



***DRAFT***

**MINUTES  
ORDINARY MEETING OF COUNCIL**

***held on***

**WEDNESDAY, 11 OCTOBER 2023**

**PRESENT**

Councillors Craig Davies (Mayor and Chair), Dawn Collins (Deputy Mayor), Les Lambert (from 5.37pm), Lachlan Roberts, Casey Forrester, Adine Hoey, Diane Beaumont, Ewen Jones and Mrs Jane Redden (General Manager), Mr Phil Johnston (Director Community & Economic Development), Mr Barry Bonthuys (Director Finance & Corporate Strategy) and Mrs Sally McDonnell (Minute Taker).

**WELCOME**

The Chair welcomed those present and declared the meeting open at 5.30pm.

**PRAYER**

The Lord's Prayer was taken by those present.

**ACKNOWLEDGEMENT OF COUNTRY**

The Acknowledgement to Country was made by the Chair.

**APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS**

Nil

**CONFIRMATION OF MINUTES**

**RESOLVED** Crs Collins/Hoey that the Minutes of the Ordinary Meeting held on 13 September 2023 and the Extraordinary Meeting held 25 September 2023 be adopted.

**2023/197**

**DISCLOSURES OF INTERESTS**

Nil

**MAYORAL MINUTE**

**1.    MAYORAL DIARY**

**RESOLVED** Crs Hoey/Beaumont that the information be noted.

**2023/198**

**2.    DEPUTY MAYORAL DIARY**

**RESOLVED** Crs Collins/Jones that the information be noted.

**2023/199**

**3.    DELEGATES REPORT – ALLIANCE OF WESTERN COUNCILS**

**RESOLVED** Crs Hoey/Beaumont that the information be noted.

**2023/200**

**MAYORAL MINUTE (CONT'D)**

**4.    DELEGATES REPORT – MURRAY DARLING ASSOCIATION CONFERENCE AND AGM**

**RESOLVED** Crs Jones/Hoey that the information be noted.

**2023/201**

**REPORTS TO COUNCIL - GENERAL MANAGER**

**1.    REPORT ON COUNCILLOR EXPENSES AND FACILITIES**

**RESOLVED** Crs Hoey/Beaumont that the information be noted.

**2023/202**

**2.    MITCHELL HIGHWAY, DUBBO TO NARROMINE OVERTAKING LANES PROJECT**

**RESOLVED** Crs Collins/Hoey;

1. That Narromine Shire Council agrees to Transport for NSW formally acquiring the classified community land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 and includes the following parcels: -

Lots 26 and 27 DP261903 – Total Acquisitions

Lot 41 DP2611177 (now known as Lot 3 DP129503) – Partial Acquisition

2. That compensation for the parcels of land acquired be determined by the Office of the Valuer General.
3. That all costs associated with the acquisition of land be for the acquiring authority.

**2023/203**

**Cr Lambert entered the meeting room at 5.37pm**

**3.    DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS RETURNS**

**RESOLVED** Crs Beaumont/Forrester that the information be noted.

**2023/204**

**4.    LEASE OF LOT 21 DP 1077239**

**RESOLVED** Crs Hoey/Forrester that Lot 21 DP 1077239 be leased for grazing purposes for a 3-year period at a rental of \$651.54 per annum (GST inclusive) with annual CPI increments to be applied thereafter.

**2023/205**

**5.    WORKS REPORT**

**RESOLVED** Crs Beaumont/Lambert that the information be noted.

**2023/206**

**REPORTS TO COUNCIL - FINANCE & CORPORATE STRATEGY**

**1.    INVESTMENT REPORT AS AT 30 SEPTEMBER 2023**

**RESOLVED** Crs Hoey/Collins;

1.    That the report regarding Council's Investment Portfolio be received and noted;
2.    That the certification of the Responsible Accounting Officer is noted and the report adopted.

**2023/207**

**REPORTS TO COUNCIL – COMMUNITY AND ECONOMIC DEVELOPMENT**

**1.    DEVELOPMENT APPROVALS**

**RESOLVED** Crs Lambert/Beaumont that the information be noted.

**2023/208**

**2.    FINANCIAL CONTRIBUTION TO NARROMINE TURF CLUB**

**RESOLVED** Crs Collins/Lambert;

1.    That an annual financial contribution of \$15,000 is made to the Narromine Turf Club for the next three financial years, commencing in the 2023/24 financial year.
2.    That the level of this contribution be reviewed prior to the budgeting process for the 2026/27 financial year.

**2023/209**

**3.    DUNDAS AND PAYTEN PARK PRECINCT PLAN**

**RESOLVED** Crs Lambert/Beaumont that Council adopt the Dundas and Payten Park Precinct Plan in principle.

**2023/210**

**4.    DEVELOPMENT APPLICATION DA2023/39 PROPOSED FERTILIZER SILOS AT 2 BIMBLE BOX LANE, TRANGIE**

**RESOLVED** Crs Hoey/Beaumont that Council approve the DA2023/39 for installation of five (5) 66T fertilizer silos and use as a Depot associated with Delta Agribusiness Trangie Branch Site, subject to conditions (and the following notations):

**GENERAL CONDITIONS**

Condition		
1	<b>Development in Accordance with Plans and Documents</b>	
	This consent relates to <b>5 x 66T Fertilizer silos for Depot use</b> as illustrated on the plans, specifications and supporting documentation stamped with reference to this consent, as modified by the following conditions. The development shall be carried out in accordance with this consent.	
	<b>Dwg</b>	<b>Title</b>
	1 of 3	Site Plan- turn path Bimble Box Lane Trangie 2823 (Lot 7- /DP755126) prepared by Andys Design and Drafting for Delta Agribusiness
		<b>Dated/Revision</b>
		14/09/2023 (1:500/A2)

Condition													
	2 of 3	Site Plan – over aerial Bimble Box Lane Trangie 2823 (Lot 7- /DP755126) prepared by Andys Design and Drafting for Delta Agribusiness	14/09/2023 (1:750/A2)										
	3 of 3	Elevation and plan view Bimble Box Lane Trangie 2823 (Lot 7- /DP755126) prepared by Andys Design and Drafting for Delta Agribusiness	14/09/2023 (1:100/A2)										
	<b>Ref</b>	<b>Document</b>	<b>Rev/Date</b>										
	220518	Proposed fertiliser silos Bimble Box Lane Trangie Statement of Environmental Effects prepared for Delta Agribusiness by MJM Consulting Engineers	Rev A 27.09.2023										
	<p>Any alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act, or a new development application. No works, other than those approved under this consent, shall be carried out without the prior approval of Council.</p> <p>Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>												
2	<b>Hours of Operation</b>												
	The typical ongoing operation of the depot is limited to daylight hours (including for loading and unloading activities).												
	<table border="1"> <thead> <tr> <th>DAY</th> <th>HOURS</th> </tr> </thead> <tbody> <tr> <td>Monday to Friday</td> <td>7:00am to 6:00pm</td> </tr> <tr> <td>Saturday</td> <td>8:00am to 5:00pm</td> </tr> <tr> <td>Sunday</td> <td>Nil</td> </tr> <tr> <td>Public Holidays</td> <td>Nil</td> </tr> </tbody> </table>			DAY	HOURS	Monday to Friday	7:00am to 6:00pm	Saturday	8:00am to 5:00pm	Sunday	Nil	Public Holidays	Nil
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	<p>Condition Reason: To minimise the potential impact on amenity for neighbouring residents.</p>												
3	<b>Separate Approval required for work over footpath Section 138 Roads Act</b>												
	<p>Under Section 138 of the Roads Act 1993, should any work on the verge, footpath, or public road reserve be required, a separate Section 138 Roads Act Approval will need to be obtained from Council. The conditions of a s138 approved by Council are to be complied with prior to works commencing in the road reserve.</p> <p>In this regard, the applicant is to make a formal application to Council to upgrade the access into the property in accordance with Council's requirements. The section 138 application is to be submitted to and approved by Council prior to access works commencing.</p>												
	<p>Condition Reason: To ensure compliance with the Roads Act and Council policy.</p>												

**4. DEVELOPMENT APPLICATION DA2023/39 PROPOSED FERTILIZER SILOS AT 2 BIMBLE BOX LANE, TRANGIE (Cont'd)**

**BUILDING WORK**

**BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE**

<b>Condition</b>	
<b>4</b>	<p><b>Plans required</b></p> <p>Prior to the issue of a Construction Certificate the applicant is required to provide plans to the certifier which demonstrates that the proposed new building works will meet all relevant provisions of the National Construction Code.</p> <ul style="list-style-type: none"> <li>• Engineering plans, showing details of all proposed work and adhering to any conditions of development consent, are to be submitted to, and approved by, Narromine Shire Council or an Accredited Certifier prior to issuing of the Construction Certificate. The design is to be supported by relevant geotechnical advice confirming conditions and soil bearing capacities.</li> </ul> <p>Condition Reason: Compliance with NSW Government legislation and to ensure design is adequate.</p>
<b>5</b>	<p><b>Stormwater Design</b></p> <p>The driveway, hardstand areas and silo pad area are to be designed such that all stormwater is treated on site. Runoff and stormwater controls shall be installed for the life of the development and prior to final occupation, and incorporate:</p> <ul style="list-style-type: none"> <li>• Use of existing traps where practical for existing developed areas and a new basin/stormwater trap for new works.</li> <li>• Maintenance of all erosion control and stormwater management measures is to continue for the life of the development and is the responsibility of the operator.</li> <li>• The setback to the south-eastern boundary should be increased to maintain the stormwater separation from neighbouring land as far as possible.</li> </ul> <p>Condition Reason: To protect the stormwater and environment from potential contamination by fertilizer and manage the site in case of a spill and to prevent impact to public infrastructure.</p>
<b>6</b>	<p><b>Other approvals pursuant to LG Act</b></p> <p>Prior to the issue of a construction certificate, an approval pursuant to Section 68 of the Local Government Act 1993 is required to be issued by Council for all plumbing and drainage work. Any new stormwater discharge/outlets to the road reserve will require the approval of Council.</p> <p>Condition reason: To ensure all drainage, sewer and plumbing work is carried out in accordance with the relevant requirements and the Local Government Act, 1993.</p>
<b>7</b>	<p><b>On-site sewage management</b></p> <p>Prior to the issue of a construction certificate the location of the existing on-site sewage management system is to be confirmed and shown on site plans. New driveways and turn paths are to avoid the system.</p> <p>A s68 PART C Local Government Act approval is to be sought to 'Operate a system of sewage management (within the meaning of section 68A). If the existing system is to be altered separate s68 PART C approval is similarly required for the ongoing management of waste.</p> <p>Condition reason: To ensure infrastructure including rubble drains are avoided.</p>

<b>Condition</b>									
<b>8</b>	<p><b>Payment of building and construction industry long service levy</b></p> <p>Before the issue of a construction certificate, the applicant is to ensure that the person liable pays the long service levy to be calculated based on a cost estimate prepared by a suitably qualified person to the Long Service Corporation or Council under section 34 of the Building and Construction Industry Long Service Payments Act 1986 and provides proof of this payment to the certifier. The cost estimate and proof of payment is required to be provided to the certifier prior to issue of construction certificate.</p> <p>NOTE: From 1 January 2023 the levy rate will be 0.25% of the cost of building and construction works and will only be payable if the cost of works is \$250,000 and above (inclusive of GST). This payment can be made directly to the Long Service Levy Corporation. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986.</p> <p>Based on the supplied value (\$324,640.90) the current levy payable is \$811 (An updated Cost Estimate maybe required prior payment). This payment can be made directly to the Long Service Corporation. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. Refer to the website for information on where to pay <a href="https://www.longservice.nsw.gov.au/bci/levy/paying-the-levy/where-to-pay-the-levy">https://www.longservice.nsw.gov.au/bci/levy/paying-the-levy/where-to-pay-the-levy</a></p>								
	<p>Condition reason: To ensure the long service levy is paid.</p>								
<b>9</b>	<p><b>Payment of section 7.12 contributions</b></p> <p>Pursuant to section 7.12 of the Environmental Planning and Assessment Act 1979, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is to be levied in accordance with the Narromine Shire Council Section 7.12 Contributions Plan 2019, adopted on 29 January 2020.</p> <p>Contribution amounts are to be calculated by Council upon the receipt of a cost estimate prepared by a suitably qualified person. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS).</p> <p>NOTE: Contribution amounts will be adjusted by Council each quarter. The current amount payable based</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Contribution Type</th> <th style="text-align: left;">Proposed Cost of Development</th> <th style="text-align: left;">Levy Payable (%)</th> <th style="text-align: left;">Total Payable</th> </tr> </thead> <tbody> <tr> <td>Section 7.12 Contribution</td> <td>\$324,640.90</td> <td>0.5%</td> <td>\$1 623.20</td> </tr> </tbody> </table> <p>Condition Reason: To ensure development contributions are paid to address the increased demand for public amenities and services resulting from the approved development.</p>	Contribution Type	Proposed Cost of Development	Levy Payable (%)	Total Payable	Section 7.12 Contribution	\$324,640.90	0.5%	\$1 623.20
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Section 7.12 Contribution	\$324,640.90	0.5%	\$1 623.20						

<b>Condition</b>	
10	<p><b>Damage to Public Assets</b></p> <p>The developer or his agent must undertake a site inspection of the adjacent kerbs, gutters, footpaths, walkways, carriageway, reserves and the like, prior to commencement of work and document evidence of any damage to existing assets. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense. Any damage to Council's infrastructure that occurs as a result of the development must be repaired immediately to Council's satisfaction and at no cost to Council.</p> <p>Condition Reason: To ensure the pre-construction condition of assets are documented and repaired if required.</p>
11	<p><b>Construction environmental management plan</b></p> <p>Prior to the issue of a construction certificate, the applicant must ensure a construction environmental management plan is prepared before it is provided to and approved by the certifier. The plan must include the following matters:</p> <ul style="list-style-type: none"> <li>• further include an unexpected finds procedure to assist construction site managers or workers in the management of any contamination possibly uncovered during earthworks at the site.</li> <li>• location and materials for protective fencing and hoardings to the perimeter on the site;</li> <li>• provisions for public safety and for the safety of other occupiers of the industrial buildings;</li> <li>• pedestrian and vehicular site access points and construction activity zones</li> <li>• details of construction traffic management, including proposed truck movements to and from the site and estimated frequency of those movements, and measures to preserve pedestrian safety in the vicinity of the site</li> <li>• details of any bulk earthworks to be carried out</li> <li>• location of site storage areas and sheds</li> <li>• equipment used to carry out all works</li> <li>• a garbage container with a tight-fitting lid</li> <li>• dust, noise and vibration control measures</li> <li>• location of temporary toilets.</li> </ul> <p>The applicant must ensure a copy of the approved construction environmental management plan is kept on-site at all times during construction.</p> <p>Condition reason: To consider safety of shared site users leasing the industrial building on site &amp; require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
12	<p><b>Waste management plan</b></p> <p>Before the issue of a construction certificate, the applicant is to ensure that a waste management plan is prepared in accordance with the EPA's Waste Classification Guidelines and the following requirements before it is provided to and approved by the certifier.</p> <p>Details the following:</p> <ul style="list-style-type: none"> <li>• the contact details of the person(s) removing the waste</li> <li>• an estimate of the waste (type and quantity) and whether the waste is expected to be reused, recycled or go to landfill</li> <li>• the address of the disposal location(s) where the waste is to be taken.</li> </ul> <p>The applicant must ensure the waste management plan is referred to in the construction site management plan and kept on-site at all times during construction.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>



<b>Condition</b>	
<b>13</b>	<p><b>Erosion and sediment control plan</b></p> <p>Before the commencement of works and prior to the issue of a construction certificate the applicant is to ensure that an erosion and sediment control plan is prepared in accordance with the following documents before it is provided to and approved by the certifier:</p> <ul style="list-style-type: none"> <li>• Council's development control plan,</li> <li>• the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book), and</li> <li>• the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust).</li> </ul> <p>The applicant must ensure the erosion and sediment control plan is kept on-site at all times during site works and construction.</p>
	<p>Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>

**BEFORE BUILDING WORK COMMENCES**

<b>Condition</b>	
<b>14</b>	<p><b>Construction Certificate Application</b></p> <p>A separate application is required to be submitted to either Council or a registered certifier to obtain a Construction Certificate for the proposed building works associated with the development.</p>
	<p>Condition Reason: Compliance with NSW Government legislation.</p>
<b>15</b>	<p><b>Before You Dig</b></p> <p>Prior to carrying out any works, a "Before You Dig" enquiry is to be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).</p> <p>(Note: 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 (<a href="http://www.safework.nsw.gov.au">www.safework.nsw.gov.au</a>) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets).</p>
	<p>Condition Reason: Consider the location of infrastructure and ensure a search is carried out prior to works.</p>
<b>16</b>	<p><b>Existing Services</b></p> <p>Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.</p>
	<p>Condition reason: To ensure relevant utility service providers requirements can be met.</p>

Condition	
17	<p><b>Notice of Commencement and Appointment of Certifier</b></p> <p>Notice of commencement (at least 48 hours prior) is to be given to Council in writing. At least two (2) days prior to the commencement of building works a Principal Certifier is to be appointed in relation to the proposed building works and notice of that appointment is to be provided to Council.</p> <p>Condition reason: Compliance with NSW Government legislation, and to ensure that the development is undertaken in accordance with the approved plans and conditions of consent.</p>
18	<p><b>Erection of signs</b></p> <p>Prior to works commencing a sign must be erected in a prominent position on any site on which building work, is being carried out, in a prominent position at the front of the property showing:</p> <p>(a) Showing the name, address and telephone number of the principal certifying authority for the work, and</p> <p>(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</p> <p>(c) Stating that unauthorised entry to the work site is prohibited.</p> <p>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.</p> <p>Condition reason: The condition is prescribed under Clause 70 of the Environmental Planning and Assessment Regulation 2021.</p>

**DURING BUILDING WORK**

Condition											
19	<p><b>Compliance with Building Code of Australia</b></p> <p>It is a requirement that the work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>Condition reason: Prescribed under Clause 69 of the Environmental Planning and Assessment Regulation 2021.</p>										
20	<p><b>Approved hours of Construction works</b></p> <p>Construction and site preparation work may only be undertaken in accordance with the provisions of the Environmental Protection Authority – Neighbourhood Noise Guidelines for Construction Noise as identified below:</p> <table border="1" data-bbox="375 1525 1307 1697"> <thead> <tr> <th>DAY</th> <th>HOURS</th> </tr> </thead> <tbody> <tr> <td>Monday to Friday</td> <td>7:00am to 6:00pm</td> </tr> <tr> <td>Saturday</td> <td>8:00am to 1:00pm</td> </tr> <tr> <td>Sunday</td> <td>Nil</td> </tr> <tr> <td>Public Holidays</td> <td>Nil</td> </tr> </tbody> </table> <p>Condition reason: To ensure that the amenity of the surrounding area is not compromised as a result of the construction of the proposal.</p>	DAY	HOURS	Monday to Friday	7:00am to 6:00pm	Saturday	8:00am to 1:00pm	Sunday	Nil	Public Holidays	Nil
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21	<p><b>Erosion and Sediment Control</b></p> <p>Erosion and sediment control measures shall be installed and maintained for the duration of the construction period until all disturbed areas have stabilised.</p> <p>Condition reason: To ensure the erosion and sediment control measures are implemented.</p>										

<b>Condition</b>	
22	<p><b>Guarding excavations</b></p> <p>All excavations associated with the erection of the buildings and installation of associated services must be properly guarded and protected to prevent them from being dangerous to life or property. Excavations undertaken across or in a public place must be kept adequately guarded and/or enclosed and lit between sunset and sunrise, if left open or otherwise in a condition likely to be hazardous to persons in the public place.</p> <p>Condition reason: Council requirement for protection of the public.</p>
23	<p><b>Barricading construction sites</b></p> <p>A hoarding, barricade or fence shall be erected between the construction site and any adjoining public place and/or around any road opening or obstruction if pedestrian or vehicular traffic is likely to be endangered, obstructed or inconvenienced by the proposed works. The work is to be kept lit during the time between sunset and sunrise if the work may be a source of danger to persons using the adjoining public place.</p> <p>Condition reason: Council requirement for protection of the public.</p>
24	<p><b>Building Waste</b></p> <p>Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p> <p>Condition reason: To ensure health and amenity of the locality is maintained.</p>
25	<p><b>Requirement for Waste to be contained</b></p> <p>The provision of a metal waste skip with self-closing lid or secure covering on-site for the duration of the construction to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site.</p> <p>Condition reason: To ensure that all wastes generated from the construction of the development are contained on the site, and to prevent pollution of the environment by wind-blown litter.</p>
26	<p><b>Inspections</b></p> <p>All mandatory inspections required by the Environmental Planning and Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority are to be carried out during the relevant stage of construction.</p> <p>Condition reason: To ensure the applicant is aware of the requirement to have inspections.</p>

<b>Condition</b>	
27	<p><b>Uncovering relics or Aboriginal objects</b></p> <p>While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.</p> <p>In this condition:</p> <ul style="list-style-type: none"> <li>• “relic” means any deposit, artefact, object or material evidence that: <ul style="list-style-type: none"> <li>(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and</li> <li>(b) is of State or local heritage significance; and</li> </ul> </li> <li>• “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.</li> </ul> <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
28	<p><b>Cut and Fill</b></p> <p>While building work is being carried out, the principal certifier must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <p>a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the principal certifier.</p> <p>b) All fill material imported to the site must be Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 or a material identified as being subject to a resource recovery exemption by the NSW EPA.</p> <p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is safe for future occupants.</p>

**BEFORE ISSUE OF AN OCCUPATION CERTIFICATE**

<b>Condition</b>	
29	<p><b>Requirement for Occupation Certificate</b></p> <p>Prior to occupation or use of the subject building or alterations/additions, an Occupation Certificate must be obtained from the Principal Certifier appointed for the subject development.</p> <p>Condition reason: Compliance with NSW Government legislation.</p>

<b>Condition</b>	
30	<p><b>Stormwater management</b></p> <p>All silo pad, fertilizer filling areas, or other such areas where fertilizer may fall are to be designed and constructed (including stormwater drainage) so that:</p> <ul style="list-style-type: none"> <li>• All material (including contaminated stormwater) can be captured and treated on site. This may include use of bunding and a detention basin system or the like.</li> <li>• At no time will any ponding of stormwater occur on adjoining land as a result of this development.</li> </ul> <p>Condition reason: To manage the site in case of a spill and to prevent impact to public infrastructure.</p>
31	<p><b>Stormwater work</b></p> <p>All stormwater work shall be carried out in accordance with the requirements of the Local Government (General) Regulation and the Plumbing Code of Australia. In this regard, prior to the issue of the Occupation Certificate, the developer is required to submit to Council a Certificate of Compliance for the subject stormwater work.</p> <p>Condition reason: Statutory and Council requirement.</p>
32	<p><b>Works-as-executed plans (drainage diagram)</b></p> <p>Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works: Work as executed plans as per any separate s68 Local Government approval. The principal certifier must provide a copy of the plans to Council with the occupation certificate.</p> <p>Condition reason: To confirm the works in accordance the s68 approval, and provide drainage diagram records.</p>
33	<p><b>Finished ground levels</b></p> <p>Finished ground levels are to be graded away from the silos and adjoining properties must achieve natural drainage. The concentrated flows are to be dispersed down slope or collected and discharged to the approved stormwater drainage system.</p> <p>Condition reason: To ensure natural drainage of the property and adjoining properties is not affected.</p>
34	<p><b>Loading area</b></p> <p>The loading and manoeuvring areas are to be upgraded, and sealed with a surface capable of withstanding the proposed loads while minimising the impact of dust and nuisance from vehicle manoeuvrability.</p> <p>The driveway must be maintained to ensure the safe access and turning for a B-Double 26m vehicle, outside of any nominated car parking areas.</p> <p>The required vehicular access must have access from the public road system and must allow forward movement around the site and existing industrial buildings.</p> <p>Condition reason: To comply with provisions of Narromine Development Control Plan 2011 and maintain access for the design vehicle.</p>

<b>Condition</b>	
35	<p><b>Fire Safety</b></p> <p>New silo development and driveways are not to interfere with the implementation of general fire safety construction provisions of the NCC, and driveway access is to remain available at all times for emergency access and egress from the site.</p> <p>Condition reason: To ensure the development does not increase the risk of bushfire or risk of spread of fire to another building. To ensure emergency fire brigade access to assist with evacuation, and fight fire as well as other emergency services to access the existing buildings and proposed new silo storages.</p>
36	<p><b>Environmental Management Plan</b></p> <p>Prior to the issue of an Occupation Certificate a Management Plan is to be approved by Council. The plan is to address the conditions of consent and obligations nominated in the Statement of Environmental Effects. The Plan is to address ongoing management systems, not limited to: product loading into silos, product loading into trucks from the silos, handling of hazardous materials, spills and incident procedures, and waste management for ongoing operations. This Plan may also include relevant incident management strategies for transportation on public roads.</p> <p>Condition reason: To ensure environmental and safety protection measures pertaining to public safety, stormwater, waste is implemented during the life of the development.</p>
37	<p><b>Completion Requirements</b></p> <p>Before the issue of an occupation certificate, the principal certifier must be satisfied that all landscape works, have been completed in accordance with the approved plans and any relevant conditions of this consent.</p> <p>All of the conditions are to be at the full cost of the developer and to be completed prior to the issuing of an Occupation Certificate, unless stated otherwise.</p> <p>Condition reason: To ensure that the development is completed as per this consent and the approved plans.</p>

**ONGOING USE OF THE SITE**

<b>Condition</b>	
38	<p><b>Fertilizer storage</b></p> <p>The fertilizer storage and dispensing are to be operated so that there is no interference with the amenity of the neighbourhood by reason of the emission of any "offensive noise", vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.</p> <p>Condition reason: To minimise potential impact on the amenity of the neighbourhood.</p>
39	<p><b>Crime prevention</b></p> <p>The facility is to implement measures during the construction and for the life of the development to reduce opportunities for crime (including vandalism and graffiti), such as access control and surveillance.</p> <p>Condition reason: Support implementation of Crime Prevention through environmental design in line with the Narromine Crime Minimisation Strategy 2021.</p>

<b>Condition</b>	
40	<p><b>Vehicle movements</b></p> <p>All vehicles are required to enter and leave the site in a forward direction at all times. Traffic movements within the site are to separate light and heavy vehicle movement pathways where possible.</p> <p>Condition reason: For safety of traffic movements.</p>
41	<p><b>Loading and Unloading</b></p> <p>All activities including loading and unloading of goods associated with the development must be carried out on site in the dedicated areas.</p> <p>No loading or vehicle stacking 'waiting' to be loaded/unloaded is to occur in the Road reserve.</p> <p>Condition reason: To minimise impact on local traffic and to ensure the road reserve is not utilised for loading procedures and to limit risk of spillages.</p>
42	<p><b>Signage</b></p> <p>No advertising signage or branding is approved to be placed on the silos. Any new signage is to be subject to a separate development application.</p> <p>Condition reason: To preserve the visual amenity of the location.</p>
43	<p><b>Glint and Glare</b></p> <p>Glint and glare from the silos shall not cause a nuisance, disturbance or hazard to the travelling public on the public road network. In the event of glint or glare from the silos being evident from a public road, the proponent shall immediately implement glare mitigation measures such as suitable treatments to the colour and finish of the silos as approved by Council, to remove any nuisance, distraction and/or hazard caused as a result of glare from the silos.</p> <p>Condition reason: To prevent undue visual hazard to drivers and minimise impact to visual amenity.</p>
44	<p><b>Transportation and incident management</b></p> <p>Transportation of contaminated fill or materials from the site on public roads must be carried out in accordance with the requirements of Australian Dangerous Goods Code and Australian Standard 4452 Storage and Handling of Toxic Substances.</p> <p>Condition reason: To ensure dangerous goods are transported safely.</p>

**NOTATIONS**

1. A list of fire safety measures must be submitted with the Construction Certificate application pursuant to Section 7 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. The Regulation prescribes that the information to be submitted must include:

- A list of any existing fire safety measures provided in relation to the land or any existing building on the land; and
- A list of the proposed fire safety measures to be provided in relation to the land and any building on the land as a consequence of the building work.

2. The owner of the land is required to submit to Council a Fire Safety Certificate(s) with respect to each essential fire safety measure installed in association with the occupied buildings within the development site - as listed on the Fire Safety Schedule.

