Work Near Underground Assets.

30. Recommendations contained within the Aboriginal Due Diligence Report, titled Tabbita Poultry Farm #5, prepared by OzArk Environment and Heritage, dated February 2021 are to be complied with at all times.

31. 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.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

32. Application is to be made to the Principal Certifier for an Occupation Certificate.

33. No use or Occupation of any component of the development proposal must occur until such time an Occupation Certificate is issued.

34. Council must be provided with written certification from the operators of the facility that the completed development complies with the requirements of applicable standards, guidelines, codes of practice and requirements of the NSW Department of Primary Industries – Agriculture, including but not limited to the Best Practice Management for Meat Chicken Production in NSW Guidelines, Manuals 1 and 2, Australian Animal Welfare Standards and Guidelines and relevant poultry industry authorities relating to Intensive Livestock Agriculture (Poultry Production Facility) developments.

This must include but is not limited to animal health and welfare matters and must certify that required infrastructure/works for heating, cooling, water, air, food, lighting and other relevant animal health and welfare matters are completed/installed and commissioned prior to any use and the issue of any Occupation Certificate.

35. Certification is to be provided to the Principal Certifier that the development has been completed in accordance with the noise controls recommendations as contained within the Noise Impact Assessment prepared by Reverb Acoustics titled, Proposed Poultry Complex Farm 5 Tabbita Lane Tabbita NSW, document ref: 20-2534-R1, dated March 2021.

36. A weather station is to be installed at a suitable location to measure meteorology in the area around the farm units.

37. An Emergency Management Plan for the facility is to be provided to Council prior to the issue of any Occupation Certificate. The plan is to be prepared in accordance with any relevant

SafeWork NSW guidelines and should address, biosecurity emergencies, natural hazards, bush and building fires, emergency training of staff and incident management.

38. Stormwater must be disposed of in a manner so as to not cause interference of nuisance to adjoining allotments, the public and internal road network or adjoining landowners generally. Works must be completed as per hydraulic details approved via the relevant Construction Certificate(s) and to the EPA's requirements.

39. An "Approval to Operate the Onsite Sewage Management Facilities" pursuant to Section 68 of the *Local Government Act 1993* must be applied for, and issued by Council, prior to the issue of any Occupation Certificate.

40. Internal roads, driveways and carparking areas must be completed and be of all-weather purpose for heavy vehicles prior to the issue of an Occupation Certificate.

41. BAR and BAL treatments at the intersection of Tabbita Lane and the access point to the site must be completed to Council's requirements. Council's Engineering Services division is to be contacted to undertake an inspection. Any additional works considered required by Council must be completed at the applicant's expense and to the satisfaction of Council.

42. All landscaping must be completed as per the approved Landscape Plan. A Landscape Management Plan must also be submitted to Council prior to the issue of an Occupation Certificate which details on-going landscaping management arrangements for the site.

43. A Biosecurity Management Plan and a Mortality Management Plan must be submitted to Council for approval prior to the issue of any Occupation Certificate. The plans must be prepared in accordance with any relevant Department of Primary Industry – Agriculture requirements, standards and/or guidelines.

44. Lighting installed in the open and/or public spaces must comply with AS1158 series-lighting for roads and public spaces. The design and placement must be so that lighting does not create a nuisance or negatively affect surrounding land owners or road users within the vicinity of the site. To this end, the lighting must also comply with Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting.

45. If any imported fill material has been brought onto the site, the Principal Certifying Authority is to be provided with certification that it meets the requirements to be VENM as defined within the *Protection of the Environment Operations Act 1997*.

46. To ensure current and future on-going lawful access to the site, prior to the issue of an Occupation Certificate, evidence of the registration and creation of an easement for the right of access over Lot 5 DP756057 in favour of Lot 5 DP1210276 must be provided to Council.

47. To ensure future and continuing operation of the development any infrastructure shared or otherwise which services the proposed development (including but not limited to matters such as water supply, electricity, storage sheds etc), prior to the issue of an Occupation Certificate, evidence of the registration and creation of required easements for services infrastructure over all applicable allotments in favour of Lot 5 DP1210276 must be provided to Council.

48. Full plans, details and specifications as follows are to be included in documentation for an application for a Construction Certificate to a certifying authority (note that the certifying authority may also seek information additional to that listed below):

- a) Structural Engineering details for all structures proposed, prepared by a suitably qualified and practising structural engineer.
- b) Hydraulic design details prepared by a suitably qualified and practising hydraulic engineer for the proposed disposal and drainage of stormwater from the development, including

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CR DL JARDINE, CHAIRMAN

any system of on-site stormwater detention which may be required. The design must also take into account requirements of the EPA.

- c) Civil design details for the proposed internal driveways/roads and parking areas. They are to be prepared by a suitably qualified and practising civil engineer.

Council requires the submission of Works as Executed (WAE) plans relating to civil works for both b) and c) above, prior to issue of an Occupation Certificate.

49. The applicant must submit to Council the following information prior to the issue of an Occupation Certificate:

- a) Evidence that the proposed water storage dam and three (3) stormwater dams do not require a licence or approval under the *Water Management Act 2000*, or another Act, or
- b) If a licence or approval is required under the *Water Management Act 2000*, or another Act, a copy of such licence or approval.

ON-GOING USE

50. The on-going use of the development must be undertaken in accordance with the requirements of applicable standards, guidelines, codes of practice and requirements of the NSW Department of Primary Industries – Agriculture, including but not limited to the *Best Practice Management for Meat Chicken Production in NSW Guidelines, Manuals 1 and 2*, Australian Animal Welfare Standards and Guidelines and relevant poultry industry authorities relating to Intensive Livestock Agriculture (Poultry Production Facility) developments.

51. The development must be operated in accordance with the recommendation contained within the Noise Impact Assessment prepared by Reverb Acoustics titled, Proposed Poultry Complex Farm 5 Tabbita Lane Tabbita NSW, document ref: 20-2534-R1, dated March 2021 and the requirements of the EPA.

52. The storage of baits for pests, chlorine, chlorine dioxide, diesel and any other chemicals & fuels proposed to be stored on-site must not exceed the quantity thresholds as detailed within *State Environmental Planning Policy No. 33* and its relevant guidelines. They must at all times be kept in bunded areas and containers which comply with relevant and applicable Australian Standards for the storage of such materials.

53. Heavy vehicle access to the development is not permitted to be taken via Coates Lane.

54. Should the ownership of any of the allotments of land involved in this development consent change so as that they become owned by separate parties, and if any of these allotments contain one or more dwelling-houses, a Land Use Conflict Management Plan must be prepared in consultation with Council, the NSW Department of Primary Industries, the Environmental Protection Authority and any other relevant authorities, and be authorised by Council.

The plan must address how potential health, safety and amenity issues for any residents of the dwelling-houses and any on-going operational matters to protect the continued operation of the poultry farms will be managed. The title of the relevant allotment(s) must be amended to include a positive covenant in accordance with the *Conveyancing Act 1919* which enforces the requirements of the authorised Land Use Conflict Management Plan.

PRESCRIBED CONDITIONS OF DEVELOPMENT CONSENT

55. 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*.

56. 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.

57. 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 certifier 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.

58. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

In the case of work for which a principal contractor is required to be appointed:

- (i) the name and licence number of the principal contractor, and
- (ii) the name of the insurer by which the work is insured under Part 6 of that Act,

In the case of work to be done by an owner-builder:

- (i) the name of the owner-builder, and
- (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

ADVICE

59. A future development application for the 75,000 litre LPG storage tank which exceeds thresholds to not be considered potentially hazardous, must be accompanied by a Preliminary Hazard Analysis (PHA) and any other documentation/information required the relevant environmental planning instruments.

60. Future applications for the construction, installation or erection of dwelling-houses on any allotment to which this development consent relates must take into consideration the potential health, safety, amenity and land use conflict issues associated with their proximity to the approved intensive livestock agricultural developments within the area. Any such application received by Council may be referred to the NSW Department of Primary Industry – Agriculture for comments to assist Council in the determination of the application. This advice in no way infers that development consent will be granted for any such application(s) submitted to Council in the future.

61. Any future developments upon the site must take into consideration the potential future traffic generation which may result. This in turn may require road network upgrades within Tabbita Lane and/or Kidman Way. Future development applications to Council must provide relevant information to support the development and details any road network upgrades required.

62. Notations will be made on Council's property system against allotments subject to this consent with regard to ownership of allotments containing a dwelling-house listed in this development consent to ensure such requirements are identified on any future Planning Information Certificates issued by Council under section 10.7 of the *Environmental Planning and Assessment Act 1979*.

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CR DL JARDINE, CHAIRMAN

63. It is the sole responsibility of the owner, builder and developer, to ensure that the proposed development meets requirements of the *Disability Discrimination Act 1992 (Cth)*.

NOTE: The *Disability Discrimination Act 1992* (the DDA) is a Federal anti-discrimination law. The DDA covers a wide range of areas including employment, education, sport and recreation, the provision of goods, services and facilities, accommodation and access to premises. The DDA seeks to stop discrimination against people with any form of disability including physical, intellectual, sensory, psychiatric, neurological, learning, disfigurement or presence in the body of a disease-causing organism. This development consent issued by does not indicate nor confirm that the application satisfies requirements of the DDA.

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

8. 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.
9. This Notice of Determination does not remove the applicant's obligation to obtain approvals required by any other legislation.
10. *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.
11. 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.
12. The applicant should be aware of the provisions of the *Disability Discrimination Act 1992*. This Act imposes responsibilities additional to planning legislation.
13. 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
- 14 *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.

SITE PLAN

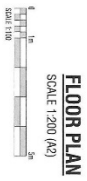
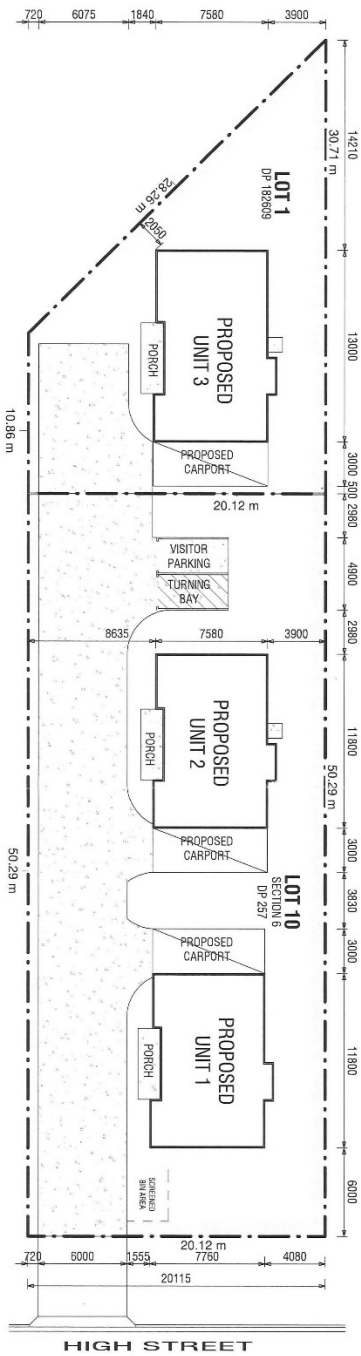
PROPOSED UNIT DEVELOPMENT

136-138 HIGH ST,
HILLSTON, NSW

FOR: ALLAN AND KARLENE HUTCHISON

DRAWING SCHEDULE

DRAWING NO.	DRAWING TITLE
21085-4001	SITE PLAN



PROPOSED LANDSCAPING
TOTAL SITE AREA: 1429.88sqm

SITE NOTES
OVERALL SITE DRAINAGE, EROSION CONTROL MEASURES AND LANDSCAPING ARE TO BE IN ACCORDANCE WITH LOCAL COUNCIL REQUIREMENTS.
SITE SETOUT DIMENSIONS ARE TO BE ESTABLISHED AND CONFIRMED BY A REGISTERED SURVEYOR.
BOUNDARY DIMENSIONS AND BEARINGS SHOWN ARE TO BE CONFIRMED WITH REGISTERED LINEN PLAN

NO.	DATE	AMENDMENTS	BY
P1	20/06/2021	PRELIMINARY ISSUE	HC
A	20/06/2021	ISSUED FOR APPROVAL	HC
B	20/06/2021	ISSUED FOR APPROVAL	HC
C	15/06/2021	ISSUED FOR APPROVAL	HC
D	17/06/2021	ISSUED FOR APPROVAL	HC

PROJECT: PROPOSED UNIT DEVELOPMENT
136-138 HIGH ST,
HILLSTON, NSW

SHEET SUBJECT: OVERALL SITE PLAN
CLIENT: ALLAN AND KARLENE HUTCHISON

PROJECT NO. 200503	SHEET NO. B001	ISSUE D	DATE APRIL 2021
DESIGNED <i>[Signature]</i>	CHECKED <i>[Signature]</i>	DRAWN <i>[Signature]</i>	CHECKED <i>[Signature]</i>

Local Government
APPROVED CONTRACTOR

REGISTERED CONSULTANTS

MJM

CONSULTING ENGINEERS

Wagga Wagga
101-103 Sturt Street
101-103 Sturt Street
Wagga Wagga NSW 2672
www.mjm-engineers.com
1800 755 555 Fax: 02 755 555

**1. COMPLIANCE WITH THE BUILDING CODE OF AUSTRALIA
(Prescribed Condition)**

All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).

**2. RESIDENTIAL BUILDING WORK
(Prescribed Condition)**

Building work (within the meaning of the *Home Building Act 1989*) must not be carried out unless the Principal Certifier for the development:

- a) in the case of work done by a licensee under the *Act*:
 - i) has been informed in writing of the licensee's name and contractor license number, and
 - ii) is satisfied that the licensee has complied with the requirements of Part 6 of that *Act*,
OR
- b) in the case of work to be done by any other person:
 - i) has been informed in writing of the person's name and owner-builder permit number, or
 - ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the *Act*,

and, is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

NOTE: A certificate issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

**3. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES
(Prescribed Condition)**

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours
- c) the development consent or complying development consent number, the name and contact details of the Principal Certifier.

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

4. SHORING AND ADEQUACY FOR ADJOINING PROPERTIES (Prescribed Condition)

1. For the purposes of Section 4.17 of the *Environmental Planning and Assessment Act 1979*, it is a prescribed condition of the development consent that if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) protect and support the adjoining premises from possible damage from the excavation, and
 - b) where necessary, underpin the adjoining premises to prevent any such damage.
2. The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

5. NOTICE OF COMMENCEMENT (Prescribed Condition)

The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a 'Notice of Commencement of Building or Subdivision Works'.

6. CONFORM WITH APPROVED PLANS

The development shall take place in accordance with the approved development plans as submitted with DA2022/002. Any alterations or additions marked by Council on the approved plans and/or the specifications must be carried into effect.

7. HOURS OF OPERATION

The applicant must take all reasonable steps to minimise dust and noise generation during the demolition and/or construction process. No offensive noise must be emitted during either process. Such activities must only be undertaken Monday to Friday 7.00am to 6.00pm and Saturday 8.00am to 1.00pm, excepting public holidays.

8. RUBBISH AND DEBRIS

All building rubbish and debris, including that which can be wind-blown, must be contained on site in a suitable enclosure, approved by Council, at all times prior to disposal at Council's Waste Management Centre. The container must be erected on the building site prior to work commencing.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: The applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

9. EROSION AND SEDIMENT CONTROL

Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

10. TOILET FACILITIES

Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all WORK COVER NSW requirements.

11. PLANS

The development shall be generally in accordance with the supporting documentation, including but not limited to, the following:

Site Classification Report Job No. 7646 136-138 High Street Hillston NSW 2675 by McMahon Earth Science dated March 2021
Site Plan Project No. 200503 Sheet No.BD01 Rev D dated April 2021 and Statement of Environmental Effects Proposed unit development 136-138 High Street, Hillston dated 17.06.21 by MJM Consulting Engineers
Unit 1 & 2: Floor Plan & Elevations (1 sheet) dated 09/10/19 by Betterlook Homes. Unit 3: Floor Plan & Elevations (1 sheet) dated 21/05/20 by Lloyds Transportable Homes. Drawing No. 15S005-ST-(S01, S03 & S04 RevA) dated 15.01.15, Specifications (Part A & B), Wet Area Floor Joint Waterproofing Detail (1 Sheet), Shower Waterproofing Detail (1 Sheet) and Typical section (1 sheet) by Betterlook/Lloyd Homes

as modified by any conditions of this consent.

No departure from the approved plans and specifications shall be made unless the prior approval of Council has been obtained in writing.

The development shall be carried out in conformity with the provisions of the *Environmental Planning and Assessment Act, 1979*, and the regulations made thereunder, in accordance with the plans and specifications approved by Council.

The builder shall maintain on the site, at all times a legible copy of the following:

- Development Consent including plans and related documentation;
- Construction Certificate when applied for and issued, including plans, specifications and certificates.

12. BUILDING INSPECTIONS

The applicant must obtain a Compliance Certificate pursuant to Section 6.16 of the *Environmental Planning and Assessment Act 1979*, as amended, from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia for the stages of construction listed in Column 1. For the purposes of obtaining the Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified in Column 2.

	COLUMN 1	COLUMN 2
A	Site Inspection	Prior to any works commencing on the site.
B	Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
I	Drainage	When the stormwater and roof water drainage system has been completed.

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CR DL JARDINE, CHAIRMAN

	COLUMN 1	COLUMN 2
A	Site Inspection	Prior to any works commencing on the site.
J	Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council or an accredited certifying authority until all Compliance Certificates required by this condition have been issued by, or registered with Council.

NOTE 2: The above Compliance Certificates are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Compliance Certificates are not issued Council may refuse to issue a Building Certificate under Section 6.26 of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

13. PLUMBING AND DRAINAGE WORKS

Any sewer or stormwater works associated with the development are to meet the requirements of the AS3500 and the New South Wales Plumbing Code of Practice. In this regard, it may be necessary for you to contact a Licensed Plumber and Drainer.

A Plumbing Permit must be obtained by a Licensed Plumber and Drainer, prior to any sewer or stormwater work being carried out on site. Further, a final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development.

14. ACTIVITY APPROVAL

Separate Application shall be made for a Section 68 approval under the Local Government Act for the connection of the Plumbing & Drainage to Council's infrastructure, or modifying or amplifying that existing on site.

15. WORKS AS EXECUTED DIAGRAM

Council requires a "Works as Executed Diagram" to be approved by Council Plumbing Inspector, prior to the issue of a Final Plumbing Certificate.

The Works as Executed Diagram must be submitted in electronic format in PDF File in accordance with Council Requirements.

16. PLUMBING INSPECTIONS

The applicant must obtain a Compliance Certificate pursuant to Section 6.16 of the Environmental Planning and Assessment Act 1979, as amended from Council or an accredited certifying authority certifying that the plumbing work identified in column 1 has been installed in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. For the purposes of obtaining the Compliance Certificates the plumbing works must be inspected by the accredited certifying authority at the times specified in Column 2.

	COLUMN 1	COLUMN 2
	Internal House Drainage	When all internal plumbing work is installed and prior to concealment.
	External House Drainage	When all external plumbing work is installed and prior to concealment.
	Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
	Final	Prior to occupation of the building.

17. LICENSED PLUMBER

All plumbing and drainage work must be carried out by a Licensed Plumber and Drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.

18. CONSOLIDATION – URBAN

Lot 1 DP182609 and Lot 10 Section 6 DP257 are to be consolidated into one lot prior to the issue of a Completion Certificate.

NOTE: Evidence of consolidation must be provided to Council

19. ACCESS

The residents occupying each building at 136-138 High Street Hillston are only to access the property from the High Street entrance. At no time are the residents to use the rear track that runs off Molesworth Street.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

20. FURTHER PLANS REQUIRED

Prior to work commencing on site, the applicant is to submit plans and specifications for each proposed carport shown on the site.

21. LANDSCAPING PLAN

Prior to work commencing on site, the Applicant is to submit a detailed Landscaping Plan to Council for approval.

PRIOR TO OCCUPYING THE BUILDING

22. COMPLETION CERTIFICATE

The applicant must obtain a Completion Certificate, pursuant to Clause 69 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005*, from Council prior to occupation of the building.

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CR DL JARDINE, CHAIRMAN

ROADS & MARITIME SERVICES CONDITIONS

1. Only one (1) access driveway is permitted to High Street. This common driveway shall be constructed as one driveway and with a minimum width of 6 metres to provide for two-way movement. Appropriate legal measures shall be implemented to provide for continued legal access for each residential unit to High Street. This legal agreement shall be written with Council empowered to uplift.
2. As a minimum the access driveway to the development shall be sealed from the carriageway to the property boundary and constructed so that the formed vehicle path rises to the level of the pedestrian footpath along the frontage of the site and not have the footpath step down onto the roadway.
3. The access driveway and the internal layout of the development shall be designed and maintained to allow all vehicles to enter and exit the subject site in a forward direction and not be required to reverse onto the adjoining road reserve.
4. Any landscaping or fencing to be provided within the site or along the boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance to pedestrians for motorists entering and exiting the subject site to minimise conflict in accordance with AS2890.1-2004 "Off-street car parking".
5. Stormwater run-off from the subject site onto the adjoining road reserve as a result of the proposed development is not to exceed the existing level of run-off from the subject site. Suitable provision should be made to retard any increased storm water run-off from the site.
6. A construction management plan to address demolition and construction activity, access and parking, is to be prepared to ensure that suitable provision is available on site for all vehicles associated with the construction of the development to alleviate any need to park within, or load/unload from the road reserve of High Street. The storage of any material within the road reserve of High Street is denied. Appropriate signage and fencing is to be installed and maintained to effect this requirement.
7. Prior to any works within the road reserve the applicant must apply for and obtain approval under Section 138 of the Roads Act, 1993 from the road authority (Council) and concurrence from Transport for NSW. The developer is responsible for all public utility adjustment/relocation works, necessitated by the proposed works and as required by the various public utility authorities and/or their agents.
8. Any works associated with the proposed development shall be at no cost to Transport for NSW.

Further to the above suggested conditions the Council may also give consideration to the following requirements for future development of the created allotments.

1. The residential units should be designed and treated such that rail infrastructure noise is mitigated by durable materials, in accordance with the Environmental Protection Authority criteria 'Rail Infrastructure Noise Guidelines. In accordance with SEPP (Infrastructure) Clause 87 the following internal noise objectives shall be complied with for all habitable rooms under ventilated conditions:
 - in any bedroom in the residential accommodation - 35 dB(A) at any time between 10.00 pm and 7.00 am,
 - anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway) - 40 dB(A) at any time.

TRANSPORT FOR NSW CONDITIONS

Construction Impacts

Prior to issue of a construction certificate, the applicant must provide JHR with a Risk Assessment/Management Plan and detailed Safe Work Method Statements for its review and comment.

Reason for condition

The Plans indicate that Proposed Unit 3 is in close proximity to the boundaries of the rail corridor. It is important for JHR to be satisfied that Proposed Unit 3 does not have any adverse impacts on the rail corridor during construction.

Excavation in, above, below or adjacent to rail corridors

Prior to issue of a construction certificate, the applicant must obtain approval from JHR in respect of construction activities to the extent of excavation and earthworks in the event that the development involves the penetration of ground to a depth of at least 2m below ground level on land within 25m of a rail corridor.

Reason for condition

The Statement of Environmental Effects states proposed development will not involve major earthworks but does not provide details on earthworks or footings of each dwelling for JHR and TfNSW to determine if TfNSW's concurrence is required in accordance with Clause 86 of the ISEPP.

Clause 86 of the ISEPP stipulates that the consent authority must not grant consent without consulting with the rail authority and obtaining concurrence consistent with clauses 86(2) – (5) in the event that the development involves the penetration of ground to a depth of at least 2m below ground level on land within 25m of a rail corridor.

Cranes and Equipment

1. The applicant must submit an application to John Holland Rail for approval of TAHE prior to any use of cranes and equipment in the air space over the rail corridor.
2. The use of cranes and equipment must be in accordance with the AS 2550 series of Australian Standards, Cranes, Hoist and Winches, including AS2550 15-1994 Cranes – Safe Use - Concrete Placing Equipment.

The applicant is advised to contact JHR's Third party works team via CRN.3rdpartyworks@jhq.com.au for more information.

Reason for condition

The Statement of Environmental Effects does not state regarding use of a crane in the air space above the rail corridor. As such, should such equipment be required to be used in the air space

over the rail corridor at any time, the applicant must submit an application to JHR for its endorsement and TAHE's approval in advance.

Stormwater Management

Prior to issue of a construction certificate, the Applicant must obtain written approval from JHR and TfNSW to its stormwater management documents including but not limited to a final stormwater drainage design evidencing the pre- development and post-development flows.

Reason for condition

The Statement of Environmental Effects does not contain information regarding stormwater management. The Guideline provides that discharge of stormwater from a development during and after construction should be designed to ensure that no adverse effects will be had on the existing watercourse and drain infrastructure system.

Fencing

Prior to commencing any works on the Land, the boundary fencing along the rail corridor must be installed and maintained at all times by the applicant at its costs in accordance with JHR's engineering standards which are available at <http://jhrcrn.com.au/media/2071/crn-cp-511-v1-1.pdf>. The applicant should contact JHR's Third party works team via CRN.3rdpartyworks@jhg.com.au for more information

Reason for condition

It is important for fencing along the rail corridor boundaries to be installed before commencing any works on the Land as the rail corridor is currently in operation. Prior to installation, the applicant will be required to submit an application to JHR for its endorsement and for TAHE's approval.

Access to the Land

Access to the rail corridor is strictly prohibited unless otherwise permitted in writing during construction and occupation.

Reason for condition

To ensure that access to the Land remains unchanged as its access continues to be via High Street.

Noise, vibration & air quality

1. The applicant prepares and provide JHR with an acoustic assessment confirming that residents in the dwellings would not be subjected to adverse noise, vibration and air quality due to the volume of rail traffic, particularly should the frequency and the volumes of the rail traffic increase in the future.
2. The requirements of Clause 87 of the ISEPP 2007 must be met as the Proposal contains construction of dwellings.

Reason for condition

The Statement of Environmental Effects states that the site is proximity to the Temora-Roto railway line which is a partly closed railway line and is not likely to have any adverse noise or vibration impacts on the development. To the contrary, the railway line is currently in operation. Clause 87 of the ISEPP 2007 provides that if the development is for the purpose of a building for residential use, the consent authority must be satisfied that appropriate measures for noise levels will be taken to ensure that the following LAeq levels are not exceeded:

- in any bedroom in the building: 35dB(A) at any time 10 pm to 7 am;
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway):40dB(A) at any time.

REASONS FOR CONDITIONS

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

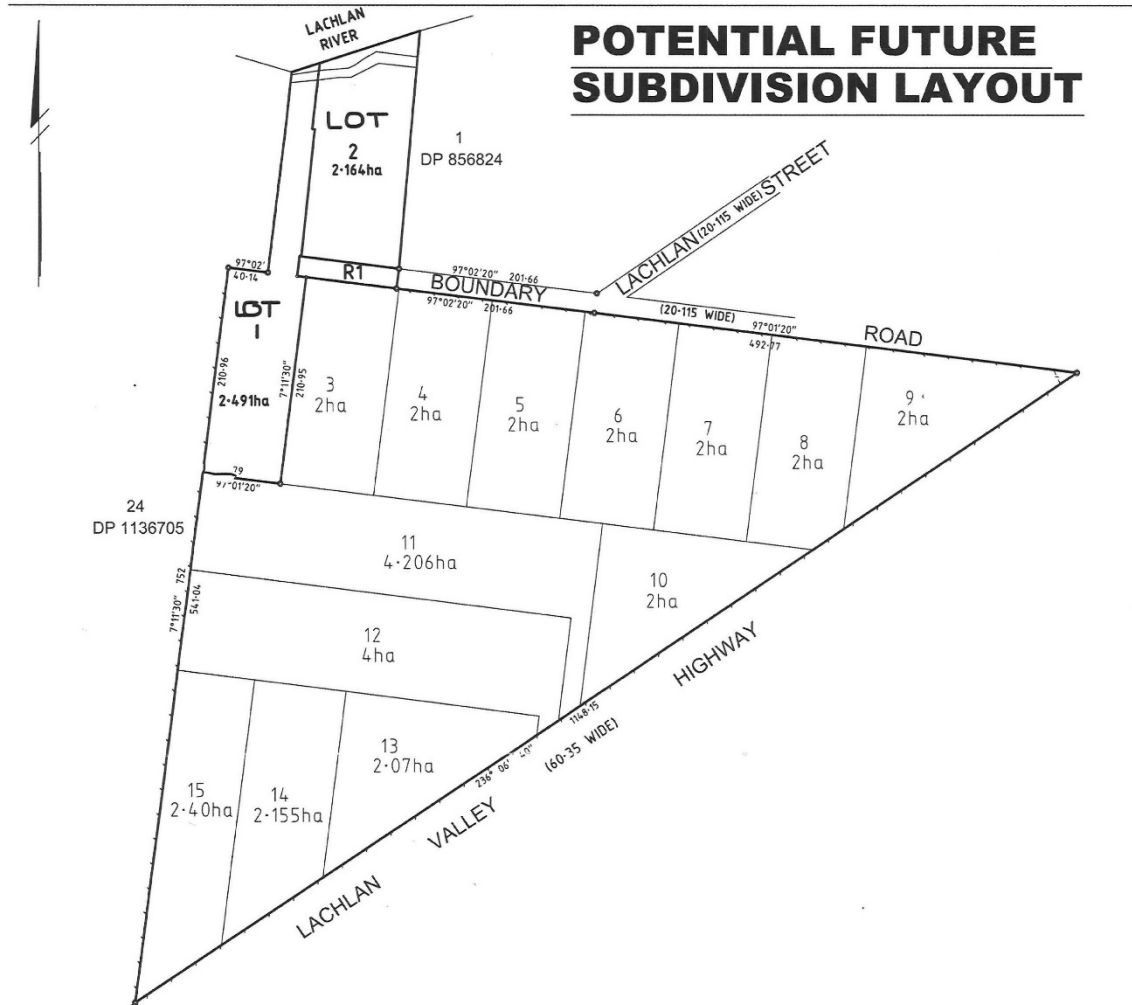
1. To achieve the objectives of *section 5(a) of the Environmental Planning and Assessment Act 1979*, having regard to the relevant matters for consideration contained in *section 79C of the Act and the Environmental Planning Instruments* applying to the land.
2. To ensure compliance with the *Building 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 required by any other legislation.
3. Section 97 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. Section 82A 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.

SITE PLAN

SUBDIVISION PLAN



1. PLANS

The development shall be undertaken generally in accordance with the stamped approved plans detailed as follows except where modified in red or by any of the following conditions:

Title/Plan no: Subdivision Plan of Lot 3 Known as 11 Boundary Rd, Hillston NSW
Ref no: None
Sheet no: 1 of 1
Drawn by: Unknown
Dated: None

2. SUBDIVISION CERTIFICATE REQUIRED

The applicant must obtain a Subdivision Certificate, pursuant to Section 6.3 of the *Environmental Planning and Assessment Act 1979*, as amended from Council, prior to its lodgement with the Lands Titles Office.

The Final Survey Plan (two paper copies and an electronic copy) must be submitted to Council along with the application for Subdivision Certificate and associated checklist.

NOTE: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent relating to the subdivision have been complied with and the appropriate fee paid.

3. EVIDENCE OF REGISTRATION OF SUBDIVISION

No work is to commence until such time as the subdivision approved under Development Application 2022/008 has been registered with the Land Titles Office. In this regard, a Construction Certificate will not be issued to erect buildings until appropriate evidence has been received to indicate the subdivision has been registered.

4. ALL-WEATHER ACCESS

The construction of a 4.0-metre-wide all-weather vehicular access from the road to each proposed Lot property boundary is required, to the specification of the Director of Infrastructure Services and in accordance with Council Policy 48, Rural Roads Access and Notification Policy. Clause 2.4 where new entrances are required as a result of a subdivision, then the owner is responsible for providing the entrances at their own cost.

5. WATER & SEWER SYSTEMS

- a) water to be provided to all resultant lots at mains pressure from Councils reticulated system at the developer's cost.
- b) on site sewerage systems to be in accordance with the NSW Health Regulations.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

6. ELECTRICITY SUPPLY

A notice of arrangement from the electricity supply authority shall be provided to Council, prior to the issue of a subdivision certificate, stating that-

- a) All required easements have been shown on the plan, if any; and
- b) All required works for electrical reticulation have been carried out (or satisfactory arrangements made for them to be carried out).

REASON: To ensure that adequate provision has been made for services.

7. Prior to the issuing of a subdivision certificate for the proposed 13 lot subdivision, Council will require the submission of a draft Section 88E pursuant to the *Conveyancing Act 1919* listing the following restrictions:
- (i) Construct more than one dwelling on the Lot Burdened;
 - (ii) Construct any building of the nature known as semi-detached duplex on the Lot Burdened;
 - (iii) Install any building of the nature known as a 'donga' on the Lot Burdened;
 - (iv) Use or permit to be used the Lot Burdened for any purpose other than as a private dwelling;
 - (v) Alter a building on the Lot Burdened in such a way as to create a further dwelling on the Lot Burdened;
 - (vi) No garage or outbuilding shall be erected or permitted on the Lot Burdened except until after or concurrently with the erection of a dwelling;
 - (vii) No garage or shed on the Lot Burdened shall be used as, or converted for the use as, any habitable area. For the purpose of this restriction a habitable area shall be defined as any room capable of being lived in, and shall include kitchens, bedrooms, bathrooms, living rooms, rumpus rooms and sunrooms, or the like, either singularly or in combination with each other, or with other rooms, however, this does not exclude the installation of a toilet and basin.
 - (viii) All buildings erected are to be of new construction.

REASONS FOR CONDITIONS

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. This Notice of Determination does not remove the applicant's obligation to obtain approvals required by any other legislation.
2. *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.
3. 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.
4. *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.