

**MINUTES OF THE ORDINARY MEETING OF THE CARRATHOOL SHIRE COUNCIL HELD
AT THE HILLSTON DISTRICT OFFICE
on Tuesday, 20 September 2022 commencing at 10.12 am**

1. PRESENT

Councillors: DL Jardine (Mayor), DA Liddicoat, MS Armstrong, HJ Lyall, WR Kite, DP Fensom, JK Potter, B Furner, and LW Cashmere

Staff: General Manager Rick Warren, Director Corporate & Community Services Robert Rayner, and Acting Director Infrastructure Services Bert Breuling.

2. LEAVE OF ABSENCE

A request for leave of absence was received from GR Peters.

0278 RESOLVED that the request for leave of absence from GR Peters be received and granted.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DA Liddicoat

3. DECLARATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

| Report | Councillor/Officer | Reason | Pecuniary / Non Pecuniary |
|--------|--------------------|--------|------------------------------|
| Nil | | | |

4. CONFIRMATION OF THE PREVIOUS MINUTES

0279 RESOLVED that the minutes of the Ordinary meeting of the Carrathool Shire Council held 16 August 2022 as circulated to all Councillors, be confirmed.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr LW Cashmere

5. BUSINESS ARISING

Nil

6. MOTIONS & QUESTIONS (NOTICE GIVEN)

Nil

7. PRESENTATIONS/PUBLIC ADDRESSES (WHERE SCHEDULED)

Nil

8. MAYORAL REPORTS

8.1 Mayors Report

0280 RESOLVED that Council:

1. note the Mayors report to the September 2022 meeting.
2. staff develop a design and cost to improve the corner on Lachlan River Road currently under water with a view to alleviating the problem in future road programs.
3. only send two delegates to the Local Government Conference in Cessnock

CARRIED

Moved: Cr DP Fensom / Seconded: Cr HJ Lyall

9. DELEGATES REPORTS

Nil

10.0 GENERAL MANAGER'S REPORT

10.1 Ongoing Action from Previous Business Papers

0281 RESOLVED that Council note the update on action report for August 2022.

CARRIED

Moved: Cr WR Kite / Seconded: Cr DA Liddicoat

10.2 Precis of Correspondence

10.2.1 Rebecca Morio Letter of Thanks - Council Scholarship

0282 RESOLVED that Council note the letter of thanks from Rebecca Morio.
CARRIED Moved: Cr HJ Lyall / Seconded: Cr DP Fensom

10.2.2 Adela Neal Letter of Thanks - Council Scholarship

0283 RESOLVED that Council note the letter of thanks from Adela Neal.
CARRIED Moved: Cr HJ Lyall / Seconded: Cr DP Fensom

10.2.3 Hon. Dugald Saunders MP – Minister Agriculture and Western NSW

0284 RESOLVED that Council note the information provided by the Hon. Dugald Saunders MP regarding Western NSW portfolio.
CARRIED Moved: Cr JK Potter / Seconded: Cr DA Liddicoat

10.2.4 Department of Regional NSW

0285 RESOLVED that Council note the changes to the Department of Regional NSW personnel.
CARRIED Moved: Cr MS Armstrong / Seconded: Cr JK Potter

10.2.5 Local Government NSW – 7th Annual National Flying Fox Forum

0286 RESOLVED that Council note the 7th Annual National Flying-Fox Forum to be conducted 28 and 29 September at Adelaide Zoo.
CARRIED Moved: Cr MS Armstrong / Seconded: Cr HJ Lyall

10.2.6 Rankins Springs Preschool / Playgroup

0287 RESOLVED that Council approve the removal of the tree and instruct staff to make arrangements for its removal at an anticipated cost of \$2,750 with funding provided from the town maintenance vote.
CARRIED Moved: Cr B Furner / Seconded: Cr DA Liddicoat

10.2.7 Broken Hill City Council – Office of Mayor

0288 RESOLVED that Council note the correspondence from Broken Hill City Council regarding membership of the Local Government Association of NSW.
CARRIED Moved: Cr MS Armstrong / Seconded: Cr HJ Lyall

10.3 Internal Audit - Update

0289 RESOLVED that Council:

1. note the eligibility requirements for ARIC chairs and members.
2. note the guidelines when finalised will operate from 1 July 2024.
3. write to the Minister for Local Government and the Treasurer regarding the impact the proposed ARIC guidelines will have on small remote Councils.
4. submit a motion to the annual conference in regard to ARIC imposts on small remote Councils.

CARRIED Moved: Cr MS Armstrong / Seconded: Cr B Furner

10.36 am Manager Infrastructure Services joined the meeting.

10.4 Fixing Country Roads –Round Six

0290 RESOLVED that Council:

1. determine the priority and contributions for submissions under fixing country roads as:

| Rank | Project | Grant Funds \$ | Council Contribution \$ |
|------|--------------------|----------------|-------------------------|
| 1 | The Springs Road | 2,000,000 | 500,000 |
| 2 | Lachlan Valley Way | 2,000,000 | 500,000 |
| 3 | Mossgiel Road | 1,200,000 | 310,000 |

CARRIED Moved: Cr DL Jardine / Seconded: Cr DP Fensom

10.5 Grant Projects – Update

0291 RESOLVED that Council note status of the various projects currently being undertaken through various grant funded opportunities.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DP Fensom

10.6 General Manager Contracts

0292 RESOLVED that Council note that the new form of contract must be used when engaging or renewing the contract for a general manager.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DP Fensom

10.7 Electric Vehicle Charging Stations

0293 RESOLVED that Council:

1. note the status for Electric Vehicle Charging Stations.
2. note the approximate costs and co-funding arrangements currently available for installation of charging stations.
3. note that a feasibility study has been requested at Rankins Springs, Hillston and Goolgowi in relation to charging stations at no cost to Council.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr HJ Lyall

10.8 Review of Local Government Rate Peg Methodology

0294 RESOLVED that Council note the review of the Rate Pegging Methodology to be conducted by The Independent Pricing and Regulatory Tribunal of NSW (IPART) and associated milestones leading to the final report in May 2023.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr B Furner

10.9 General Road Conditions - Update

0295 RESOLVED that Council move this report to the Closed Council Meeting pursuant to Section 10A (2) (d) commercial information of a confidential nature that would, if disclosed--

(i) prejudice the commercial position of the person who supplied it.

CARRIED

Moved: Cr DA Liddicoat / Seconded: Cr JK Potter

10.10 Infrastructure Report

0296 RESOLVED that Council note the Infrastructure Report for August 2022.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DP Fensom

10.11 Plant Report

0297 RESOLVED that Council note the Plant Report as at 7 September 2022.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr LW Cashmere

10.12 Plant Replacement

0298 RESOLVED that Council receive the Plant Replacement report for August 2022.

CARRIED

Moved: Cr WR Kite / Seconded: Cr DA Liddicoat

12.26 pm Manager Water & Sewer joined the meeting

10.13 Hillston Potable Water Supply – Snapshot

0299 RESOLVED that Council:

1. note the report on the Hillston Potable Water Scheme.
2. note that the financial position is sound.
3. continue to monitor the financial status of the scheme each year.

CARRIED

Moved: Cr JK Potter / Seconded: Cr LW Cashmere

12.40 pm Manager Water & Sewer left the meeting

11.30 am Manager Infrastructure Services left the meeting

11.32 am Manager Building & Regulatory Services joined the meeting

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CR DL JARDINE, CHAIRMAN

10.14 Development Applications August 2022

0300 RESOLVED that the Determinations for Development Applications received for August 2022 be noted.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr HJ Lyall

10.15 Rezoning of Land in Rankins Springs and Merriwagga

0301 RESOLVED that Council:

1. note the need for more residential land in Rankins Springs and Merriwagga;
2. rezone the areas indicated on the maps provided of Merriwagga and Rankins Springs, which include both residential and rural residential lots, with the minimum size for a dwelling entitlement to be 1000 sqm for the residential zone and 2 Ha for the rural residential zone.
3. prepare a planning proposal for submission for a gateway determination by the NSW Department of Planning and Environment for both zoning and minimum lot size adjustments.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr B Furner

10.16 Development Application 2023/003 – Use of Land to Install Four (4) Manufactured Dwellings

0302 RESOLVED that Council approve DA2023/003 for the installation of four (4) manufactured homes subject to the conditions imposed, including as additional conditions 1.8metre colour bond fencing to match roof colour, landscaping plan to be provided, and rubbish bins to be screened. (8 Bank Street Hillston).

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr LW Cashmere
Division: All in Favour

10.17 Development Application 2023/002 – Use of Land to Install Four (4) Manufactured Dwellings

0303 RESOLVED that:

1. Development Application 2023/002 for a Multi- Dwelling Housing Development Consisting of Four (4) Detached Manufactured Homes/Moveable Dwellings on Lot 13 and Lot 14, Section 8, DP 257, 166-170High Street Hillston NSW 2675 (to be known as proposed Lot 10 following a consolidation of Lots 13 and 14, Section 8, DP 257), be REFUSED, for the following reasons:
 - a) The site is not considered to be suitable for the development given the existing urban context of the locality and the existing surrounding built environment. The development application is not consistent with the requirements of Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
 - b) The proposed development is not considered to be in the public interest given that it will be insensitive to the surrounding environment and does not have regard to the reasonable amenity expectations of surrounding land users and land uses. The development application is not consistent with the requirements of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979.
 - c) The proposed development will be a “Prohibited” land use in the proposed E1 Local Centre Zone following the amendment to the Carrathool Local Environmental Plan 2012 to rezone land in the Central Business District of Hillston from RU5 Village to E1 Local Centre. The development application is not consistent with the requirements of Section 4.15 (1) (a) (ii) of the Environmental Planning and Assessment Act 1979.
 - d) The proposed development will have adverse impacts on the heritage significance of eight (8) existing buildings that are listed as Items of Environmental Heritage in Schedule 5 of the Carrathool Local Environmental Plan 2012 and no heritage management document has been prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage items. The development application is not consistent with the requirements of Section 4.15 (1) (b) of the Environmental Planning and Assessment Act 1979.

CARRIED

Moved: Cr DL Jardine / Seconded: Cr LW Cashmere
Division: All in Favour

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CR DL JARDINE, CHAIRMAN

12.24 pm Manager Building & Regulatory Services left the meeting

10.18 Finance Report – Statement of Bank Balances – August 2022

0304 RESOLVED that Council note the Statement of Bank Balances as at 31 August 2022 and confirm payment of accounts as summarised in the reconciliation statement totalling \$3,422,662.09.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr DA Liddicoat

10.19 Finance Report – Investments Schedule – August 2022

0305 RESOLVED that Council:

1. receive the investment report as at 31 August 2022 and it be noted that the summary has been prepared in accordance with the Act, the Regulation and Council's Investment Policy,
2. note that the investments reported exceed the single institution exposure limit of Council.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr WR Kite

10.20 Draft Annual Financial Statements (AFS)

0306 RESOLVED that Council:

1. refer the 2021/22 draft Annual Financial Statements for audit.
2. the Statement of Councillors and Management be signed in accordance with sections 413 (1), (2) and (3) *Local Government Act 1993*.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr DP Fensom

10.21 Financial Assistance Grant

0307 RESOLVED that Council note the increase in the Financial Assistance Grant of \$199,461 for the general component and \$118,534 for the roads component for 2022/23 against the original budget estimate.

CARRIED

Moved: Cr JK Potter / Seconded: Cr DA Liddicoat

10.22 Outstanding Rates and Sundry Debtors

0308 RESOLVED that Council note the report on outstanding rates and sundry debtors.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr HJ Lyall

10.23 Delivery Plan Performance Report

0309 RESOLVED that Council note the Delivery Plan Progress Report for August 2022.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr LW Cashmere

10.24 Pecuniary Interest Returns Audit

0310 RESOLVED that Councillors receive the information provided and complete a review of their pecuniary interest returns.

CARRIED

Moved: Cr WR Kite / Seconded: Cr B Furner

10.25 NSW Treasury – Follow the Dollar Consultation

0311 RESOLVED that Councillors note the information provided on the Follow the Dollar consultation.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DP Fensom

10.26 Transfer of Land to Council

0312 RESOLVED that Council:

1. approve the transfer of the land to Council's name for the value of the unpaid rates.
2. note that the land is to be classified as operational land.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr B Furner

10.27 Council's 355 Committees

0313 RESOLVED that Councillors note the information provided on the 355 Committees.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DA Liddicoat

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CR DL JARDINE, CHAIRMAN

1.14 pm Council adjourned for lunch

1.51 pm Council recommenced after lunch

1.52 pm The Economic Development Support Officer joined the meeting

10.28 Economic Development Unit Report – September 2022

0314 RESOLVED that Council note the Economic Development Support Officers report for September 2022.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr LW Cashmere

1.59 pm The Economic Development Support Officer left the meeting

11.0 COMMITTEE REPORTS

Nil

12.0 CLOSED COUNCIL REPORTS

CLOSED COUNCIL 2.00 pm

0315 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 DP Fensom / Seconded: Cr DA Liddicoat

12.1 Hillston Medical Centre – Status Update

0316 RESOLVED that Council approve in principle the transfer of management of the Hillston Medical Service from Council to a third party.

CARRIED

Moved: Cr HJ Lyall / Seconded: Cr LW Cashmere

10.9 General Road Conditions - Update

0317 RESOLVED that Council:

1. Council approach landholders to allow borrow pits to be created in paddocks adjacent to roads with poor drainage to allow water to drain to the pits with material excavated to be placed on the road to increase the road height.
2. allocate \$80,000.00 to resheet the southern section of Pinteebakana road where there appears to be little or no gravel.
3. identify roads where cutbacks can be dragged back onto the road surface and commence this practice as soon as possible on suitable roads.
4. discuss with landowners and investigate the possibility of draining water from the roads through the paddocks towards the natural water course flows on the problem roads in the southern area of the Shire.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr DP Fensom

12.2 General Manager Performance Review 2021-22

0318 RESOLVED that Council:

1. consider the performance of the General Manager over the past 12 months to be “better than satisfactory”.
2. use the same agreement for the next financial year 2022-2023.
3. award the General Manager an increase of 2% on Salary Component of the remuneration package.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr DA Liddicoat

4.40 pm Cr JK Potter left the meeting

OPEN COUNCIL 5.07 pm

0319 RESOLVED that Council return to open Council.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr DA Liddicoat

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 DP Fensom / Seconded: Cr DA Liddicoat

13.0 NEXT MEETING

The next **Ordinary Meeting** of Council will be held at the **Council Chambers Goolgowi** on **Tuesday 18 October 2022** commencing at **10.00am**.

CLOSURE

There being no further business, the meeting terminated at 5.10 pm.

The Minutes of the Ordinary Meeting of the Carrathool Shire Council held on Tuesday, 20 September 2022 were confirmed at the subsequent Ordinary Meeting of Council on Tuesday, 18 October 2022

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Chairman of the Meeting of the Carrathool Shire Council held on Tuesday, 18 October 2022, at which meeting the above signature was subscribed.

ATTACHMENT – CONDITIONS DA2023/003

1. PLANS

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

| |
|---|
| Statement of Environmental Effects <i>Proposed Installation of 4 Manufactured Homes For 8 Bank Street Hillston</i> (11 sheets) |
| Structural drawings (S.01, S02 & S.03) Job No. 220153 Rev A dated April 2022 and Structural Engineer Certificate (13 pages) dated 5 April 2022 by Cook and Roe Structural Engineers |
| Geotechnical Report Ref: W22/01974 by K&H Geotechnical Services Pty Ltd dated 11 March 2022 |
| Architectural plans: <i>Proposed Units</i> Preliminary Drawings 02(Sheet 05 Plumbing Plan) dated 1/03/2022 and Preliminary Drawings 03 (Sheets 01-06) dated 22/06/2022 by Cudden Construction |

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:

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;
- 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 1993* 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.

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 |
|---|-------------------------|---|
| A | Internal House Drainage | When all internal plumbing work is installed and prior to concealment. |
| B | External House Drainage | When all external plumbing work is installed and prior to concealment. |
| C | Stormwater Drainage | When all external stormwater drainage work is installed and prior to concealment. |
| E | 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.

22. VEHICULAR ACCESS WITHIN ROAD RESERVE

Vehicular access within the road reserve must be constructed to Council standards, at full cost to the developer, by a licensed Council approved contractor.

23. ALL WEATHER DRIVEWAY – MINIMUM THREE METRES

An all weather driveway from the property entrance of the development site to the edge of the carriageway must be provided and maintained, having a minimum clear width of three (3) metres.

24. ALL WEATHER ACCESS, MANOEUVRING & PARKING

All weather access, manoeuvring and parking areas being provided and maintained within the site.

25. CAR PARKING – LAYOUT

The car park and all associated facilities must be laid out in accordance with Australian Standard AS2890.2 2002.

26. The applicant is to continue Council’s kerb and gutter infrastructure along the northern and southern boundaries for the duration of the applicant’s Lot along Bank Street. The new kerb and gutter is to match the existing kerb and gutter in McGee Street. The new kerb and guttering should include provisions for drainage where necessary.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

27. The road surface is to be upgraded to Council’s specifications for the duration of Bank Street. The applicant is to provide a road construction plan in accordance with Council’s guidelines, for approval, prior to works commencing on site.

28. A kerb inlet drainage pit is to be installed near the intersection of Bank Street and McGee Street so that stormwater is disposed of in a satisfactory manner. All drainage works are to comply with the provisions of AS/NZS 3500, at the applicant’s cost.

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

30. 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.

31. The applicant is to submit to Council for approval, a detailed plan showing the proposed perimeter fence. The side and rear fence should be a colorbond fence 1.8 meters in height where practical, while the front fence is to be constructed so as to shield the development from the road. The fence is to be the same colour as the roof on the dwellings.

32. The applicant should supply Council with a detailed landscaping plan, along with a landscaped maintenance schedule. Landscaping must be maintained on the subject land, with the replacement of failed plants, a regular mowing schedule, regular maintenance on irrigation systems, and rubbish removal. The plan should also include details on how the rubbish bins will be screened from public view.

PRIOR TO OCCUPYING THE BUILDING

33. CONSOLIDATION – URBAN

The subject land being Lot 30 Sec 7 DP3357 and Lot 31 DP3357 to be consolidated into one lot, within 12 months of Occupation of the dwelling, with evidence to be provided to the certifier that the process has commenced prior of the issue of a Completion Certificate.

NOTE: Evidence of consolidation must be provided to Council.

34. 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:
 - 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.