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CONFIDENTIAL ITEMS

Clause 240(4) of the Local Government (General) Regulation 2005 requires Council to refer any business to be considered when the meeting is closed to the public in the Ordinary Business Paper prepared for the same meeting. Council will discuss the following items under the terms of the Local Government Act 1993 Section 10A(2), as follows:

ITEM 8 REQUEST FOR CONSIDERATION OF WATER CONSUMPTION CHARGES

(b) matters in relation to the personal hardship of a resident or ratepayer

ANNEXURE ITEMS

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**ITEM 27 - MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE
REVIEW**

REPORT IN BRIEF

Reason For Report	To advise councillors of the outcomes of the General Manager's Performance Review.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.4.1.4a - Implement new personal development plans linked to capability areas.
Annexures	1. General Manager Performance Agreement 2024 2025 ↓
File Number	\\OFFICIAL RECORDS LIBRARY\CORPORATE MANAGEMENT\PERFORMANCE MANAGEMENT\SENIOR STAFF REVIEWS - 1723864

RECOMMENDATION

THAT:

1. Council agree to award a discretionary increase of 3% to the General Manager's total remuneration package (TRP), in recognition of the high standards and results achieved for the period,
2. The increase be applied effective from the contract anniversary date in April 2023,
3. The attached Performance Agreement for the 2024/25 year be adopted.
4. That the term of the new agreement be 14 months instead of 12, in order to bring it in line with council's financial year, that is April 2024 to June 2025.

MAYORAL MINUTE

The Annual Performance Review of the General Manager, Cabonne Council was conducted on the 12 July 2024 for the period May 2023 to April 2024. The review was conducted by a Performance Review Panel consisting of:

- Cr Kevin Beatty - Mayor
- Cr Jamie Jones Deputy Mayor
- Cr Jenny Weaver
- Cr Andrew Rawson

The panel was facilitated by Matthew McArthur from McArthur, a national recruitment and HR Consulting firm with extensive experience in the conduct of performance reviews in local government, nationally.

The Review Process

The following steps were followed:

- In the lead up to the performance review the General Manager prepared a self-assessment report against the performance agreement adopted by council in 2023
- The self-report supplied by the General Manager was distributed to the Review Panel who were asked to review the report, rate the General Manager and provide feedback comments
- Councillors completed reviews were returned to the facilitator, who prepared a consolidated report of all comments and averaged scores for each key result area
- The Performance Review Meeting was conducted on the 12 July 2024
- The facilitator outlined the process for the review and took councillors through each element of the General Manager's self-assessment and the results of the scores and comments received from the Panel
- Councillors discussed their views and ratings for various items of the review and reached agreement to use the average ratings of all scores as the final score of the Panel
- The General Manager joined the meeting and the facilitator took the parties through each section of the report, allowing an opportunity for panel members to raise matters of interest and discuss their thoughts with the General Manager
- General discussion took place, and a number of questions were asked of the General Manager
- The General Manager was given the opportunity to respond to the feedback and scores
- After the discussions, the General Manager was thanked for his efforts and excused from the meeting
- The Review Panel then discussed potential recommendations to council based on the outcome of the review, including the potential to award a discretionary increase to the General Manager's total remuneration package.

Outcome of the Review

The comments and ratings by councillors indicate that the General Manager has performed at a "Very Satisfactory" level, with performance exceeding requirements and a high standard having been achieved.

The General Manager and his team are considered to have performed extremely well in trying circumstances. In particular, councils continuing flood

recover response efforts were greatly appreciated by the community, whilst at the same time continuing to deliver normal services and capital programs.

The transformation process being driven by the General Manager continues to achieve the desired outcomes, and the General Manager continues to seek opportunities to improve the capability, capacity and efficiency of the organisation.

Overall, the General Manager was congratulated for having performed at a very high standard, achieving at a high level during a very difficult and challenging environment.

Other Considerations

The Panel discussed the opportunity to award a discretionary increase to the General Manager in accordance with Clause 8.3 of the Standard Contract of Employment, for General Managers of Local Government in NSW and the Guidelines for the Appointment and Oversight of General Managers.

In determining an appropriate increase, the panel took into account:

- The freeze in SOORT increases this year,
- The general managers high level of performance this year
- Data received on market salaries of General Managers in like-sized Council

Panel Recommendations

The Panel agreed and recommend:

- To award a discretionary increase of 3% to the General Manager's total remuneration package (TRP), in recognition of the high standards and results achieved for the period.
- The increase be applied effective from the contract anniversary date in April 2023.
- The attached Performance Agreement for the 2024/25 year be adopted.
- That the term of the new agreement be 14 months instead of 12, in order to bring it in line with council's financial year, that is April 2024 to June 2025.

Facilitators Comments

The review document provided sound targets and very specific measures that enabled a comprehensive discussion and review of the important elements of the General Manager's performance over the period.

The manner in which the panel went about their deliberations met the needs for being objective, factual, and well supported with evidence and examples to support their views. All panel members contributed to the discussion and each person's view was fully heard and considered. Observations and comments were relevant and insightful.

The General Manager was receptive to comment and balanced in his representations. The discussion was professional, constructive and relevant to the topic at hand.

Overall, the review exercise was very beneficial in providing constructive feedback to the General Manager, which was well received. It appears that the expectations of all parties are aligned, which will provide a solid foundation for continued achievement in the coming year as Cabonne Council continues to deliver outcomes for its community.

ITEM 28 - EVENTS ASSISTANCE PROGRAM

REPORT IN BRIEF

Reason For Report	For council to consider applications for funding under the 2024/2025 Events Assistance Program.
Policy Implications	Nil
Budget Implications	\$5,000 from the 2024-25 Event Assistance Program budget.
IPR Linkage	4.1.3.2b - Support local events, culture, and festivals and promote local villages - including through the provision of sponsorship opportunities and seeking grant funding.
Annexures	1. Cumnock - Event Assistance Program Application Form 2024 ↓
File Number	\\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\EVENTS ASSISTANCE PROGRAM 2024 - 2025 - 1729578
Previous Items	16 - EVENTS ASSISTANCE PROGRAM - Council - 23 Jul 2024 2:00 PM

RECOMMENDATION

THAT council approves under its 2024/25 Event Assistance Program \$5,000 for the Cumnock Community Family Fun Day.

LEADER - COMMUNITY AND ECONOMY REPORT

In addition to Item 16 – Events Assistance Program of the July 2024 ordinary council meeting business paper, council has received one additional application

under the 2024/2025 Events Assistance Program (EAP). Council's Department Leader – Community and Economy has provided the following assessment.

Application under the Event Assistance Program:

Cumnock and District Progress Association

Cumnock Community Family Fun Day

Request: \$5,000

Recommendation: \$5,000

This is the third year of the Cumnock Community Family Fun Day, due to be held on Saturday, 19 October 2024. The event is a day focused on families and bringing visitors to the village. Consisting of market stalls, food, entertainment and activities, the event provides an opportunity for local community committees to host stalls to fun raise for their groups.

The committee is seeking \$5,000 in funding to cover the cost of jumping castles, a bucking bull, and a Cobb and Co replica coach. The funding would not only cover the cost of these activities but allow them to be provided free of charge to those attending the event.

In previous years the event has attracted around \$1,000 attendees to Cumnock and serves as a booster for the local businesses and community committees.

Based on the Event Assistance Program guidelines, this event meets the requirements as a Flagship event, thus the recommendation.

Council has not yet supported any events via the 2024/2025 Event Assistance Program, therefore there is currently \$40,360 left in the budget. If council endorses this application, there will be \$ 19,060 left in the 2024/2025 budget.

ASSOCIATION	EVENT	RECOMMENDED AMOUNT
Arts Council Cabonne	Acquisitive Art Prize	\$3,300
Central West Disc Golf	<i>Australian Disc Gold Championships 2024</i>	\$5,000
Canowindra PA and H Association	<i>Canowindra Show Esky Ball</i>	\$2,000
Eugowra Events and Tourism Association	<i>Woodfired Eugowra</i>	\$5,000
Arts Council Cabonne Inc.	<i>Celebrating the Seekers – 60 Year Anniversary</i>	\$1,000

Cumnock & District Progress Association	<i>Cumnock and District Progress Association Inc</i>	\$5,000
TOTAL		\$21,300
REMAINING EAP FUNDS		\$19,060

Due to timing of meetings, this report has not been endorsed by the Community, Economy and Culture Committee.

ITEM 29 - HOUSING SUPPORT PROGRAM

REPORT IN BRIEF

Reason For Report	For council to consider a project for submission to the Australian Government's Housing Support Program - Community Enabling Infrastructure Stream.
Policy Implications	Nil
Budget Implications	Seeking approximately \$17million in funding for enabling infrastructure projects to support housing development
IPR Linkage	4.1.6.1b - Capitalise on Key Funding Programs.
Annexures	1. hsp-community-enabling-infrastructure-stream-guidelines↓
File Number	\\OFFICIAL RECORDS LIBRARY\GRANTS AND SUBSIDIES\PROGRAMS\GENERAL PURPOSE GOVERNMENT GRANTS - 1729640

RECOMMENDATION

THAT council apply for funding through the Australian Government's Housing Support Program – Community Enabling Infrastructure Stream, for the following project being the Molong Housing Infrastructure Growth Strategy, estimated at \$17,000,000.

LEADER - COMMUNITY AND ECONOMY REPORT

BACKGROUND

The Housing Support Program is a \$1.5 billion Australian Government initiative to help facilitate the National Housing Accord 2022 by funding projects which will deliver enabling infrastructure and provide community amenities to support new housing developments.

In November 2022, council was successful in receiving \$143,750 in funding through the NSW Government's Business Case and Strategy Development Fund for the development of a Molong Housing Infrastructure Growth Strategy

Business Case (draft only), which considers the upgrade of water supply and sewerage infrastructure in Molong to increase capacity, predominantly to cater for new residential development.

PROGRAM OBJECTIVE

The Housing Support Program - Community Enabling Infrastructure Stream will focus on infrastructure projects that support new housing. It is open to local government authorities and the states and territories and aims to remove barriers to housing construction by delivering enabling infrastructure and community amenities. Each individual application is limited to a maximum funding amount of \$45 million, with no co-contribution required for local government projects.

Eligible construction (enabling infrastructure and community amenities) projects could include, but are not limited to, construction or installation of:

- new, or upgrade of existing, roads or railways to support development of and/or access to new, well-located housing development(s),
- new, or upgrade or augmentation of existing, utilities to support new housing development(s),
- amenities to support new housing development(s) such as parks, sporting facilities, community halls and/or libraries, common outdoor spaces, etc, or
- fixed infrastructure for integrated public transport and/or active transport to support new housing development(s).

Key dates for the Fund are as follows:

- Applications close: 16 August 2024.
- Project to commence no later than 31 January 2025.
- Projects must be completed by 30 June 2026.

COUNCIL PROJECTS PROPOSED FOR FUNDING

The population of Molong is estimated to be 1,877 and being in close and commutable proximity to the economic hub of Orange, is one of the fastest growing settlements in the Cabonne LGA.

However, as identified in council's Economic Development and Visitor Economy Strategy, economic growth across the LGA and the Central West region in general is challenged due to a lack of housing supply. Within Cabonne, this is further impacted by significant challenges in providing suitable water and wastewater to support further development, particularly in the central township of Molong. In addition, the impact of the November 2022 flood event has placed further pressure on supporting development of flood-resilient and well-placed housing.

A Molong Housing Infrastructure Growth Strategy Business Case (Business Case) has been developed to enable and realise the economic potential of the region by addressing the lack of housing. The Business Case outlines how an investment in future-proofing council's water and sewer infrastructure, followed by subsequent investments by the council, will provide a total of 1,339 lots of affordable and flood resistant housing, addressing the demand for housing to enable the economic development potential outlined in the Orange, Blayney and Cabonne Regional Economic Development Strategy.

Council's project scope for funding under the Housing Support Program - Community Enabling Infrastructure Stream includes:

Component	Description	Capital Cost (\$M)	Objective
Water reticulation	Trunk mains and reticulation west of Golf Course Height Estate (GCH) connected to existing 'Hacienda' high-level reservoir.	\$3 M	Provide water to the eastern development areas.
Sewerage System	Gravity sewer mains west of GCH connecting to the existing sewerage network	\$1.2M	Provide sewerage infrastructure to the eastern development areas.
Reservoir	New tank reservoir	\$1.5M	New tank reservoir to support additional supply demands.
Raw water supply upgrade	New raw water main from Molong Creek Dam (MCD) to Molong Water Filtration Plant.	\$8.2 M	<ul style="list-style-type: none"> • Replacement of the asset to assure continuity of supply. • Provide robustness and improve raw water supply reliability.
Estimated Total Cost (including contingency, administration, contractor, and escalation costs)		\$17M	

Council staff are working on further developing budget costs in relation to the project scope, and estimates the project to cost approximately \$17M, including contingency, contractor, administration and escalation costs.

As this is a new funding program, council has sought clarification regarding eligibility of costs related to additional project delivery costs (contingency, contractor, administration and escalation costs) as these have not been outlined in the program guidelines. It is anticipated that clarification will be provided prior to the application being due for submission. Any adjustment in funding request, including requirement for council contributions to support project delivery, would be reported to council for approval. Subject to notification of the application being successful and the timing of Local Government elections, council approval may be required to be sought prior to signing of a funding deed.

**ITEM 30 - MODIFICATION OF DEVELOPMENT APPLICATION 2022/216/2 -
1031 OPHIR ROAD, SUMMER HILL CREEK**

REPORT IN BRIEF

Reason For Report	For council determination
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	3.1.1.1a - Receive and assess Development Applications.
Annexures	1. 2022 216 2 DRAFT CONDITIONS OF CONSENT↓
File Number	\\Development Applications\DEVELOPMENT APPLICATION\2022\03-2022-0216 - 1729546

RECOMMENDATION

THAT modification of Development Application 2022/0216/2 for Intensive Livestock Agriculture and an Animal Training or Boarding Establishment on Lot 25 DP 750372 and Lot 21 DP 543420 being 1031 Ophir Road, Summer Hill Creek, be granted consent subject to the modified conditions attached.

DEPARTMENT LEADER - DEVELOPMENT SERVICES' REPORT

ADVISORY NOTES

Record of voting

In accordance with s375A of the Local Government Act 1993, a division is required to be called when a motion for a planning decision is put at a meeting of council or a council committee. A division under s375A of the Act is required when determining this planning application.

Political Disclosures

In accordance with s10.4 of the Environmental Planning and Assessment Act 1979, a person making a planning application to council is required to disclose

political donations and gifts made within 2 years prior to the submission of the application and concluding when the application is determined.

In accordance with s10.4 of the Environmental Planning and Assessment Act 1979, a person making a public submission to council in relation to a planning application made to council is required to disclose political donations and gifts made within 2 years prior to the submission being made and concluding when the application is determined.

Political donations and gifts (if any) to be disclosed include:

- All reportable political donations made to any local councillor or council,
- All gifts made to any local councillor or employee of the council.

Nil planning application disclosures have been received.

Nil public submission disclosures have been received.

SUMMARY

The following report provides an assessment of the development application submitted for a modification to DA 2022/0216 on land described as Lot 25 DP 750372 & Lot 21 DP 543420, known as 1031 Ophir Road, Summer Hill Creek.

The modification application has been referred to council for determination as the initial development was determined by council, and as there were five (5) written objections submitted during the neighborhood notification process.

It is recommended that the modification be approved, subject to the attached conditions.

Applicant: Matthew Montgomery
Owner: Matthew & Georgina Montgomery
Proposal: The modified proposal involves changing the vehicle access location from Ophir Road to River Oak View
Location: Lot 25 DP 750372 & Lot 21 DP 543420, known as 1031 Ophir Road, Summer Hill Creek.
Zone: RU1 Primary production

THE PROPOSAL

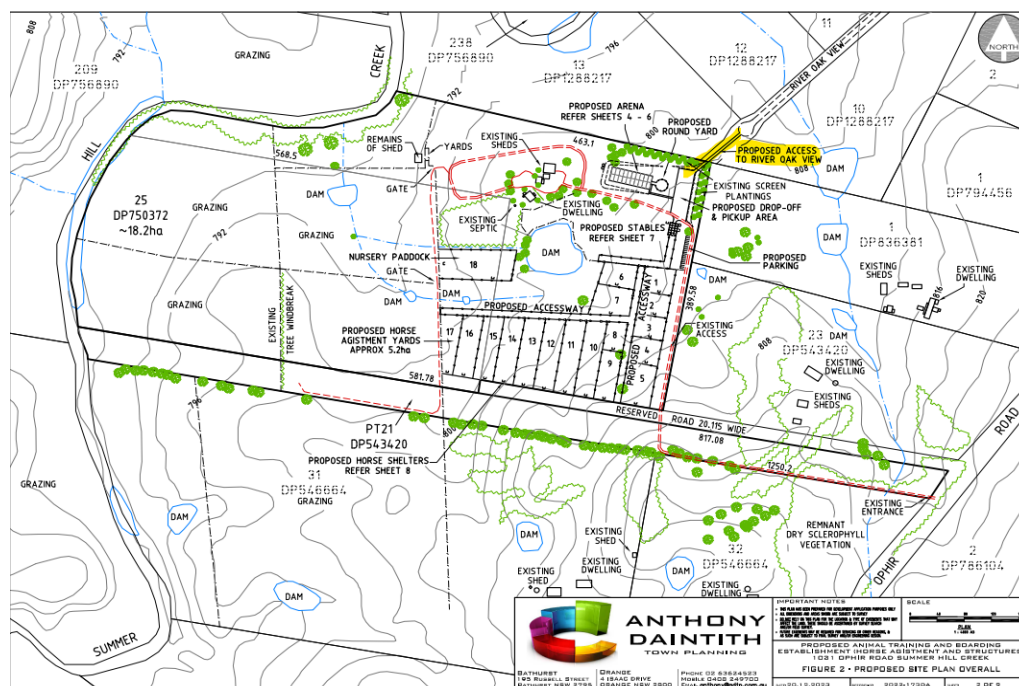
The original development application was for intensive livestock agriculture (horse agistment), and an animal training or boarding establishment (horse training) and was approved by council on 23 May 2023. The proposal incorporates horse agistment facilities (including a small stable building) and a covered arena for clients to train their horses in all weather conditions. The development comprises:

- 18 small agistment paddocks (including small shelters) – maximum of 18 horses.
- Stable complex (18.75 x 12m)

- Arena (61 x 21m) • Round yard (18m diameter)
- Drop off and pickup area
- Parking area
- Water tanks
- Manure compost bay

Access to the development was approved off Ophir Road.

The modified proposal involves amending the vehicular access location from the approved driveway off Ophir Road to include an additional / new access location off River Oak View. The proposed new access way is to be located to access directly into the carpark area located on the northern side of the development, and is considered a safer access point to the development than the previously approved access arrangement. By association, the proponent seeks deletion of conditions 10 and 11 relating to roadworks and access requirements of the development from Ophir Road.



Site Map



MATTERS FOR CONSIDERATION

Section 1.7 - Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*

Section 1.7 of the EP&A Act identifies that Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments. As it is not an aquatic environment no assessment has been undertaken in regard to the Fisheries Management Act.

The modified development does not trigger the need for a Biodiversity Development Assessment Report under the Biodiversity Conservation Act 2016.

Section 4.14 Bushfire Assessment

The subject land has been identified as 'Bushfire Prone Land'. The proposed development will be assessed pursuant to Section 4.14 of the *Environmental Planning and Assessment Act 1979*, which requires the development to comply with *Planning for Bushfire Protection 2019* (PBP 2019) prepared by

the NSW Rural Fires Service. In accordance with the Planning for Bushfire Protection, the RFS is not required to be notified of the modification and council can proceed to determine the application.

Comment: The proposed modification provides a second access point to the subject land and improves emergency services access routes available to / from the site.

4.55 Modification of consents

4.55(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

Subsections (1) and (1A) do not apply to such a modification.

Comment: When assessing a modification application, the consent authority has a threshold decision to make, and must be satisfied that what is proposed is “substantially the same” development as the original development. This is a mixed question of fact and law and can be guided by principles and tests established in the Courts.

In applying the relevant provisions, principles and tests, it is considered that the modification:

- Still seeks consent for Intensive Livestock Agriculture, and an Animal Training or Boarding Establishment, and does not alter existing/approved land uses,
- Does not significantly alter the nature, scale or intensity of the development or the locality,
- Will not significantly change the relationship to immediately adjoining properties compared to the originally approved development, however there will be an increase in vehicles using River Oak View, and
- Potential impacts do not differ from the originally approved development, other than additional traffic as addressed in greater detail in the following assessment and “Likely Impacts” section of this report.

It is considered that, council may consider this application as a modification pursuant to Clause 4.55 of the EP & A Act as follows:

- The proposed modification will have minimal impact on the environment,
- The proposed modification is substantially the same development as the development for which the consent was original granted as discussed above,
- No other bodies need to be consulted in regards to this application, and
- As the initial development application was advertised the modification did require advertising or notification pursuant to the *Environmental Planning and Assessment Regulation 2021* or the *Cabonne Community Participation Plan 2019*. Five submissions were received in regards to this application.

Pursuant to Section 4.55(3) of the EPA&A Act:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in Section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

Matters of relevance under Section 4.15 are considered below.

Section 4.15

Section 4.15 of the *Environmental Planning and Assessment Act 1979* requires Council to consider various matters, of which those pertaining to the application are listed below.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15(1)(a)(i)

Cabonne Local Environmental Plan 2012

Part 1 - Preliminary

Clause 1.2 - Aims of Plan

The broad aims of the LEP are set out under subclause 2.

- (a) *to encourage development that complements and enhances the unique character and amenity of Cabonne, including its settlements, localities, and rural areas,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Cabonne in a manner that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,*
- (c) *to facilitate and encourage sustainable growth and development that achieves the following—*
 - (i) *contributes to continued economic productivity, including agriculture, business, tourism, industry and other employment opportunities,*
 - (ii) *allows for the orderly growth of land uses while minimising conflict between land uses within the relevant zone and land uses within adjoining zones,*
 - (iii) *encourages a range of housing choices and densities in planned urban and rural locations that is compatible with the residential and rural environment and meets the diverse needs of the community,*
 - (iv) *promotes the integration of land uses and transport to improve access and reduce dependence on private vehicles and travel demand,*
 - (v) *protects, enhances and conserves agricultural land and the contributions that agriculture makes to the regional economy,*
 - (vi) *avoids or minimises adverse impacts on drinking water catchments to protect and enhance water availability and safety for human consumption,*
 - (vii) *protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places,*
 - (viii) *protects and enhances environmentally sensitive areas, ecological systems, and areas that have the potential to contribute to improved environmental, scenic or landscape outcomes.*

The application is considered to be consistent with the aims of the Plan as discussed in the body of this report.

Clause 1.6 - Consent Authority

This clause establishes that, subject to the Act, council is the consent authority for applications made under the LEP.

Clause 1.7 - Mapping

The subject site is identified on the LEP maps in the following manner:

Land zoning map	Land zoned RU1 Primary Production
Lot size map	Minimum lot size 100ha
Heritage map	Not a heritage item or conservation area
Terrestrial Biodiversity Map	Has biodiversity sensitivity on the subject land (far western edge of property)
Flood planning map	Not within a flood zone
Natural resource – karst map	Not within a karst area
Drinking water catchment map	Not within a drinking water catchment area
Riparian land and watercourse map, groundwater vulnerability map	Is groundwater vulnerable and is affected by riparian, watercourse map
Land reservation acquisition map	Not Applicable

Those matters that are of relevance are addressed in detail in the body of this report.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

This clause provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions.

- covenants imposed or required by council
- prescribed instruments under Section 183A of the *Crown Lands Act 1989*
- any conservation agreement under the *National Parks and Wildlife Act 1974*
- any trust agreement under the *Nature Conservation Trust Act 2001*
- any property vegetation plan under the *Native Vegetation Act 2003*
- any biobanking agreement under Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement under Division 6 of Part 4 of the *Environmental Planning and Assessment Act 1979*.

Council is not aware of the title of the subject property being affected by any of the above.

Part 2 - Permitted or Prohibited Development

Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table

The subject site is located within the RU1 Primary Production zone. The proposed development comes under two separate definitions – Intensive Livestock Agriculture and an Animal Boarding or Training Establishment under CLEP 2012, with both definitions being permitted with consent for this zone. This application is seeking consent to modify the initial approval.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following—

- (a) dairies (restricted),
- (b) feedlots,
- (c) pig farms,
- (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note—

Intensive livestock agriculture is a type of agriculture—see the definition of that term in this Dictionary.

The horse agistment component of the proposed development comes under the intensive livestock agriculture definition and the horse training component of the proposed development comes under the animal boarding or training establishment. As both are considered integral to the functioning of the proposed development, it was appropriate that consent be considered for both definitions.

Clause 2.3 of LEP 2012 references the Land Use Table and Objectives for each zone in LEP 2012. The objectives for land zoned RU1 Primary Production are as follows:

Objectives of the RU1 Primary Production Zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To enable function centres, restaurants or cafes and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.*

The proposed modified development is consistent with objective two in that it represents a rural industry appropriate to the area.

Part 3 - Exempt and Complying Development

The application is not exempt or complying development.

Part 4 - Principal Development Standards

No principal development standards are applicable to the proposed development.

Part 5 - Miscellaneous Provisions

5.18 Intensive livestock agriculture

- (1) The objectives of this clause are—
- (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
 - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.

Comment: The proposed modification does not alter the proposed development by way of scale, location of infrastructure, hours of operation or environmental management of the facility. The initial environmental assessment of the proposal is not affected by the proposed modification to road access servicing the property.

Part 6 - Additional Local Provisions

6.2 - Stormwater Management

This clause applies to all industrial, commercial and residential zones and requires that Council be satisfied that the proposal:

- (a) *is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water*
- (b) *includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and*
- (c) *avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.*

The modified proposal is consistent with the initial assessment.

6.3 - Terrestrial Biodiversity

This clause seeks to maintain terrestrial biodiversity and requires that consent must not be issued unless the application demonstrates whether or not the proposal:

- (a) *is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land*

- (b) *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna*
- (c) *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (d) *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

Additionally, this clause prevents consent being granted unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The modified proposal is consistent with the initial environmental assessment. The proposed modified development of the site is located approximately 400m clear of the sensitive biodiversity area. Additionally, the proposed additional vehicular access to the modified development is clear of the sensitive areas.

In this regard the modified proposal has been designed to site the structures and access in a manner that seeks to avoid adverse consequences.

Accordingly, the modified proposal is unlikely to fragment, diminish or disturb the biodiversity structure, ecological functions or composition of the land and does not reduce habitat connectivity with adjoining sensitive areas.

6.4 - Groundwater Vulnerability

This clause seeks to protect hydrological functions of groundwater systems and protect resources from both depletion and contamination. Large areas of the LGA, including the subject site, are identified with "Groundwater Vulnerability" on the Groundwater Vulnerability Map. This requires that Council consider:

- (a) *whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or have any adverse effect on groundwater dependent ecosystems, and*
- (b) *the cumulative impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.*

Furthermore, consent may not be granted unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*

- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact,*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The modified proposal is not anticipated to involve the discharge of toxic or noxious substances and is therefore unlikely to contaminate the groundwater or related ecosystems. The modified proposal does not involve extraction of groundwater and will therefore not contribute to groundwater depletion. The design and siting of the proposal avoids impacts on groundwater and is therefore considered acceptable.

6.6 - Riparian Land and Watercourses

This clause seeks to preserve both water quality and riparian ecological health. The clause applies to land identified as a "Sensitive Waterway" on the Watercourse Map. The subject land contains such a waterway and therefore Council must consider whether or not the proposal:

- (a) *is likely to have any adverse impact on the following:*
 - (i) *the water quality and flows within a watercourse*
 - (ii) *aquatic and riparian species, habitats and ecosystems of the watercourse*
 - (iii) *the stability of the bed and banks of the watercourse*
 - (iv) *the free passage of fish and other aquatic organisms within or along the watercourse*
 - (v) *any future rehabilitation of the watercourse and its riparian areas, and*
- (b) *is likely to increase water extraction from the watercourse.*

Additionally, consent may not be granted until Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

The modified proposal is consistent with the initial assessment.

Clause 6.8 - Essential Services

Clause 6.8 applies and states:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage,*
- (d) *storm water drainage or on-site conservation,*
- (e) *suitable road access.*

All utility services are available to the land and adequate for the modified proposal.

Council's Development Engineer determined of the initial proposal that a left turning lane (sealed left turn deceleration lane) from Ophir Road was required to be constructed to cater for car and horse float combinations slowing and turning into the property access and the upgrading of at least the first 7m of the access road so that the pavement is at the same level as Ophir Road is required (as per council's Provisions of Private Access Specification) to ensure safety.

The modification proposal seeks to delete this condition of consent (condition 10), and also seeks to delete condition 11 requiring upgrade of the access driveway.

The proponent seeks approval to install a second vehicular access, being off River Oak View to the immediate north of the development. This access would provide direct access into the car park area of the development and is considered to be a safe access point than the Ophir Road driveway. It is noted that the Ophir Road driveway is proposed to be retained, and although the River Oak View access is the preferred access, that potentially traffic accessing the site may enter / exit from either driveway.

Given the availability of either access point to the site, it is considered that the requirement for the Ophir Road deceleration lane can be deleted, however Condition 11 relating to the upgrade of the Ophir Road accessway should be retained.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

The subject site is not known to have been used for any potentially contaminating land uses as listed under Table 1 of the contaminated land planning guidelines. Therefore, council considers that the subject site is suitable for the proposed modified development without the need for further investigations or remediation.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapters 3 and 4 Koala Habitat Protection 2020 and 2021

Cabonne Shire Council is identified within the SEPP Koala Habitat Protection schedule as having koala habitat. A BioNet search did not reveal any sighting of koalas in the locality.

It is considered that the proposed development has low or no direct impact upon koalas and their habitat for the following reasons:

- The subject land does not comprise core koala habitat.
- The proposed development will not result in the clearing of native vegetation.
- The development does not trigger the Biodiversity Offsets Scheme threshold under the Biodiversity Conservation Act 2016.

In this regard, the modified proposal is considered to satisfy the requirements of the SEPP and a Koala Plan of Management is not required in this instance.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION 4.15(1)(a)(ii)

No draft planning instruments apply.

DESIGNATED DEVELOPMENT

The proposed modified development is not designated development.

INTEGRATED DEVELOPMENT

The proposed modified development is not integrated development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15(1)(a)(iii)

Development Control Plan

Development Control Plan No. 5: General Rural Zones applies to the subject land. The relevant planning outcomes were considered as part of the assessment of the original development application, the modified proposal does not alter that original assessment, including assessment of building setbacks, utilities, and visual amenity remain unchanged

The initial development application proposed access via an existing road access off Ophir Road. The access location was considered adequate, subject to the provision of a turning lane from Ophir Road into the driveway (for safety), and upgrade of the driveway access. Conditions 10 and 11 of the development consent required these works.

The modification proposal seeks to establish a second entry to the horse training facility off River Oak View. Currently this public road is a cul-de-sac servicing a large lot residential subdivision. While the River Oak View is proposed as the main access to the horse agistment and training facility, both access ways will service the subject land.

It is suggested that Conditions 10 of the initial consent be deleted as a deceleration lane is not required given the second access proposal, and that Condition 11 be retained, along with additional conditions to be applied

requiring construction of the access way off River Oak View to the boundary of the subject land.

PROVISIONS OF ANY PLANNING AGREEMENT s4.15(1)(a)(iiia)

No planning agreements have been entered into with respect to the subject land or proposal.

PROVISIONS PRESCRIBED BY THE 2021 REGULATIONS s4.15(1)(a)(iv)

Demolition of a Building (s61(1))

The modified proposal does not involve the demolition of a building.

Fire Safety Considerations (s62)

The modified proposal does not involve a change of building use for an existing building.

Buildings to be Upgraded (s64)

The modified proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building.

BASIX Commitments (s27 and s75)

BASIX is not applicable to the proposed modified development.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15(1)(b)

An assessment of the relevant environmental impacts associated with the development was considered as part of the initial development application. It is considered that the potential impacts of the modified development will remain largely unchanged from the original assessment, including context and setting, parking impacts, streetscape impacts, utilities, earthworks, and stormwater impacts.

Changes from the original assessment are to traffic and access, as an additional access way to the property is proposed by the modification.

Council's Development Engineer has made the below recommendations and comments in regards to the modification:

"The proposal seems a better option rather than accessing off Ophir Road. They will need to construct a 6m wide by 100mm minimum depth gravel access to allow two-way traffic in and out of the development. There will need to be sufficient area for car/ trailer combinations and trucks carrying horses to be able to turn around in the drop-off/ pick-up area so that all vehicles can enter and exit in a forward direction. I consider the River Oak View access to be the better option. The Ophir/ River Oak View intersection was designed to enable adequate sight distance, based on sight lines at driver's eye level.

The intersection is a lot more prominent than the driveway off Ophir Road to the applicant's property. Also, River Oak View is a 50km/h zone (half the speed

of Ophir Road). Uphill braking to River Oak View intersection, rather than downhill braking to the driveway off Ophir Road.”

To ensure the proposed additional access point is constructed to an adequate standard, the following two (2) conditions are to be incorporated into the notice of development consent:

1. Condition 10A. Road design and construction (Access off River Oak View)

The applicant is required to bear the full cost of survey, design and construction of a 6m wide by 100mm minimum depth gravel access to allow two-way traffic in and out of the development. There will need to be sufficient area for car/ trailer combinations and trucks carrying horses to be able to turn around in the drop-off/ pick-up area within the site, so that all vehicles can enter and exit the site in a forward direction.

A complete set of drawings is to be provided to council for approval before any roadworks construction certificate is issued for the works. A roadworks compliance certificate for all road works is to be issued. One set of printed copies plus an electronic copy (AutoCAD2000.dwg file format) of “Works as Executed” plans are to be submitted to council for works carried out on Council’s Road in connection with the application for a roadworks compliance certificate. All relevant work to be completed prior to the issuing of an Occupation Certificate.

(Reason: To ensure that safe, all-weather access is provided to the development in accordance with council’s requirements)

2. Condition 11A. Provision of private access

Council, prior to any Construction Certificate being issued for the development or commencement of any upgrade to the existing access to the property from the adjoining road, must issue an Access Construction Certificate. A joint inspection with the Principal Certifying Authority is to be held prior to commencing construction of the access. Council, prior to any Occupation Certificate being issued for the development, must issue an Access Compliance Certificate for the access.

(Reason: To ensure that safe and practical access is provided to the development)

In addition to the above, the deletion of Condition 10 is supported, as traffic will predominantly utilize the River Oak View access driveway.

THE SUITABILITY OF THE SITE s4.15(1)(c)

The proposed development is located in the R5 Large Lot Residential zone and is permissible with the consent of council. The suitability of the site has been

addressed in the above sections of the report. The development of the site will not create significant adverse impacts on the context and setting of the area. Additionally, the development of the site will not detrimentally affect the adjoining land and is unlikely to lead to land use conflict.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15(1)(d)

The modified development was notified from the 28 May until 11 June 2024. By the close of the exhibition there were a total of five (5) submissions, each opposing the proposed development. The submissions are outlined below:

Issues	Council response
Submission 1	
Increased traffic associated with horse floats and trucks on Ophir Rd and River Oak View Drive	The applicant estimated a maximum of 4-5 bookings over a weekend, with 2-3 bookings during the week, and once or twice during the year a clinic may be run that may see 15-20 people attend. This is an increase in traffic of possibly 4-5 vehicles over a weekend, 2-3 vehicles possibly during the week, and up to 15-20 vehicles two (2) times a year for events. This increase in traffic would have minimal effect on River Oak View.
Submission 2	
<p>The condition of the current River Oak View roadway is substandard and adding larger cars and potentially trucks to this is going to make an average road at best, worse. This impacts the owners in the street as it will make the road more dangerous and cause property damage to their cars ex. flat tyres, damaged suspension</p> <p>The turn to get back onto Ophir Road, with the intersection in its current state is dangerous due to the low visibility of oncoming traffic</p>	<p>It is estimated a maximum of 4-5 bookings over a weekend, maybe 2-3 during the week, and once or twice during the year a clinic may be run that may see 15-20 people attend. This is an increase in traffic of possibly 4-5 vehicles over a weekend, 2-3 vehicles possibly during the week, and up to 15-20 vehicles 2 times a year. This is an acceptable increased level of traffic and would have minimal effect on the river oak road.</p> <p>Council's development engineer has reviewed the modified proposal and indicated that use of River Oak View to access the subject land is adequate. The Ophir/ River Oak View intersection was designed to enable adequate sight distance, based on sight lines at driver's eye level. The intersection is more prominent than the private driveway off Ophir Road accessing the applicant's property. Also, River Oak View is a 50km/h zone (half the speed of Ophir Road)</p>
Submission 3	
Increased traffic associated with horse floats and trucks	It is estimated a maximum of 4-5 bookings over a weekend, maybe 2-3 during the week and once or twice during the year a clinic may be run that may

<p>on Ophir Rd and River Oak View</p> <p>It is suggested that the entry point to this address should be from the road reserve off Ophir Road, as the previous developer signed off on a poorly laid surfaced road. The current use of this road, with cars, trucks and heavy machinery, has resulted in its sub-standard and hazardous look at this current moment.</p>	<p>see 15-20 people attend. This is an increase in traffic of possibly 4-5 vehicles over a weekend, 2-3 vehicles possibly during the week and up to 15-20 vehicles 2 times a year, this is an acceptable increased level of traffic and would have minimal effect on River Oak View.</p>
<p>Submission 4</p>	
<p>The intersection between River Oak View and Ophir Road is not safe. There are visibility issues in both directions for oncoming traffic when approaching the crest and turn-off into River oak View</p> <p>River Oak View road quality will not support additional traffic and is already in a state of disrepair.</p> <p>Please review the road design standard required for this proposal.</p> <p>We are not supportive of increased traffic on a regular basis accessing the proposed development.</p>	<p>It is estimated a maximum of 4-5 bookings over a weekend, maybe 2-3 during the week and once or twice during the year a clinic may be run that may see 15-20 people attend. This is an increase in traffic of possibly 4-5 vehicles over a weekend, 2-3 vehicles possibly during the week and up to 15-20 vehicles 2 times a year, this is an acceptable increased level of traffic and would have minimal effect on the river oak road.</p> <p>Council's development engineer has reviewed the modified proposal. The access is considered to be more appropriate than the Ophir Rd driveway. The Ophir/ River Oak View intersection was designed to enable adequate sight distance, based on sight lines at driver's eye level. The intersection is more prominent than the driveway off Ophir Road to the applicant's property. Also, River Oak View is a 50km/h zone (half the speed of Ophir Road).</p>
<p>Submission 5</p>	
<p>Apprehensive about potential environmental impacts, including pollution from animal waste runoff and increased noise pollution from the facility. Moreover, the heightened traffic, particularly from horse floats and trucks on Ophir Road, poses safety concerns, especially at the intersection near River Oak View.</p>	<p>The modified development does not alter the scale or operation of the proposed horse training facility. Environmental impacts were previously assessment.</p> <p>The increase in traffic of possibly 4-5 vehicles over a weekend, 2-3 vehicles possibly during the week and up to 15-20 vehicles 2 times a year, is an acceptable increased level of traffic and would have minimal effect on River Oak View.</p>

<p>This amendment, if approved, could exacerbate the adverse impacts on our son's sensitivities to noise and disturbance, further compromising his daily life and our family's peace of mind</p>	<p>Noted. Increased use of the road is minor and can be accommodated by River Oak View.</p>
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SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN

The modified proposal does not alter the initial assessment of this development, and no further adjustment of the s7.12 charge is required of the modification.

PUBLIC INTEREST s4.15(1)(e)

The proposed modified development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, and guidelines that have been considered in this assessment.

CONCLUSION

The proposed modification is permissible with the consent of council. The proposed modified development complies with the relevant aims, objectives and provisions of *Cabonne Local Environmental Plan 2012* and DCP 5. The modification is consistent with the provisions of section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*. A Section 4.15 assessment of the development indicates that the modified development is acceptable in this instance. Attached is a draft Notice of Approval outlining the modified conditions of consent considered appropriate to ensure that the development proceeds in an acceptable manner.



PERFORMANCE AGREEMENT

MAY 2024 TO JUNE 2025

BRAD BYRNES

GENERAL MANAGER

Cabonne Council

Bradley Byrnes
General Manager

Kevin Beatty
Mayor

18/07/2024

18/07/2024

Date




Date



Salmac© Performance Management

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<p>Our Mission Statement: “By 2025 Cabonne Council will be a Performing, Adaptive and Resilient organisation to maximise opportunities and to overcome the challenges faced by Council and our community.” “the Why”</p>		
<p>Our Key Lines of Effort “the What”</p>	<p>Our Leaders Core Capabilities “the How”</p>	
<p>HIGH QUALITY SERVICE AND ASSET DELIVERY</p>	<p>MANAGING BUDGETS</p>	<ul style="list-style-type: none"> We are responsible financial custodians of public funds. We adhere to good governance, financial management processes and systems. We exercise our fiduciary duties and ensure budgets are managed sustainably with due regard for our Long Term Financial Planning and Strategic Asset Management Plans.
	<p>MANAGING RISKS</p>	<ul style="list-style-type: none"> We proactively identify threats and opportunities impacting on our objectives. We actively manage these positive and negative risks to be at acceptable levels within our resources to achieve optimum outcomes for Council. We ensure our risk based decisions are appropriately recorded and are understood. Risks to our peoples safety is our priority we will reduce these risks as low as is reasonably practicable to ensure they are safe at work.
	<p>MANAGING SERVICE DELIVERY</p>	<ul style="list-style-type: none"> We ensure council services are delivered in a timely manner with quality to meet the needs and expectations of our communities and stakeholders. We manage our assets efficiently to ensure they are fit for purpose and sustainable for our communities into the future.
	<p>MANAGING PROJECTS</p>	<ul style="list-style-type: none"> We manage our projects through diligent project management processes and systems to ensure they are on time, on budget and delivery quality outcomes for key stakeholders.
<p>ADAPTING INNOVATING IMPROVING THE WAY WE WORK</p>	<p>INNOVATION & IMPROVEMENT</p>	<ul style="list-style-type: none"> We drive a culture of continuous improvement that encourages innovation, maximises value and eradicates waste. We look to solve problems and make daily improvements. We foster curiosity and questioning on the status quo to identify and maximise opportunities.

DEVELOPING AND VALUING OUR PEOPLE	 <p>LEADING PEOPLE</p>	<p>We provide leadership through valuing and respecting our people by;</p> <ul style="list-style-type: none"> • Making the best use of their strengths. • Ensuring they are well informed of issues and changes that affect them. • Recognising effort and giving credit where credit is due. • Being honest and constructive in guidance and feedback given around their performance and behaviours. • Ensuring our workplace culture contributes to the overall wellbeing of our people
	 <p>MANAGING SELF</p>	<ul style="list-style-type: none"> • As Council employees we display initiative and resilience, modelling appropriate behaviour, valuing safety, respect for others, and a willingness to continue developing and learning.
ENGAGING AND BUILDING RELATIONSHIPS	 <p>MANAGING RELATIONSHIPS</p>	<ul style="list-style-type: none"> • We expect quality customer service with a commitment to timely responsiveness to our community and stakeholders, so they are aware of our actions and decisions as soon as practicable. • We take time to ensure our communication methods are clear and appropriate to their audience to minimise misunderstandings and confusion. • We seek to actively engage and work collaboratively with our community on projects, problems and issues that affect them.

 	THE SALMAC® PERFORMANCE REVIEW
KEY PERFORMANCE AREAS (“Lines of Effort”)	
1. HIGH QUALITY SERVICES AND ASSET DELIVERY	Our leadership drives and supports the effective and sustainable provision of quality council services and assets. This is achieved through sound risk management and responsible financial and quality assurance practices.
2. ADAPTING, INNOVATING, AND IMPROVING THE WAY WE WORK	We drive a culture of continuous improvement that encourages innovation, maximises value and eradicates waste.
3. DEVELOPING AND VALUING OUR PEOPLE	People are our most important asset. We invest the time and resources in their development and provide them with leadership and clarity of purpose. We ensure a workplace culture that contributes to the overall well being of our people.
4. ENGAGING AND BUILDING RELATIONSHIPS WITH OUR STAKEHOLDERS	We seek to actively engage and work collaboratively with our stakeholders on projects, problems and issues that affect them.
ASSESSMENT SCALE	
RATING	DESCRIPTION
1	Major shortcomings – important requirements have not been met.
2	Some minor shortcomings in performance but major requirements have been met.
3	Satisfactory – performance meets expected requirements.
4	Very Satisfactory - performance exceeds requirements at times – high standard has been set and achieved.
5	Excellent - performance consistently exceeds requirements – an outstanding result.
	<p>Note: With the focus of the review process on continuous improvement the following recommendations are made:</p> <ol style="list-style-type: none"> 1. An assessment of major shortcomings or shortcomings requires that the General Manager making that judgement <u>add an additional comment identifying areas for improvement.</u> 2. An assessment of satisfactory still leaves the way open for comment <u>identifying areas for improvement.</u>




 	<h2>THE SALMAC® PERFORMANCE REVIEW</h2>
<h3>KEY PERFORMANCE INDICATOR (“Lines of Effort”)</h3>	
<p>Core Leadership Capabilities:</p> 	<p>1. HIGH QUALITY SERVICES AND ASSET DELIVERY</p> <p><i>Our leadership drives and supports the effective and sustainable provision of quality council services and assets. This is achieved through sound risk management and responsible financial and quality assurance practices.</i></p>

KEY PERFORMANCE INDICATOR DELIVERABLES	KEY ACTIVITIES/BEHAVIOURS
1.1 MANAGING BUDGETS	
<p>1.1.1 Ensures Council's Financial Services are compliant with regulatory requirements and that treasury management ensures a sustainable provision of services and management of assets.</p>	<ul style="list-style-type: none"> • Long Term Financial Plan is regularly reviewed and ensure that capital forecasts are consistent with the long-range objectives. • All statutory accounting and reporting requirements are adhered to. • Annual budgets are consistent with the principles identified in council's financial plan and monitor actual expenditure and revenue against budget, providing quarterly reports to council. • Review council's rating structure
<p>1.1.2 Ensures effective management of council's Capital Works Delivery and provides adequate assurance to council that projects and programs are being monitored and progressing in line with councils expectations.</p>	<ul style="list-style-type: none"> • Enhanced financial monitoring and reporting. • Active and improved Project Management practices.
1.2 MANAGING RISKS	
<p>1.2.1 Ensures strategic risks are identified and mitigated in line with council's Enterprise Risk Management Framework.</p>	<ul style="list-style-type: none"> • Risks are identified, documented and mitigated.



1.3 MANAGING SERVICE DELIVERY	
1.3.1 Council's Development Services provides responsive regulation to the community.	<ul style="list-style-type: none"> • DA and CC processing times are kept below NSW averages for like sized councils. • Key planning proposals are managed in line with Department of Planning guidelines and council's planning instruments • Manages council's role and keeps council adequately informed of key strategic land use matters including potential wind farm developments
1.3.2 Develop a sustainability and improve the viability for council's Water Business	Identify options for Council's consideration regarding the medium- and long-term sustainability of operations focusing on: <ul style="list-style-type: none"> • Secure supply. • Current state of water treatment infrastructure. • Current state of water reticulation assets. • Staff Capability and Capacity. • Opportunities through Regional and Sub Regional approaches and strategies. • Cost implications over medium and long term for Cabonne water customers.
1.3.3 Implement the internally resourced management structure for the Cabonne swimming pools.	<ul style="list-style-type: none"> • Adequate service levels maintained • Costs are managed and budget adhered to • Transition operations to a risk based minimal supervision approach
1.3.4 Delivers actions outlined in the Cabonne Recovery Plan – Build Back Better	<ul style="list-style-type: none"> • Actively seek grant funding for projects • Engage with key stakeholders and users of community infrastructure • Delivers and keeps council informed of progress on DRFA road restoration projects including betterment. • Delivers and keeps council informed of progress of the Community Assets projects
1.4 MANAGING PROJECTS	
1.4.1 Adequately scopes, plans, delivers high value/profile infrastructure projects.	<ul style="list-style-type: none"> • Key projects identified in Council's Delivery Program "Activate Cabonne". • Projects managed to ensure they are on time, to budget and within specifications/quality expectations.





 		THE SALMAC [®] PERFORMANCE REVIEW
KEY PERFORMANCE INDICATOR (“Lines of Effort”)		
Core Leadership Capabilities 	2. ADAPTING, INNOVATING, AND IMPROVING THE WAY WE WORK <i>We drive a culture of continuous improvement that encourages innovation, maximises value and eradicates waste.</i>	

KEY PERFORMANCE INDICATOR DELIVERABLES	KEY ACTIVITIES/BEHAVIOURS
2.1 Leads, develops and implements Councils response to the challenges of Climate Change.	<ul style="list-style-type: none"> • Seek funding and resourcing for implementation of Electrify Cabonne programme • Implementation of a Climate Change Adaptation Plan and further its maturity and strategic emphasis linking eventually to a Disaster Adaptation Plan
2.2 Audit Risk and Improvement committee operating in line with OLG guidelines.	<ul style="list-style-type: none"> • Regular reporting to Council. • Annual internal audits provided to the ARIC to Council. • Annual service reviews provided to the ARIC to Council.
2.3 Continuation and enhancements off the Cabonne Transformation 2025 program across council.	<ul style="list-style-type: none"> • Develop Service Review Framework and establish Service Review Program 22-25. • Project Management. • Review Risk Management Program. • Staff Capability & Development to continue. • Improve the integration and use of Department Plans. • Promotes the achievements and performance of council.






<p>2.4 Implement Council’s Digital Strategy.</p>	<ul style="list-style-type: none"> • Recommendations implemented by 2025 and appropriate completion of key aspects each financial year of the action plan • Complete implementation of Electronic Time Sheets across operations
<p>2.5 Improves Council’s approach to Work Health and Safety.</p>	<ul style="list-style-type: none"> • Maintain accreditation under ISO 45001 for key operational areas. • Internal audits on the WHS management system.
<p>2.6 Develop and implement high priority innovative projects from Council’s Renewable Energy Action Plan adapt Council’s energy mix to a low emissions future.</p>	<ul style="list-style-type: none"> • Continue to advance the Midscale Solar Farm Project. • Continue to pilot Green Fleet initiatives. • Energy efficiency initiatives.



 		THE SALMAC® PERFORMANCE REVIEW
KEY PERFORMANCE INDICATOR (“Lines of Effort”)		
Core Leadership Capabilities:	 	3. DEVELOPING AND LEADING OUR PEOPLE <i>People are our most important asset. We invest the time and resources in their development and provide them with leadership and clarity of purpose. We ensure a workplace culture that contributes to the overall well being of our people..</i>

KEY PERFORMANCE INDICATOR DELIVERABLES	KEY ACTIVITIES/BEHAVIOURS
3.1 Provides staff with development opportunities to enhance skills and knowledge in their functions	<ul style="list-style-type: none"> • Training provided. • Continuation of Leader Development and Continuous Improvement program. • Develop and implement the Cabonne Career Program
3.2 Apply Council's newly developed Capability Framework to enhance attraction and retention strategies and improve Council's ability to access and retain the skills required by the organisation to operate effectively and reduce any personnel gaps that exist.	<ul style="list-style-type: none"> • Phase 3 positions Capability Framework to be implemented. • Continued evidence of an sustained overall reduction in turnover rate from 2022/23 (~25%)
3.3 Elected officials receive appropriate support, development and training	<ul style="list-style-type: none"> • Adequately induct and provide strategic workshops for new council • Training opportunities available to Councillors. • Networking and Professional Development opportunities provided. • Demonstrates respect and transparency when dealing with Councillors.
3.4 Models the desired ethical and organisational standards and consistently displays high levels of energy and enthusiasm.	<ul style="list-style-type: none"> • Actively participate and support in relevant community and civic activities and events in support of councillors • Displays integrity and activities in line with the established Cabonne Safe & Respectful behaviours framework.
3.5 Increases diversity in the workforce and ensures the organisation actively adheres to EEO	<ul style="list-style-type: none"> • Diversity data monitored and reported and actions in Workforce Management Strategy 2026 are implemented • Staff Engagement survey rolled out twice per year with clear improvement actions in line with results by department.



 	THE SALMAC[®] PERFORMANCE REVIEW
KEY PERFORMANCE INDICATOR (“Lines of Effort”)	
<p>Core Leadership Capabilities:</p> 	<p>4. ENGAGING AND BUILDING RELATIONSHIPS WITH OUR STAKEHOLDERS <i>We seek to actively engage and work collaboratively with our stakeholders on projects, problems and issues that affect them.</i></p>

KEY PERFORMANCE INDICATOR DELIVERABLES	KEY ACTIVITIES/BEHAVIOURS
4.1 Ensures that Council policies and decisions are implemented in a timely and efficient manner.	<ul style="list-style-type: none"> • New policies implemented or policies reviewed. • Maintain systems to record, track, follow up and close out Councillor resolutions to ensure all resolutions are completed in a timely manner.
4.2 Provides factual, timely and accurate advice to Council to facilitate the decision-making process.	<ul style="list-style-type: none"> • Ensures that meeting schedules are maintained, and agenda material is clear, concise and informative. Agendas, Business Papers and Meetings are produced and conducted in line with Model Code and best practice. • Workshops and information regularly provided in a timely manner.
4.3 Monitor the external environment to identify potential risks, threats and opportunities (i.e. financial, legal, political, ecological, technological and social factors) and ensures these are clearly communicated to Council in advance and incorporated into the decision making process of Council.	<ul style="list-style-type: none"> • Strategic risks actively monitored and mitigated being; <ul style="list-style-type: none"> ✓ Housing ✓ Connectivity ✓ Sustainable road network management ✓ Financial sustainability ✓ Disaster Recovery ✓ Climate change impacts and adaptation • Evidence of timely and proactive responses to changes in the external environment.



<p>4.4 Ensure the establishment of effective working relationships with Government and statutory authority representatives, neighbouring Councils, state and federal MPs and major interest groups in order to further or protect Council's interests.</p>	<ul style="list-style-type: none"> • Formally engages with elected officials and supports the Mayor. • Represents Council at peak meetings and conferences and engages in the debate or proceedings where appropriate.
<p>4.5 Develop and maintain relationships with Council's communities and relevant media to project a favourable image for Council.</p>	<ul style="list-style-type: none"> • Regular attendance at key community meetings. • Appropriate involvement in community events on behalf of Council. • Timely and professional engagement with the media in line with policy.
<p>4.6 Develop a strategy to increase Council Stakeholder Responsiveness in a measurable way</p>	<ul style="list-style-type: none"> • Timely actioning of inwards correspondence. • Investigation and follow up of customer service complaints. • Customer service requests monitored and actioned. • Review customer experience processes, access and satisfaction.



Event Assistance Program Application Form

Details of the Organisation

Name of Organisation **Cumnock and District Progress Association inc.**

Organisation House Number/Name/PO Box Number 22

Street/Road 48 Obley Street

City CUMNOCK

State/Territory NSW

Postcode 2867

Phone Number **0429 661638**

Fax Number

Email Address weaniewatt4@bigpond.com

Contact Person **Rhonda Watt**

Contact Person's Position in Organisation Hon Secretary

Is the organisation registered for GST (YES)

Does the organisation have insurance, including public liability cover? Yes

Does the organisation have an ABN

Yes 574 113 785 23

What is the aim of your organisation? Cumnock & District Progress Association is the main community group who work with Cabonne Council on infrastructure needs, community consultations, grant funding , project improvements and all needs raised in the village.

Does your organisation have a plan/strategy?

Yes

If yes, please upload your plan/strategy

Max file size: 50 MB

Max number of files: 20 files

Event Title

Name of the event Cumnock Community Family Fun day

Funding category applying for Flag ship Event

- Flagship Event
- Core Event
- Developing Event

Details of the Proposal

Please provide a general description of the event

Cumnock Community Family Fun day is a day focused on families and bringing visitors to the village. It provides an opportunity for all community committees to host stalls to fundraise for their groups.

Market stalls are also included and it is a day where we promote Cumnock and Cabonne.

Where and when is the event to take place?

19th October 2024 and held within the grounds of the Memorial oval and Park

How will the event raise the profile of the Cabonne Council?

It is also known that Cumnock works with Cabonne Council and we work as a team. Cabonne hosts many events in the shire and the Community Fun day is in its third year drawing many visitors to the shire.

What local business opportunities will be created?

Local business will benefit from the tourism on the day- The General Store will be open and the Cumnock Bowling club is supporting the day. Local AirBnB may also benefit and Cabonne businesses should also benefit from passing trade.

How many people are expected to attend the event from within and outside the Shire? 1000 +

What benefits will be returned to the Cabonne community?

Tourism always brings awareness of what is on in Cabonne Shire- and Cumnock is very good at promoting its self and Cabonne in General. It is important to continue working together showing Cabonne is a destination place to visit.

Please list any other community groups involved with this event.

Cumnock & District Progress Association

Cumnock P & C

Cumnock Village Preschool

Cumnock Rural Fire Brigade

Cumnock CWA / Red cross

Cumnock Anglican Church

Assistance Requested

You can add up to five (5) types of assistance details below. You do not have to fill them all out. Please ensure that you include your total assistance requested at the end.

1. Type of Assistance **Flag ship**
Details **Events Assistance Program**
Value of Assistance, exclusive of GST (Council to provide estimate for in kind items) **\$5,000**

2. Type of Assistance
Details
Value of Assistance, exclusive of GST (Council to provide estimate for in kind items)

3. Type of Assistance
Details
Value of Assistance, exclusive of GST (Council to provide estimate for in kind items)

4. Type of Assistance
Details
Value of Assistance, exclusive of GST (Council to provide estimate for in kind items)

5. Type of Assistance

Details

Value of Assistance, exclusive of GST (Council to provide estimate for in kind items)

Total assistance requested

Will you require payment of EAP grant prior to lodging the Acquittal Form?

Yes or No

Supporting Information

Please upload a quote outlining project costs (if applicable)

Cobb and Co

Bucking Bull

Jumping castles

Please upload your letters of support

Applicant's Signature

The applicant or the applicant's agent must sign the application:

Rhonda Joy Watt

RJW

Hon Secretary



Australian Government
Department of Infrastructure, Transport,
Regional Development, Communications and the Arts

Guidelines for Applicants

Housing Support Program – Community Enabling Infrastructure Stream (HSP-CEI)

5 July 2024

Introduction

The Australian Government's \$500 million Housing Support Program (HSP) is one of a range of measures designed to help achieve National Housing Accord's target of building 1.2 million new, well-located homes over 5 years from 1 July 2024. The HSP will support the delivery of increased housing supply by funding projects that seek to deliver enabling infrastructure and provide amenities to support new housing development or improve building planning capability, or deliver social housing.

This funding stream of the HSP, the Community Enabling Infrastructure Stream (HSP-CEI), previously referred to as HSP Stream 2, will provide funding for projects which will support the delivery of increased housing supply through the construction of enabling infrastructure and community amenities.

These Guidelines outline the application process for HSP-CEI, including the mandatory requirements for an application.

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1 About these Guidelines

These Guidelines outline the application process and the mandatory requirements for applications through the Community Enabling Infrastructure Stream of the Housing Support Program (HSP).

Approved projects will be administered through the *Federation Funding Agreement - Affordable Housing, Community Services and Other*. Payments will be made via state and territory governments.

A glossary of common terms is at the end of these Guidelines.

1.1 About the Program

The HSP is a \$1.5 billion Australian Government initiative to help facilitate the National Housing Accord 2022 by funding projects which will deliver enabling infrastructure and provide community amenities to support new housing developments. The HSP has three streams. Eligibility for these streams is determined by the Australian Government.

- HSP Stream 1 funds projects that increase planning capability. This stream is designed to provide resources to improve the efficiency and effectiveness of planning processes, so that housing construction can commence sooner, or otherwise encourage development in line with the National Planning Reform Blueprint. **HSP Stream 1 closed on 29 April 2024.**
- The Priority Works Stream (HSP-PW) announced as part of the 2024-25 Budget; will provide an additional \$1 billion for the states and territories to fund enabling and community infrastructure, and to increase social housing supply. Only states and territories are eligible to receive funding under HSP-PW.
- The Community Enabling Infrastructure Stream (HSP-CEI) (this stream), previously known as HSP Stream 2, will focus on infrastructure projects that support new housing. It is open to local government authorities and the states and territories, and aims to remove barriers to housing construction by delivering enabling infrastructure and community amenities.

If you have questions about the HSP, consult the Frequently Asked Questions available on the Housing Support Program website. If your question is not answered there, contact us by email.

2 Application eligibility for HSP-CEI

Your project should aim to work cohesively with: planning, zoning and regulatory frameworks; the National Planning Reform Blueprint; the Land Use Planning for Disaster Resilient Communities Handbook; the National Construction Code; and any relevant state and territory legislation.

The following section outlines the rules for eligibility of applications for HSP-CEI. Applications which do not meet the eligibility criteria will not be further assessed and are ineligible for funding.

The Department's decision on the eligibility of a project is final. The Australian Government, the Minister and the Department cannot waive the eligibility criteria under any circumstances.

2.1 Who can apply?

Applications for funding under HSP-CEI can only be made by:

- a local government authority (LGA); or
- a state or territory government.

2.1.1 Joint applications

Joint applications are permitted. Joint applications between two or more entities at the same level of government must identify a lead applicant.

A state or territory government may submit a joint application with a LGA, or with the private sector. In these instances, the state or territory government must be the lead applicant.

An LGA may submit a joint application with the private sector. In these instances, the LGA must be the lead applicant.

2.2 What projects are eligible?

Each project's primary aim must be to enable increased housing supply and to achieve the commitments of the National Housing Accord 2022 through the delivery of enabling infrastructure and/or community amenities to service or enhance liveability for new housing development(s).

Each individual application is limited to a maximum funding amount of \$45 million. There may be multiple projects within the same application (refer section 2.2.3 'Bundled applications').

Examples of eligible construction (enabling infrastructure and community amenities) projects could include, but are not limited to, construction or installation of:

- new, or upgrade of existing, roads or railways to support development of and/or access to new, well-located housing development(s), not including roads or railways which are listed on the [National Land Transport Network \(NLTN\)](#);
- new, or upgrade or augmentation of existing, utilities¹ to support new housing development(s);
- amenities to support new housing development(s) such as parks, sporting facilities, community halls and/or libraries, common outdoor spaces, etc.; or
- fixed infrastructure for integrated public transport (e.g.: bus priority lanes and signalling; bus, train or light rail stops; transit interchanges) and/or active transport (e.g. footpaths; pedestrian crossings; cycle paths and lanes, etc.) to support new housing development(s).

Where an application proposes to construct car parking, that car parking must be constructed as part of a broader project, retained under state/territory or local government ownership, and not be subject to user charging before 1 July 2030.

2.2.1 Funding and application limits

The maximum funding amount available through HSP-CEI is \$45 million per application.

The Australian Government will contribute up to 100 per cent of the total project cost for successful local government projects, and up to 50 per cent for successful state and territory projects.

There is no limit to the number of applications an applicant may submit under HSP-CEI. An application may include multiple sub-projects provided those sub-projects have a clear and logical link to each other. For example, the construction of new public transport facilities within a new housing estate could be combined with the installation of utilities infrastructure within that new estate. Applications with multiple sub-projects will be considered in full; sub-projects will not be considered separately.

¹ Utilities not to include telecommunications infrastructure which is otherwise required to be installed by telecommunications providers under statutory provisions.

2.2.2 Whole and complete

Projects, as described in their respective applications and supporting documentation, must be ready to commence immediately following notification of a successful application, and must not be wholly dependent on other projects or activities, e.g. if your proposed project is the construction of a sporting facility, that construction must not be dependent upon the construction of a road without which the site cannot be accessed.

Projects must not have artificial divisions, e.g. working around the \$45 million funding cap by submitting two separate applications which, together, deliver one new football field.

Projects which will commence between 1 September 2024 and the announcement of successful projects are also eligible, provided they are able to be completed by 30 June 2026. Such projects proceed at the applicant's risk unless and until the project is successful and funding is offered under the HSP. The Australian Government and its agencies will not be liable for any costs incurred in relation to a project which commences prior to the announcement of successful projects and for which a HSP-CEI application is ultimately unsuccessful.

2.2.3 Completion requirement

The full scope of the project(s) as described within the application must be able to be completed **on or before 30 June 2026**.

2.3 Funding

Payments for project milestones in HSP-CEI will be made through a schedule to the *Federation Funding Agreement - Affordable Housing, Community Services and Other*. Payments will be made by the Australian Government, consistent with the agreed milestones for each project, through the relevant state or territory which will forward Commonwealth funding contributions to eligible LGAs.

Eligible expenditure for HSP-CEI projects will be communicated to successful applicants. Examples may include but not be limited to:

- construction of infrastructure and community amenities consistent with the agreed scope of the project, including the purchase of materials, goods and services for the same;
- engineering and certification consultancies necessary to deliver the project's agreed scope;
- acquisition of land in connection with the construction of enabling infrastructure and/or community amenities;
- project management and labour hire;
- traffic control; and
- project signage (see Section 4.6).

The Australian Government will only fund activities in the project once. Projects already receiving funding from another Australian Government program are not eligible under the HSP.

Applicants must not make a profit from the project by way of HSP funding. The HSP may not be used to cost-shift business as usual expenditure such as stationery and non-project specific staffing costs to the Australian Government, nor to fund ongoing maintenance costs for the resulting infrastructure.

Applications must list all funding sources being used to meet their project cost contribution. Co-contributions may be sourced from local, state or territory governments and/or private funding sources. **In-kind** items such as provision of land will not be accepted towards the 50 per cent co-funding required for eligible state or territory applications.

3 Application process

3.1 What you will need

Applications must be submitted on the HSP-CEI application form with all items complete.

In completing the application, you will need to provide the following:

- information about the project scope, including project plans and detailed designs as appropriate to the project;
- any required approvals, their status and associated timelines;
- a project budget, including a cost breakdown and a proposed funding profile;
- consideration of ongoing operational expenditure and infrastructure maintenance;
- how the project aligns with a state, territory and/or national housing strategy or plan, and with relevant state, territory and local land use planning and development arrangements;
- evidence of co-contributions from other contributors (such as confirmation of state or territory funding, private organisations or other LGAs for joint applications), and details of funding being provided to the project by other Australian Government programs;
- proposed project timeline and milestone schedule;
- details of other enabling infrastructure projects occurring in the local area and the availability of construction providers to deliver the project; and
- a risk assessment.

The Department may seek assurances that the delivery of a project in accordance with its proposed scope will not hinder the delivery of other necessary infrastructure. For example, if an application under the HSP-CEI seeks funding to construct a footpath, the Department may seek assurances that the footpath will not need to be removed in the future to allow the installation of utilities.

Note: if a budget submission is due to be considered by the local, state or territory government during the application or assessment period, you must note this in your application and, if the funding is not approved or an alternative funding source identified, your HSP application must be withdrawn or amended accordingly **no later than Friday 27 September 2024**. Please contact the Housing Support Branch by [email](#) as soon as possible to discuss your specific situation.

The level of information provided should be consistent with the size and complexity of the project.

3.2 Submitting an application

The Department will accept HSP-CEI applications until 5.00pm Australian Eastern Standard Time (AEST) on **Friday 16 August 2024**.

All applications must be submitted by [email](#) or other method advised on the [HSP website](#). The Department may refuse to consider applications not submitted in accordance with this instruction.

All applications will be acknowledged once received. If you do not receive this acknowledgement please advise at [email](#) within 48 hours of lodgement.

Late applications may be considered by the Program Owner in **exceptional circumstances** (see definition in Glossary) only. Please contact the Housing Support Branch by [email](#) prior to the closing time for applications if your organisation expects it will need to make a late submission. Approval of an extension is not automatic and should not be relied upon until you receive email confirmation.

3.3 Timing of processes

If your project is successful, the Department expects your project to commence no later than Friday 31 January 2025, once you have received the offer of funding.

Table 1: Expected stream timing

Activity	Timeframe
Assessment of applications	Approximately 6-8 weeks from the closing date
Approval and announcement of successful applicants, and notification to unsuccessful applicants	Approximately 4 weeks from completion of the assessment of applications
Start date of project	Not before 1 September 2024 (refer to section 2.2.2) and not later than 31 January 2025
Claim for final payment (tied to Default Payment Milestone 2)	Not later than 31 May 2025
Project completion date	Not later than 30 June 2026
Post completion report	Within three months from project completion

3.4 Assessment of applications

The Department will assess all applications received.

The Department may contact you to clarify information provided in your application, but will not consider new or additional information. All evidence and supporting documentation must be submitted as attachments to your application. Please do not include links in your application as probity arrangements prohibit our assessors from considering information that is not included in the application and its attachments.

Applications go through three stages:

1. Eligibility assessment – ineligible applications will not proceed beyond this point.
2. Merit assessment of eligible applications only.
3. Ministerial consideration and decision-making.

Where required, the Department will be supported during merit assessment by an independent moderator as well as a cost assurance expert who will advise on the suitability of applications' project budgets.

3.5 Eligibility

All projects will be assessed for eligibility. Eligible projects must meet all of the requirements of Section 2 of these Guidelines, and address all items in the application form.

Ineligible applications will not proceed to merit assessment. The Department's decision on the eligibility of an application is final.

3.6 Merit Assessment

The overarching consideration for merit assessment is whether a project represents value for money in accordance with the *Public Governance, Performance and Accountability Act 2013*. Assessors will consider the extent to which each application meets the program objectives and how it performs against the following merit assessment criteria relative to cost.

Eligible applications will be assessed by the Department against the criteria outlined in this section 3.6. Please note, while all criteria are mandatory, it is not expected that all applications will be able to address all elements of the 'project impact' criteria (sections 3.6.5 to 3.6.8 inclusive) in the same way, noting the relatively small size of, and compressed timeframes for, HSP-CEI projects.

The Australian Government and the Department emphasise that projects proposed under HSP-CEI are expected to reflect the needs and priorities of the relevant community. Responses to the merit assessment criteria are therefore to be place-based and developed in clear and genuine partnership with local community organisations, consistent with the HSP's definition of **well-located**. Applications which do not demonstrate genuine community involvement and a place-based approach will be viewed less favourably during merit assessment.

Claims in your application should be supported by evidence which must be detailed, comprehensive and, where possible, independent.

3.6.1 Alignment with HSP program objectives

You must demonstrate alignment with the HSP program objectives and the National Housing Accord targets by identifying how your project will:

1. do one or more of the following:
 - a. increase the supply of well-located housing through the construction of enabling infrastructure and/or community amenities;
 - b. improve housing affordability, supply and/or diversity;
 - c. enable more community, social and/or affordable housing;
2. work cohesively, as relevant to the project, with: planning, zoning and regulatory frameworks; the National Planning Reform Blueprint; the Land Use Planning for Disaster Resilient Communities Handbook; the National Construction Code; and any relevant state or territory legislation; and
3. align with state or territory development plans and other planning policy.

3.6.2 Overall impact on housing supply

Your application must include an analysis of the overall contribution of the project to new housing supply, and over what time period this impact will occur. This analysis should include the number of well-located dwellings in the development(s) supported by the project. Allocations to social, community and/or affordable housing will need to be detailed in your response to this criterion, including proposed mechanisms to safeguard these allocations.

Your response to this criterion must detail how the development(s) supported by the proposed project satisfy the HSP definition of **well-located** dwellings, including whether and how the project will enhance the resilience to, or mitigate the effects of, current and future climate change and natural disaster risk for housing and enabling infrastructure. In addressing this criterion, your application should refer to relevant data and evidence.

3.6.3 Need for investment

Your application must include detailed evidence as to the need for investment in the project and. Your evidence for this criterion should detail any barriers preventing investment to date, including attempts made to secure funding from external sources and reasons this has not occurred.

Evidence may include capital expenditure plans, minutes of relevant meetings, and/or other documentation showing how the proposed project has been triaged in relevant state/territory and/or local planning. You may wish to include a benefit-cost ratio in your evidence for this criterion.

3.6.4 Capacity, capability and resources to deliver the project

You must demonstrate that you have the capacity, capability and resources available to deliver the project **on or before 30 June 2026** by providing evidence of:

- the ability to quickly commence and deliver proposed projects by **30 June 2026**, including demonstrated readiness to commence works between 1 September 2024 and 31 January 2025 or immediately upon notification of a successful application. Evidence would include appropriate business case approvals, community support and completed engagement, and relevant legislative requirements in place or well advanced;
- track record of success in delivering similar initiatives and/or sound project planning and management experience. This should address scope, implementation methodology, timeframes, consultation, budget and risk management;
- the project's business or governance structure and how you will incorporate relevant Commonwealth and/or state procurement principles and priorities; and
- achievable timeline, appropriate project cost breakdown and well-managed risks, detailing other civil infrastructure projects occurring in the area and the availability of construction workforce and materials to undertake the proposed project.

3.6.5 Project impacts – local community engagement and co-design

Your application must demonstrate that the project is a priority for the local community. In order to demonstrate this, you will need to provide evidence of community engagement, including individuals, businesses, service providers and First Nations representatives. Applications which demonstrate co-design with one or more of these groups will be viewed more favourably than those which do not.

Where community engagement is ongoing, your application should identify plans and timeframes for future engagement, and how the outcomes of this might influence project design and delivery.

3.6.6 Project impacts – housing and socioeconomic outcomes for First Nations Australians

The Australian Government is seeking to leverage its investment through the HSP to achieve progress toward complementary policies including outcomes for First Nations Australians. Projects funded through the HSP are well-placed to help address disadvantage, directly or otherwise, through a range of outcomes and priority reforms under the National Agreement on Closing the Gap (Closing the Gap).

We encourage you to consider unique and/or innovative approaches to working with First Nations stakeholders, consistent with Closing the Gap priority reforms 3 and 4. This might include leveraging First Nations storytelling and networks to communicate to the broader community the secondary benefits of the project, e.g. increased school attendance due to improved public transport.

Whilst this section 3.6.6 is mandatory, it may not be practical or possible for you to address some or all of its elements. In such instances, your response and evidence should clearly indicate the barriers to doing so, the approach you have taken and any alternatives you have identified. For example, you might demonstrate that implementing a First Nations procurement target would be impossible because all Indigenous-owned businesses in the local area are fully booked during the construction period of the project.

Noting this, the Department's merit assessment is weighted to not penalise applications which demonstrate due consideration and valid reasoning in this section.

3.6.6.1 Context²

In 2021, 81.4 per cent of First Nations Australians lived in appropriately-sized (i.e. not overcrowded) housing, compared to 93.5 per cent for non-Indigenous Australians. First Nations households are more likely to experience poor quality housing, including structural defects and inadequate basic housing utilities and essential services.

First Nations Australians living in remote and very-remote areas are more likely to live in social housing (66.1 per cent compared to 3.9 per cent) and less likely to own their own home (12.9 per cent compared to 53.8 per cent) than First Nations Australians living in non-remote areas.

Similarly, only 56.4 per cent of all First Nations Australians aged between 15 and 64 were engaged in work or education, compared to 78.1 per cent for non-Indigenous Australians.

3.6.6.2 Application criteria

Your application should address the following points, be place-based, and be developed in genuine partnership with First Nations representative bodies:

- the anticipated contribution of the project to increased culturally-appropriate and adequately-sized housing supply for First Nations Australians, whether through private, social and/or affordable housing (Closing the Gap outcome 9a);
- the anticipated contribution, direct or otherwise, to equitable access to services, facilities and amenities for First Nations Australians (Closing the Gap outcome 9b);
- opportunities for engagement of First Nations individuals and procurement from Indigenous-owned, operated and managed businesses – including how these opportunities will be communicated to community and efforts the proponent will make to identify and verify potential sources of employees and business partners (Closing the Gap outcomes 7 and 8);
- opportunities, through employment on the project, to provide training and skills development for First Nations employees and businesses with a focus on enabling long-term, stable career paths, including contributing to work-based learning requirements for formal qualifications, on-the-job training leading to recognised 'tickets', and business development training (Closing the Gap outcome 7);
- details of genuine engagement, and mechanisms to support shared governance and decision-making, with local First Nations elders, representative bodies and the community-controlled sector (Closing the Gap priority reforms 1 and 2).

² Data presented in Section 3.6.6 derived from the [Productivity Commission's Closing the Gap information repository](#), and is correct at the time of publication of these Guidelines in June 2024.

3.6.7 Project impacts – transition to net zero and circular economy

Whilst this section 3.6.7 is mandatory, it may not be practical or possible for you to address some or all of its elements. In such instances, your response and evidence should clearly indicate the barriers to doing so, the approach you have taken and alternative approaches.

3.6.7.1 Context

The built environment is key to the personal and working lives of most Australians, as well as being a significant contributor to Gross Domestic Product by way of residential and commercial construction. However, the built environment is also a significant contributor to energy use, emissions and waste, and with great variety in buildings, appliances and ownership, presents a complex space in which to transition to a net zero and circular economy. Efficient construction, including through careful selection of materials and planning decisions, can reduce direct emissions in the construction phase, as well as reducing waste and embodied emissions.

3.6.7.2 Application criterion

Your application should detail how the proposed project contributes to the following:

- changes to human behaviour (e.g. reducing vehicle kilometres travelled, increasing use of public transport, improving walkability, etc.);
- minimisation or avoidance of carbon emissions, including through the use of low and zero emissions building materials;
- use of recycled, reclaimed, refurbished and otherwise sustainably-sourced materials to minimise embodied emissions and emissions from manufacturing and waste;
- use of innovative design and construction methodologies which minimise environmental impact, including waste;
- use of local supply chains to minimise emissions in transporting materials to site; and/or
- upgrades to energy infrastructure to support more energy-efficient appliances and the like.

Your response to this criterion should include how emissions and emissions reductions are proposed to be measured, including appropriate benchmarking and historical data. It is recommended you consider the lifecycle of the project, its components and inputs, and their respective supply chains.

3.6.8 Project impacts – training and skills development

Whilst this section 3.6.8 is mandatory, it may not be practical or possible for you to address some or all of its elements. In such instances, your response and evidence should clearly indicate the barriers to doing so, the approach you have taken and alternative approaches.

Your application should outline opportunities for the project to contribute to training and skills development, including for trade training as well as workplace learning placements for tertiary and other further education in relevant fields. This should, consistent with the Australian Skills Guarantee and/or relevant state/territory policies, include, where possible, specific opportunities for women.

3.7 Ministerial decision making

Upon completing application assessments, the Department will make recommendations to the Minister for Infrastructure, Transport, Regional Development and Local Government (the Minister) on applications for funding. The Minister will make the final decision on which projects are funded.

3.8 Notification of outcomes

Following the Minister's decision, the Department will contact all applicants to inform them of the outcome of their application.

Applicants will be offered feedback on applications, where resources allow.

4 Administration

4.1 Amendment of the Guidelines

The Australian Government may amend these Guidelines from time to time. When this happens, applicants are expected to comply with the Guidelines in place at the time they apply.

All Program Guidelines and changes will be communicated and published in a timely fashion via the [Department's website](#).

4.2 Confidentiality

Information submitted by the applicant may be provided to other areas of the Department, and to other Commonwealth agencies, for the purposes of assessment and clarification. In addition, the details of successful projects will be made publicly available.

Information from applications may also be used for research and analysis purposes.

Applicants should identify any information submitted which they wish to be considered as confidential, supported by reasons for the request. The Australian Government reserves the right to accept or refuse a request to treat information as confidential. The *Privacy Act 1988* applies to the handling of personal information about individuals obtained in the course of the delivery of the programs.

4.3 Probity

It is important to the Australian Government that it avoids bias and the perception of bias and other probity issues in the operation of this program.

Any information which would have a material impact on the decision to approve an application must be disclosed in your application. This includes any actual or perceived conflict of interest.

Failing to declare relevant information, or making a false declaration, in your application will render your application ineligible.

4.4 Non-compliance

Non-compliance with the *Guidelines for Applicants* will make that project ineligible for funding.

Applications for projects which have already been funded may have their funding withdrawn, and/or be required to repay funding already paid.

4.5 Project reporting

Periodic progress reporting will be required for successful projects. Post completion reporting may also be required. Details of reporting requirements will be communicated to successful applicants.

4.6 Project signage

Eligible funding recipients must erect project signage in accordance with the signage guidelines available on the Department's [website](#), and as required by the schedule between the Commonwealth and the respective state or territory.

5 Glossary

Term	Definition
Affordable Housing	Affordable housing is generally taken to refer to rental housing that is provided at below market rent to qualifying tenants (usually between 70 and 80 per cent of market rent).
Applicant	The State, Territory or Local Government Authority that submits the application. Joint applications must have a single applicant that submits the application.
Application	A completed application form, and associated documents, requesting funding under the program. Approved applications become projects.
Commonwealth	A Department of State, or a Parliamentary Department, or a listed entity or a corporate body established by a law of the Commonwealth. See subsections 10(1) and (2) of the <i>Public Governance, Performance and Accountability Act 2013</i> (PGPA Act).
Completion Date	The expected end date for the project activity.
The Department	The Department of Infrastructure, Transport, Regional Development, Communications and the Arts or its successors responsible for urban and regional development.
Exceptional circumstances	For the purposes of seeking an extension of time to apply, 'exceptional circumstances' must be immediate in nature and unforeseen, and must be supported by evidence.
First Nations Australian	Includes people who identify as Australian Aboriginal and/or Torres Strait Islander.
Fixed infrastructure	Infrastructure which is intended to remain in place for the long term. Temporary infrastructure that is to be built to provide access to the community whilst fixed infrastructure is being constructed is not eligible for funding under the HSP.
In-kind contribution	Non-cash contributions to the project, e.g. facilities, staffing, equipment used in construction, and services provided to the project from your organisation's or a co-contributor's own resources. These must directly relate to eligible activities.
Independent evidence	Independent evidence refers to evidence prepared by a third party that is independent from the development process. The aim is to ensure an absence of influence or control over the evidence provided.
Liveability	The quality of life and overall sense of satisfaction of people and communities, including but not limited to health, living standards, community and social cohesion, security and safety, freedoms and rights, recognition and self-determination, cultural and spiritual fulfilment, connection to Country and to nature.
Local Government	<p>Local government has the same definition as a local governing body at section 4 of the <i>Local Government (Financial Assistance) Act 1995 (Cth)</i>. As at January 2024 this meant:</p> <ol style="list-style-type: none"> a local governing body established by or under a law of a State, other than a body whose sole or principal function is to provide a particular service, such as the supply of electricity or water; or a body declared by the Minister, on the advice of the relevant State Minister, by notice published in the <i>Gazette</i>, to be a local governing body for the purposes of this Act. <p>For the purposes of the Housing Support Program, a non-self-governing territory will be considered a local government.</p>

Term	Definition
The Minister	The Minister is the Minister for Infrastructure, Transport, Regional Development and Local Government, another portfolio Minister or a delegate of the Minister.
New housing development	The development of one or more residential dwellings for rent or sale through either the construction of new structures, additions or alterations to existing structures, or the adaptive reuse of existing non-residential structures.
Non-self-governing territory	Non-self-governing territories include Norfolk Island, the Jervis Bay Territory and the Indian Ocean Territories.
Safe	For the purposes of defining 'well-located' housing, 'safe' means a location's resilience to natural disasters including but not limited to: bushfires; tropical cyclones; floods, storms and storm surge; earthquakes; and actions of the sea.
Social Housing	Social housing is affordable housing provided by state and territory governments and not-for-profit organisations for people on lower incomes who are unable to afford or access suitable accommodation in the private rental market. It includes public housing, state owned and managed First Nations housing and community housing.
State and territory Governments	State and territory Governments are the: <ul style="list-style-type: none"> • Australian Capital Territory Government • New South Wales Government • Northern Territory Government • Queensland Government • South Australian Government • Tasmanian Government • Victorian Government • Western Australian Government
Well-located	Well-located housing is a home close to work, schools, transport and other amenities as relevant to the community, supports improved productivity and liveability, and located in an appropriate and safe area.

DRAFT CONDITIONS OF CONSENT

ADMINISTRATIVE CONDITIONS

1. Approved Plans and Supporting Documents

The development shall be carried out in accordance with the approved stamped and signed plans and/or documentation listed below **except where modified by any modification application**. Where the plans relate to alteration or additions only those works shown in colour or highlighted/shaded are approved.

Reference/Dwg No	Title/Description	Prepared By	Date/s
2022-173DA Sheets 1-9	Site Plans	Anthony Daintith Town Planning	20.12.2023
V3	Statement of Environmental Effects DA 2022-0216 (Modification)	Anthony Daintith Town Planning	March 2024

Note 1: *Modifications to the approved plans will require the lodgement and consideration by Council of a modification pursuant to Section 4.55 of the Environmental Planning and Assessment Act.*

Note 2: *A warning to all Accredited Certifiers. You should always insist on sighting the original Council stamped approved plans/documentation and not rely solely upon the plan reference numbers in this condition. Should the applicant not be able to provide you with original copies, Council will provide you with access to its files so you that may review our original copies of approved documentation.*

Note 3: *The approved plans and supporting documentation may be subject to conditions imposed under section 4.17 of the Act modifying or amending the development (refer to conditions of consent which must be satisfied prior to the issue of any Construction Certificate).*

(Reason: To confirm and clarify the terms of consent)

2. Compliance with National Construction Code of Australia

All building work must be carried out in accordance with the provisions of the National Construction Code of Australia (NCC). Note: Applicants who have lodged an objection and who have been granted exemption under clause 187(6) & 188(4) of the Environmental Planning and Assessment Regulation 2021, must comply with the NCC in all other respects.

(Reason: Prescribed statutory control)

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3. Occupation and land use

- (1) This consent permits the agistment and training of horses and uses considered ancillary to these purposes.
- (2) The management of this facility must occur in accordance with the *NSW Animal Welfare Code of Practice No 3 – Horses in riding centres and boarding stables*.

(Reason: Clarify land use and ensure animal welfare)

4. Planning for Emergencies

The applicant is to prepare an Emergency Response Plan for the facility. This is to ensure an emergency plan is in place in the event of a hazard, such as a bushfire.

A copy of the Emergency Response Plan is to be provided to council within twelve (12) months of the date of the consent. The plan should be developed in accordance with the NSW Department of Primary Industries Management Guide: Planning for Emergencies.

(Reason: To ensure the safety of the owners, operators and animals at the facility in the event of a natural hazard)

5. Imported Fill

Clean fill imported onto the site shall be validated to ensure it is suitable for the proposed land use.

To ensure that fill material is suitable for the proposed use, only material classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) is permitted to be imported onsite.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority or Cabonne Council upon request.

(Reason: To ensure that imported fill is of an acceptable standard for environmental protection purposes)

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

6. Obtaining a Construction Certificate

This Development Consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement. Please note that if demolition works forms part of the extent of works approved in the same application, then demolition must not commence prior to the issue of a Construction Certificate.

(Reason: Information)

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7. 7.12 Contribution Levy

Pursuant to section 4.17 of the Environmental Planning and Assessment Act 1979, and the [Cabonne Council Section 7.12 Contributions Plan 2021, a contribution of \$2,442.00 must be paid to Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the Cabonne Council Section 7.12 Contributions Plan 2021. The contribution is to be paid before the issue of any Construction Certificate.

The Cabonne Council Section 7.12 Contributions Plan 2021 adopted October 2022, which may be viewed during office hours at Council's Customer Service Centres, or on Council's website <http://www.cabonne.nsw.gov.au>.

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). Contribution amounts will be adjusted by Council each quarter.

Contribution Type	Proposed Cost of Development	Levy Percentage	Total Contribution	Contribution Rate remains current until 30 June 2023
Section 7.12 Contribution	\$244,200.00	1% 200k and above.	\$2,442.00	Prior to Construction Certificate

(Reason: Statutory Requirement)

8. Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent until:

- (a) A construction certificate for the building work has been issued by:
 - (i) the consent authority; or
 - (ii) an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - (i) appointed a principal certifying authority for the building work, and
 - (ii) notified the principal certifying authority that the person will carry out the building work as an owner builder, if that is the case, and
 - (b1) the principal certifying authority has, no later than 2 days before the building work commences:
 - o notified the Council of his or her appointment, and
 - o notified 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, and
 - (b2) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
 - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
 - (ii) notified the principal certifying authority of such appointment, and
 - (iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

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(c) the person having the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.

Note: If the principal certifying authority is the Council, the nomination will be subject to the payment of a fee for the service to cover the cost of undertaking all necessary inspections and the issue of the appropriate certificates.

Under the Environment Planning and Assessment (Quality of Construction) Act, 2003, a sign must be erected in a prominent position on the work site showing the name, address and telephone number of the principal certifying authority; the name of the principal contractor (if any) for the building work and a telephone number at which that person may be contacted outside working hours. That sign must also state that unauthorised entry is prohibited. The sign must not be removed until all work has been completed.

(Reason: Statutory requirements)

9. Application for Construction Certificate

The applicant must apply to Council or an Accredited Certifier for a Construction Certificate to carry out the relevant building works that are approved by this consent. The details to be included in the application for a Construction Certificate are:

- (a) Architectural plans and specifications complying with the National Construction Code of Australia (NCC), relevant Australian Standards, and the development consent and conditions.
- (b) If Council issues the Construction Certificate, engineering details must be submitted for approval for all structural elements, including but not limited to, piers, footings, reinforced concrete slab, first floor joist layout, roof trusses, steel beams and the like. The details must be prepared by a practising consulting structural engineer. Also, a certificate from the engineer must be included certifying that the design fully complies with appropriate SAA Codes and Standards and the NCC requirements.

Note: The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.

- (c) If an alternative solution to the “deemed to satisfy” provisions of NCC is proposed, the following details must be lodged:
- Performance requirements that the alternative solution intends to meet.
 - Assessment methods used to determine compliance with the performance requirements, including if and how each performance objective impacts on other requirements of the NCC; and
 - A statement about the person who prepared the alternate solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body

Note: The performance-based application may be required to be reviewed by a suitably qualified independent body at the applicant's expense. Any fees relating to any review are required to be paid prior to the issue of the Construction Certificate.

(Reason: Statutory requirement)

10A. Provision Of Private Access Ophir Rd

The existing access to the property must be upgraded in accordance with Councils' Provision of Private Access Specification, to ensure that there is a section of at least 7 metres from the road pavement, level with the road shoulder of Ophir Road.

Council prior to any Construction Certificate being issued for the development or commencement of any upgrade to the existing access to the property from the adjoining road must issue an Access Construction Certificate. A joint inspection with the Principal Certifying Authority is to be held prior to commencing construction of the access. Please telephone Council's Development Engineering Coordinator on 6392 3220 to arrange a suitable date and time for the inspection.

Council prior to any Occupation Certificate being issued for the development must issue an Access Compliance Certificate for the access.

(Reason: To ensure that safe and practical access is provided to the development)

11. Road design and construction (Access Off River Oak View)

The applicant is required to bear the full cost of survey, design and construction of a

6m wide by 100mm minimum depth gravel access to allow two-way traffic in and out of the development. There will need to be sufficient area for car/ trailer combinations and trucks carrying horses to be able to turn around in the drop-off/ pick-up area so that all vehicles can enter and exit in a forward direction.

A complete set of drawings is to be provided to Council for approval before any **ROADWORKS CONSTRUCTION CERTIFICATE** is issued for the works.

A ROADWORKS COMPLIANCE CERTIFICATE FOR ALL ROAD WORKS IS TO BE ISSUED.

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One set of printed copies plus an electronic copy (AutoCAD2000.dwg file format) of "Works as Executed" plans are to be submitted to Council for works carried out on Council's Road in **CONNECTION WITH THE APPLICATION FOR A ROADWORKS COMPLIANCE CERTIFICATE.**

All relevant work to be completed **PRIOR** to the issuing of an Occupation Certificate.

(Reason: To ensure that safe, all-weather access is provided to the development in accordance with council's requirements)

11A. Provision of private access River Oak View

The proposed access to the property must be upgraded in accordance with Councils' Provision of Private Access Specification, to ensure a 6m wide by 100mm minimum depth gravel access to allow two-way traffic in and out of the development. There will need to be sufficient area for car/ trailer combinations and trucks carrying horses to be able to turn around in the drop-off/ pick-up area so that all vehicles can enter and exit in a forward direction.

Council prior to any Construction Certificate being issued for the development or commencement of any upgrade to the existing access to the property from the adjoining road must issue an Access Construction Certificate. A joint inspection with the Principal Certifying Authority is to be held prior to commencing construction of the access. Please telephone Council's Development Engineering Coordinator on 6392 3220 to arrange a suitable date and time for the inspection.

Council prior to any Occupation Certificate being issued for the development must issue an Access Compliance Certificate for the access.

(Reason: To ensure that safe and practical access is provided to the development)

12. Landscape plan

A separate landscape plan is to be prepared by a suitably qualified person, submitted to Council and approved prior to the issue of a Construction Certificate. The landscape plan is to show how the development can be effectively screened from existing and future development adjoining the north-eastern corner of the property.

All landscaping is required to be established within six (6) months of the date of consent and shall be species appropriate for the area, quick growing and provide suitable screening of the development from adjoining land.

The landscaping is required to be maintained at all times and in perpetuity.

(Reason: Visual amenity)

13. Erosion and Sediment Control Plan

Prior to the issue of a Construction Certificate, an erosion and sedimentation control plan shall be prepared by a suitably qualified person. Erosion and sediment controls must be in place before the disturbance of any soils on the site and are to be maintained during the works and for as long as necessary after completion to prevent sediment and dirty water leaving the site

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and / or entering the surface water system outside of the site. Details demonstrating compliance shall be submitted with the Construction Certificate application.

(Reason: Environmental Management)

14. S68 Plumbing and drainage application approval

To ensure an approval is in place for the installation of any Plumbing and Drainage work as well the On-Site Sewer Management System, the applicant is required to apply for a s68 Plumbing and drainage and Septic Application in accordance with Section 68 of the Local Government Act 1993.

(Reason: Statutory requirement)

15. On site wastewater management

An Onsite Wastewater Management System is to be designed for the intended use following a site-specific examination of the site by a suitably qualified person. Details of the proposed system along with an application to install an onsite wastewater management system are to be provided to council for approval prior to the issue of a Construction Certificate.

(Reason: To ensure that an accredited sewage management facility is designed, constructed and installed for the animal boarding and training establishment.)

16. Long Service Levy Payments

The payment of a long service levy as required under part 5 of the Building and Construction Industry Long Service Payments Act 1986, in respect to this building work, and in this regard, proof that the levy has been paid, is to be submitted to Council prior to the issue of a Construction Certificate. Council acts as an agent for the Long Services Payment Corporation and the levy may be paid at Council's Office.

(Reason: Statutory requirement)

PRIOR TO THE COMMENCEMENT OF WORKS

17. Construction Certificate

No work is to commence until:

- (a) Obtain a Construction Certificate from either the Cabonne Council or an Accredited Certifier - a fee applies for this service; and
- (b) Lodge with Cabonne Council any Construction Certificate obtained from an Accredited Certifier (together with associated plans and documents) - a fee applies for this service.

(Reason: Statutory Requirement)

18. Notice of Commencement

No work shall commence until you submit a notice of commencement (form will be attached with issue of a Construction Certificate) giving Council:

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- (a) Not less than two (2) days notice of the date on which it is proposed to commence work associated with this Development Consent.
- (b) Details of the appointment of a Principal Certifying Authority (either Cabonne Council or another Accredited Certifier)
- (c) Details of the name, address, and licence details of the Builder.

(Reason: Statutory Requirement)

19. Principal Certifying Authority Sign

Prior to commencement of any work, signage must be erected in a prominent position on the work site identifying:

- The Principal Certifying Authority (PCA) by showing the name, address and telephone number of the PCA;
- The Principal Contractor by showing the Principal Contractor's name, address and telephone number (outside of work hours) for that person.
- The sign must state that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the work is being carried out but must be removed when the work has been completed.

(Reason: Statutory Requirement)

20. Toilet Amenities on Construction Sites

Prior to commencement of any building works, toilet facilities for employees must be provided in accordance with SafeWork NSW requirements. Where female workers are present on site, appropriate measures for sanitary item disposal should be made, such as a disposal unit provided in the portable toilet or sewer connected toilet closet.

(Reason: Statutory Requirement - Health and amenity)

21. Erosion & Sediment Control

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater - Soils and Construction produced by Landcom (Blue Book).

A copy of the Erosion and Sediment Control Plan must always be kept on site during construction and made available to Council officers on request.

Erosion and sediment control measures as detailed in the submitted Erosion and Sediment Control Plan must be installed and operating prior to and during all construction works.

(Reason: Environmental protection)

REQUIREMENTS DURING WORKS

22. Heritage

During construction, the development is to proceed with caution. If any Aboriginal objects are found, works should stop, and Heritage NSW contacted. If an Aboriginal relic is uncovered, work must cease immediately, and Heritage NSW must be contacted. All workers on the site are to be made aware of this condition.

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(Reason: Heritage)

23. Construction Hours

Construction work may only be undertaken during the following hours

DAY	HOURS
Monday to Friday	7:00 am to 6:00 pm
Saturday	8 am to 1:00 pm
Sunday & Public Holidays	No work

Where the development involves the use of jackhammers/ rock breakers and the like or other heavy machinery, such equipment may only be used between the hours of 7.00 am - 5.00 pm Monday to Friday only.

(Reason: Safety and amenity)

24. Prevention of Nuisances

All possible and practical steps shall be taken to prevent nuisance to the inhabitants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition, excavation and building works.

(Reason: Health and amenity)

25. Plumbing and Drainage Works

All plumbing and drainage work shall be carried out by a licensed plumber and drainer to the requirements of the National Plumbing and Drainage Code AS3500.

(Reason: Statutory requirement)

26. Adjustment to Utility Services

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

(Reason: Information)

27. Obstruction of Road & Footpath

The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste bins or any other matter is not permitted unless the written approval is obtained from Cabonne Council. A Penalty Infringement Notice may be issued for any offence.

(Reason: Protection of infrastructure, safety & information)

28. Contaminated Lands – Unexpected Finds

In the instance works cause the generation of odours or uncovering of unexpected contaminants works are to immediately cease, Council is to be notified and a suitably qualified environmental scientist appointed to further assess the site. The exposed material/excavation is to be evaluated by the supervising environmental consultant and an appropriate response determined in consultation with the applicant, which is agreed to by Council's Development Services Department.

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Note: Council may also request that an NSW EPA accredited site auditor is involved to assist with the assessment of the contaminated land situation and review any new contamination information. The applicant must also adhere to any additional conditions which may be imposed by the accredited site auditor.

(Reason: To ensure compliance with Statutory Requirements)

29. Damage to Adjoining Properties

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must always be observed. Where damage occurs to adjoining property all necessary repair or suitable agreement for necessary repairs are to be undertaken by the applicant in consultation with, and with the consent of, the affected property owner.

(Reason: Structural safety)

30. Stormwater Discharge

During construction and within a maximum of 7 days following the placement of any roofing material, all guttering and downpipes must be installed and connected to rainwater tanks. The overflow from these tanks must be discharged away from the buildings onto a stable vegetated area or rubble drain in a manner that does not cause nuisance or erosion to adjoining properties. All of the work must be completed prior to the issue of an Occupation Certificate.

(Reason: Adequate Stormwater Disposal)

31. Critical Stage Inspections

Critical stage inspections must be called for by the Principal Contractor or Owner Builder as required by the Principal Certifying Authority (PCA), any PCA Service Agreement, the Act and the Regulation.

Work must not proceed beyond each critical stage until the PCA is satisfied that work is proceeding in accordance with this consent, the Construction Certificate(s) and the Act. 'Critical Stage Inspections' means the inspections prescribed by the Regulations for the purposes of section 6.5 of the Act or as required by the PCA and any PCA Service Agreement.

Note 1: The PCA may require additional inspections beyond mandatory critical stage inspections in order that the PCA be satisfied that work is proceeding in accordance with this consent.

Note 2: The PCA may, in addition to inspections, require the submission of Compliance Certificates, survey reports or evidence of suitability in accordance with Part A2.2 of the BCA in relation to any matter relevant to the development.

(Reason: Statutory requirement)

32. Inspection Records & Compliance Certificates

The PCA or accredited certifier undertaking each of the inspections must make a record of each inspection in accordance with Clause 162B of the Environmental Planning and Assessment Regulations 2021 and, if the person is not the PCA, forward a copy to the PCA.

A copy of any compliance certificates issued in respect of the building work and any documents referred to in the certificate must be provided to Council within two (2) days of the certificate being issued.

(Reason: Statutory)

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**33. Water supply (fire fighting)**

Prior to the issue of an Occupation Certificate a minimum 20,000 litres of tanked water supply shall be reserved for fire fighting purposes onsite. The tank shall be fitted with a 65mm Storz fitting and ball or gate valve. The tank will be of a non-combustible material, located close to the stables and allow easy access for fire fighting vehicles.

34. Occupation Certificate (Section 6.9 of the Act)

A person must not commence occupation or use (or change of use where an existing building) of the whole or any part of a new building (within the meaning of section 6.10 of the Act) unless a Partial, Part or Whole Occupation Certificate has been issued in relation to the building. The Principal Certifying Authority is required to be satisfied, amongst other things, that:

- All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
- Any preconditions to the issue of the certificate required by a development consent have been met.

Note: New building includes an altered portion of, or an extension to, an existing building.

(Reason: Statutory requirement)

35. Drainage Records

To provide an accurate record of drainage works. The below listed records are to be submitted to Council prior to the release of the final Plumbing and Drainage Certificate. **ANY OCCUPATION CERTIFICATE MUST NOT BE ISSUED** until the final Plumbing and Drainage certificate has been issued by council. (Templates can be found on council's website www.cabonnecouncil.nsw.gov.au).

- Notice of Works,
- Certificate of Compliance, and
- Sewer Service Diagram drawn to the scale of 1 in 200 of drainage.

(Reason: Statutory requirement)

36. Damage to Public Assets

Any damage caused to footpaths, roadways, utility installations, trees and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration / repairs of property or services damaged during the works shall be met by the Applicant.

(Reason: Safety & Amenity)

OPERATIONAL CONDITIONS**37. Control of nuisance**

No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any polluted discharge whatsoever.

NOTE: Amendments to the POEO Act 1997, require council to investigate complaints where only one person complains.

(Reason: To protect the amenity of the surrounding area)

38. Noise, Air, Water Pollution

The activities carried out on site shall not constitute a nuisance in relation to noise, air or water pollution as specified under the Protection of the Environment Operations Act 1997.

(Reason: Environmental protection)

39. Waste management

All horse manure is to be collected and managed at the onsite manure compost facility prior to being removed for use as fertiliser.

(Reason: Environmental protection)

40. Odour

The use of the land shall not cause any "offensive odour" as defined by the provisions of Protection of the Environment Operations Act 1997. The overall facility and manure compost facility is to be maintained so as to not cause offensive odour external to the site.

(Reason: To protect the amenity of the surrounding area)

41. Internal access

The applicant is required to maintain the existing internal access road at all times from the point of access to a standard that allows access by a typical 2-wheel drive vehicle in wet weather, at the applicant's cost.

(Reason: Amenity & Access)

42. Off street parking

Off-street staff car parking for at least 6 vehicles is to be available at all times. Should additional staff be employed, additional car parking may be required to be available on site.

(Reason: Amenity & Access)

43. Spillage of light

Any lighting used in association with the facility shall be shielded and directed so as to not cause any annoyance to adjoining and nearby landowners/occupiers.

(Reason: To protect the amenity of the surrounding area)

44. Landscaping

The landscaping is required to be maintained at all times and in perpetuity.

(Reason: Visual amenity)

PRESCRIBED CONDITIONS OF CONSENT**45. Erection of Signs**

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.

This does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.

Note: Principal certifiers and principal contractors must also ensure that signs required by this clause are erected and maintained (clause 227A currently imposes a maximum penalty of \$1,100 for non-compliance with this requirement).

Right of Appeal: If you are dissatisfied with this decision, Section 8.7 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court. Pursuant to Section 8.10 an applicant may only appeal within six (6) months after the date on which the decision is notified.