

TABLE OF CONTENTS

**ITEM 32 DEVELOPMENT APPLICATION 2025/0021 -
TELECOMMUNICATIONS FACILITY - 26 BEVAN ROAD,
MULLION CREEK - LOT 1 DP 314296.....2**

ITEM 33 QUESTIONS FOR NEXT MEETING.....21

ITEM 34 BUSINESS PAPER ITEMS FOR NOTING22

ITEM 35 MATTERS OF URGENCY22

ANNEXURE ITEMS

ANNEXURE 32.1 DRAFT CONDITIONS OF CONSENT - 2025 002124

**ITEM 32 - DEVELOPMENT APPLICATION 2025/0021 -
TELECOMMUNICATIONS FACILITY - 26 BEVAN ROAD, MULLION CREEK
- LOT 1 DP 314296.**

REPORT IN BRIEF

Reason For Report	For determination by council
Policy Implications	NIL
Budget Implications	NIL
IPR Linkage	3.1.1.1a - Receive and assess Development Applications.
Annexures	1. Draft Conditions of Consent - 2025 0021 ↓
File Number	\\Development Applications\DEVELOPMENT APPLICATION\2025\03-2025-0021 - 1763991

RECOMMENDATION

THAT Development Application 2025/0021 for a telecommunication facility on land described as Lot 1 DP 314296, known as 26 Bevan Road, Mullion Creek, be granted consent subject to the conditions attached.

DEPUTY GENERAL MANAGER - CABONNE 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 telecommunication facility on land described as Lot 1 DP 314296, known as 26 Bevan Road, Mullion Creek.

The application has been referred to the council for determination as submissions have been received. It is recommended that the application be approved subject to the attached conditions of consent.

Applicant: Telstra Limited C/- Archie Aparicio, Genus Services Pty Ltd
Owner: The Trustees of the Roman Catholic Church for the Diocese of Bathurst
Proposal: Telecommunication facility
Location: Lot 1 DP 314296, known as 26 Bevan Road, Mullion Creek
Zone: R5 Large Lot Residential

PROPOSED DEVELOPMENT

Council's consent is sought for the construction of a new telecommunication facility. The proposed development will consist of a new monopole, antenna, equipment cabinet and ancillary including cabling. The monopole will be 20m in height with the antenna being an additional 1m, therefore, making the proposed development a height of 21m. A security fence of 2.4m will be constructed around the monopole and an Assessment Protection Zone (APZ) of 7m will apply.

Towers constructed within 15km from an airport are to conform to the Civil Aviation Safety Authority (CASA) Regulations and Standards, any structures that are more than 15km away from an airport do not have to be reported. In this case, the proposed structure is not within the 50km notification zone of any CASA certified aerodromes and will not be a hazard to aircraft operations and CASA does not have any objection to the proposal.



Figure 1 – Site Plan

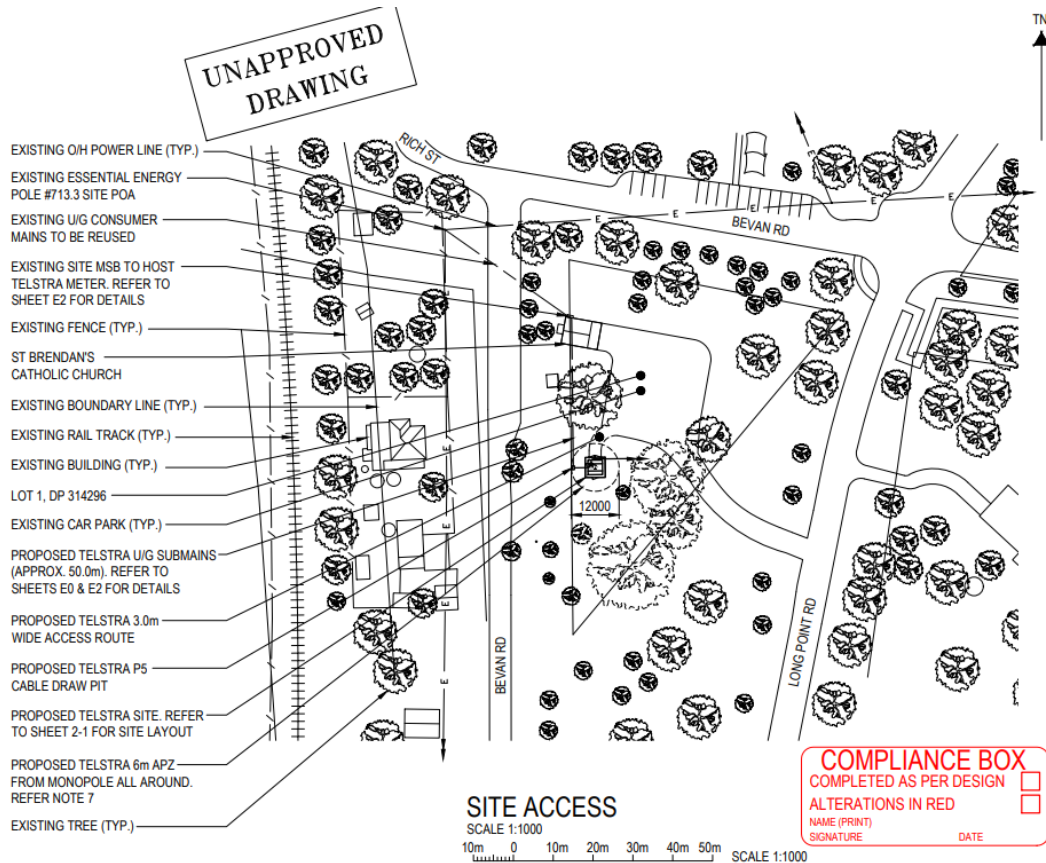


Figure 2 – Site Access

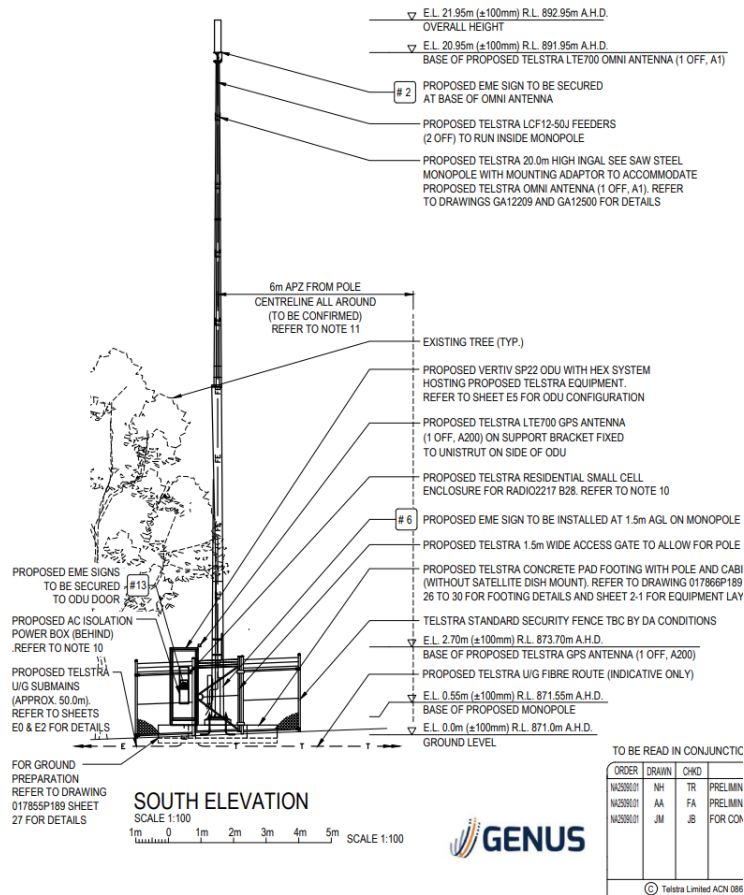


Figure 3 – South Elevation



Figure 4 – Site View



Figure 5 – Similar Telstra small cell facility.

Maximum cumulative EME level for the proposed configuration

Location	Height range	Percentage of the public exposure limit
St Brendan's Catholic Church	0m to 3m	Less than 0.01%
LiveBetter Mullion Creek Preschool	0m to 2m	0.02%
Mullion Creek Public School	0m to 3m	0.02%
Mullion Creek Community Hall	0m to 3m	0.01%
Mullion Creek Playground	0m to 3m	Less than 0.01%

Figure 6 – Predicted maximum levels of radiofrequency electromagnetic energy

I refer to your request for an Airservices assessment of the proposed activity at 26 Bevan Rd, Mullion Creek.

Airspace Procedures

With respect to procedures designed by Airservices in accordance with ICAO PANS-OPS and Document 9905, at a height of 892.92m (2930ft) AHD, the communications tower will not affect any sector or circling altitude, nor any instrument approach or departure procedure at Orange aerodrome.

Note: procedures not designed by Airservices at Orange aerodrome were not considered in this assessment.

Communications/Navigation/Surveillance (CNS) Facilities

We have assessed the proposed activity to the above specified height for any impacts to Airservices Precision/Non-Precision Navigation Aids, Anemometers, HF/VHF/UHF Communications, A-SMGCS, Radar, PRM, ADS-B, WAM or Satellite/Links and have no objections to it proceeding.

Air Traffic Control (ATC) Operations

There are no additional instructions or concerns from our ATC.

Summary

The proposed activity does not impact Airservices operations or facilities at Orange aerodrome.

If you have any further queries, please let our team know.

Figure 7 – Correspondence from Civil Aviation Safety Authority

SITE

The proposed development site is located on the southern side of Bevan Road, Mullion Creek, at the intersection of Bevan Road and Long Point Road. The lot is of a triangular shape and has an area of 4047m², it is zoned R5 Large Lot Residential and has residential properties adjacent. To the northern end of the lot is the Roman Catholic Church and cemetery, with Mullion Creek Public School adjacent to the proposed development site. To the west of the lot is the main western railway. There are well established trees within the lot that are of significant interest to the wider community as many of the trees are considered as a memorial item. The applicant has sited the proposed development to avoid the removal of noted trees. The site is identified to contain a heritage item, the Catholic Church, however the proposed development will be of minimal impact upon those items. Conditions will be applied to the consent if any significant item is found that work will immediately be stopped.



AERIAL IMAGE

PREVIOUS APPROVALS

- 2007/171 – Cemetery – Approved 20 August 2007

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 *Environmental Planning and Assessment Act 1979* (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. The proposal does not involve an aquatic environment. As such, only the Biodiversity Conservation Act, 2016 requires consideration.

There are four triggers known to insert a development into the Biodiversity Offset Scheme (i.e. the need for a BDAR to be submitted with a DA):

- Trigger 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (clause 7.1 of BC Regulation 2017),
- Trigger 2: development involves clearing/disturbance of native vegetation above a certain area threshold (clauses 7.1 and 7.2 of BC Regulation 2017),
- Trigger 3: development is otherwise likely to significantly affect threatened species (clauses 7.2 and 7.3 of BC Act 2016),

- Trigger 4: development proposed to occur in an Area of Outstanding Biodiversity Value (clause 7.2 of BC Act 2016). No areas are known to occur in the LGA.

Comment:

The land does not occur on the NSW Biodiversity Map. [Trigger 1]

The proposal does not involve clearing of native vegetation. [Trigger 2]

The proposal is not likely to significantly affect threatened species [Trigger 3]

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

Section 4.14 Bushfire

The land is mapped as being 'bushfire prone land' as per *Cabonne Council Bush Fire Prone Land Map*, certified by NSW Rural Fire Service Commissioner on 21 June 2022. The EP&A Act requires council to be satisfied that the development conforms to the specifications and requirements of *Planning for Bush Fire Protection 2019* (PBP 2019) prepared by the NSW Rural Fire Service (RFS).

Section 8.3.7 of Planning for Bush Fire Protection (PBP) 2019 provides direction on the application of bush fire protection measures to Telecommunication Towers in Bush Fire Prone Areas which requires Bush Fire Protection Measures (BPMs) to be commensurate with the bush fire risk and criticality of the infrastructure. The applicant has submitted a Bushfire Assessment Report which concludes that the proposal is located within BAL-FZ.

Comment: The application was referred to the RFS for comment, which was provided on 16 October 2024. The RFS requirements will form part of the conditions of consent.

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 R5 Large Lot Residential
Lot size map	Minimum lot size 1 hectare
Heritage map	Is a heritage item Not within a heritage conservation area
Terrestrial Biodiversity Map	No biodiversity sensitivity on the subject land
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,	Not affected by riparian and watercourse map
Groundwater vulnerability map	Is affected by groundwater vulnerability
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 staff are 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 Land Use Table

The subject site is located within the R5 Large Lot Residential zone. The proposed development is defined as 'telecommunication facility' under the LEP 2012 as follows:

telecommunications facility means—

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

The proposed development is permitted with consent in this zone, and this application is seeking consent.

Clause 2.3 - Zone Objectives

The objectives for land zoned R5 Large Lot Residential and assessment of consistency are as follows:

R5 Large Lot Residential Zone Objectives	Comments
<i>To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.</i>	The proposed development will provide telecommunications to the community. Telecommunications is now considered essential to communities to meet day to day needs.
<i>To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.</i>	The proposed development will not hinder the development of the area and will promote future development in the area.
<i>To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.</i>	The upgraded telecommunication services will benefit the residents of Mullion Creek
<i>To minimise conflict between land uses within this zone and land uses within adjoining zones.</i>	The proposed facility will not create conflict between land uses.

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

No miscellaneous provisions are applicable to the proposed development.

Part 6 - Additional Local Provisions

6.2 - Stormwater Management

This clause applies to all land in the RU5 Village zone and all land in residential and employment 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 proposal will have minimal stormwater runoff, only from the equipment storage area/structure. It is therefore considered that the post development runoff levels are unlikely to exceed the predevelopment levels.

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 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 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.

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.*

This proposal will see the development of an essential service with the telecommunication facility being established. The remaining utilities are available to the site. Access to the site is via the surrounding existing local road network.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 - Remediation of Land

Pursuant to Clause 4.6 *Contamination and remediation to be considered in determining development application:*

- (1) A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) it has considered whether the land is contaminated, and*
 - (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

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 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 comprises core koala habitat, with three (3) sightings listed under the BioNet search, however the footprint of the development will not compromise the movements of koalas
- 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 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 plans apply.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

INTEGRATED DEVELOPMENT

Section 4.46 of the EP&A Act states that development requiring consent and another activity approval is defined as "Integrated Development".

The proposed development is not integrated development.

DARK SKY PLANNING GUIDELINE JUNE 2023

The guideline informs development controls that apply to land for the assessment of significant development within 200km of the Siding Spring Observatory.

A consent authority must also consider the guideline for:

- state-significant development;
- designated development; and
- development specified in State Environmental Planning Policy (Planning Systems) 2021, Schedule 6 (regionally significant development) that is likely to affect the night sky and is within 200 kilometres of Siding Spring Observatory.

Comment: The proposed development is not within 200km of the observatory and not designated, regional or State significant and hence no further consideration under the guideline is required.

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

An assessment of the proposed development against the relevant Planning Outcomes will be undertaken below.

Development Control Plan No. 6 – Rural Small Holdings

An assessment is provided below:

Siting of dwellings and associated buildings:

The proposed development for the construction of a telecommunication facility will be non-invasive of the surrounding environment. The location of the proposed development will be minimal in size in comparison to the overall size of the lot. The structure will be slimline and will be similar in appearance to a lighting or telegraph pole that are seen throughout the village.

Access:

The proposed development will have minimal impact to traffic using Bevan Road and Long Point Road, Mullion Creek. Access can be made via the existing access point with no upgrade required. Adequate parking is available on site.

Water supply:

N/A

Effluent disposal:

N/A

Ribbon development:

N/A

Transportable dwellings:

N/A

Garbage disposal:

Disposal of waste will be the responsibility of the property owner; minimal waste is expected to be generated during the construction stage.

Tree preservation:

No removal of vegetation is to take place during the construction of the proposed development.

Soil conservation:

N/A

Flooding:

N/A

SECTION 7.12 DEVELOPMENT CONTRIBUTIONS PLAN

A Section 7.12 Development Contributions levy does not apply to the development as it is below the \$100,000 threshold.

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

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 proposal does not involve the demolition of a building.

Fire Safety Considerations (s62)

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

Buildings to be Upgraded (s64)

The 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 development.

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

Impacts	Satisfactory	Not Satisfactory	Not Relevant	Comments + conditions to ensure satisfactory
Context & setting	X			The proposed development will be located 3.5m from the western boundary and 39.4m from the southern boundary.
Site design	X			The proposed development will be a standalone structure and will have a non-reflective surface. The applicant has indicated that council may nominate a specific colour.
Bulk, privacy & overshadowing	X			There is existing vegetation on the proposed development site which will act as a partial privacy screen for the proposed structure and minimise visual impact. Minimal overshadowing within the lot will occur from the tower as the tower is the minimum height of 20m required for such a facility.
Private open space	X			The proposed development and installation of the monopole, equipment cabinet and small cell enclosure will have an area 25m ² . Minimal impact will occur for the ongoing use of the open space surrounding the site.
Setbacks & Building Envelopes	X			The site is located 47m south from Bevan Road and within the lot boundary

**GENERAL MANAGER'S TABLED REPORT ON MATTERS FOR DETERMINATION
SUBMITTED TO THE ORDINARY COUNCIL MEETING TO BE HELD ON TUESDAY 22
OCTOBER, 2024**

Page 18

Impacts	Satisfactory	Not Satisfactory	Not Relevant	Comments + conditions to ensure satisfactory
Landscaping			X	N/A
Streetscape				The proposed development will be constructed within the
Traffic, access and parking				The proposed development has existing access from Long Point Road on the eastern side of the lot.
Public domain	X			While it will be visible to the public, the tower will provide an essential service (particularly during emergency situations) and is seen as such as an acceptable part of the urban landscape to support the functioning of the village.
Utilities & servicing	X			There is no requirement for water and sewerage access. Electricity will be supplied via an underground power line run from the existing private pillar.
Water quality & stormwater			X	N/A
Soils & soil erosion	X			Erosion and sediment controls to be in place before work commences.
Flora & fauna	X			No removal of native flora or fauna. The proposed development will be located within a clear area.
Waste				Waste will be generated from the construction of the proposed development and will need to be disposed of appropriately once completed. The proposed development will generate minimal waste once complete.
Noise & vibration	X			Some impacts are expected during the construction stage. Conditions are attached with regards to work hours to ensure impacts are within reasonable limits. Impacts with ongoing use of the land will be minimal
Natural hazards - flooding, bushfire etc.	X			The proposed development site is not within a flood zone but is located within a bushfire category 3 zone. Typically, an APZ of 10m is required within bushfire zones, however, the community has requested that the surrounding established vegetation

Impacts	Satisfactory	Not Satisfactory	Not Relevant	Comments + conditions to ensure satisfactory
				remain untouched due to the memorial significance to the community. An APZ of 6-7m is proposed and will be maintained for the lifetime of the facility. The proposed facility will be constructed from non-combustible materials and no activity is likely to increase the risk of a bushfire hazard.
Safety, security & crime prevention	X			The proposal includes the installation a 2.4m high security fence.
Social and economic impacts	X			Adverse impacts are considered unlikely. Possible positive impacts resulting from the proposed development include educational benefits for the local schools, opportunities during the construction stage and public connectivity for the surrounding area.
Signage			X	N/A
Cumulative Impacts	X			Adverse cumulative impacts considered unlikely for the reasons set out above

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 proposed development is defined as "advertised development" under the provisions of the *Cabonne Council Community Participation Plan 2019* (CPP). The application was advertised for the prescribed period of 14 days and at the end of that period 12 submissions were received. Ten (10) of the submissions received were in support of the proposed development; whilst two – who were support of the development had concerns in relation to the site location and visual impact. The submissions received opposing the proposed development related to the suitability of church land for use as a telecommunications facility.

The submissions are summarised below.

Submission	Issues	Comment
1	In support of the proposal	Noted
2	In support of the proposal	Noted
3	In support of the proposal	Noted
4	In support of the proposal	Noted
5	In support of the proposal	Noted
6	In support of the proposal	Noted
7	In support of the proposal	Noted
8	<p>Opposing the development as the site of the proposed tower will affect any future cemetery development. The tower will also be very close to the Columbarium. The structure will have a negative visual impact along the church ground parkland border. Who is responsible for maintaining the tower area including weed control, removal of discarded rubbish, any vandalism? The majority of business owners who live outside the perimeter of the immediate village area but are considered Mullion Creek residents, will not receive any benefit from the tower in this location</p>	<p>The proposed location has been selected to minimise disturbance to the surrounding area and it will not involve the removal of any existing vegetation. The facility is designed to blend in with the surrounding area and will be slimline in design, appearing as a telegraph or light pole. Maintenance of the facility compound would be an agreement between the land owner and Telstra.</p>
9	<p>Does not object to the Tower and its reception, just its chosen location at the centre of a park and church.</p>	<p>The proposed location has been selected to minimise disturbance to the surrounding area and it will not involve the removal of any existing vegetation. The facility is designed to blend in with the surrounding area and will be slimline in design, appearing as a telegraph or light pole.</p>

10	In support of the proposal - it acknowledges there could be a more acceptable location for the Telstra tower, the development enables Mullion Creek to move forward with improved mobile phone service, not only for the current residents but for future residents	Noted
11	In support of the proposal	Noted
12	In support of the proposal	Noted

PUBLIC INTEREST s4.15(1)(e)

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts.

Cabonne Council has a number of policies that relate to development to ensure that it meets the public interest. No specific policy applies to this development

SUMMARY

The proposed development is permissible with the consent of council. The proposed development complies with the relevant aims, objectives and provisions of Cabonne Local Environmental Plan 2012 and Development Control Plan 6. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Approval outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

ITEM 33 - QUESTIONS FOR NEXT MEETING

REPORT IN BRIEF

Reason For Report	To provide councillors with an opportunity to ask questions/raise matters which can be provided/addressed at the next council meeting.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\nOTICES - MEETINGS - 1763971

RECOMMENDATION

THAT council receive a report at the next council meeting in relation to questions asked/matters raised where necessary.

GENERAL MANAGER'S REPORT

A call for questions for which an answer is to be provided if possible or a report submitted to the next council meeting.

ITEM 34 - BUSINESS PAPER ITEMS FOR NOTING

REPORT IN BRIEF

Reason For Report	Provides an opportunity for councillors to call items for noting for discussion and recommends remainder be noted.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\PROCEDURES - 1763972

RECOMMENDATION

THAT:

1. Councillors call any items they wish to further consider.
2. The balance of the items be noted.

GENERAL MANAGER'S REPORT

In the second part of council's business paper are items included for council's information.

In accordance with council's format for its business paper, councillors wishing to discuss any item are requested to call that item.

ITEM 35 - MATTERS OF URGENCY

REPORT IN BRIEF

Reason For Report	Enabling matters of urgency to be called.
Policy Implications	Nil
Budget Implications	Nil
IPR Linkage	1.2.2.1a - Facilitate Council and standing committee meeting processes.
Annexures	Nil
File Number	\\OFFICIAL RECORDS LIBRARY\GOVERNANCE\COUNCIL MEETINGS\nOTICES - MEETINGS - 1763973

RECOMMENDATION

THAT councillors call any matters of urgency.

GENERAL MANAGER'S REPORT

Council's Code of Meeting Practice allows for the council to consider matters of urgency which are defined as *"any matter which requires a decision prior to the next meeting or a matter which has arisen which needs to be brought to council's attention without delay such as natural disasters, states of emergency, or urgent deadlines that must be met"*.

This item enables Councillors to raise any item that meets this definition.

**DRAFT CONDITIONS OF CONSENT
General Conditions**

1	ERECTION OF SIGNS																		
	<p>1. This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>2. It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <ul style="list-style-type: none"> 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 the building work and a telephone number on which the principal contractor may be contacted outside working hours, and c. stating that unauthorised entry to the work site is prohibited. <p>3. The sign must be—</p> <ul style="list-style-type: none"> a. maintained while the building work, subdivision work or demolition work is being carried out, and b. removed when the work has been completed. <p>4. This section does not apply in relation to—</p> <ul style="list-style-type: none"> a. building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or b. Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. 																		
	<p>Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>																		
2	APPROVED PLANS AND SUPPORTING DOCUMENTATION																		
	<p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p>																		
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: left; padding: 5px;">APPROVED PLANS</th> </tr> <tr> <th style="width: 20%; padding: 5px;">PLAN NUMBER</th> <th style="width: 15%; padding: 5px;">REVISION NUMBER</th> <th style="width: 25%; padding: 5px;">PLAN TITLE</th> <th style="width: 15%; padding: 5px;">DRAWN BY</th> <th style="width: 25%; padding: 5px;">DATE OF PLAN</th> </tr> </thead> <tbody> <tr> <td style="padding: 5px;">Updated Proposal Plans</td> <td style="padding: 5px;">Nil</td> <td style="padding: 5px;">Proposal Plans</td> <td style="padding: 5px;">Genus</td> <td style="padding: 5px;">2 September 2024</td> </tr> </tbody> </table>				APPROVED PLANS					PLAN NUMBER	REVISION NUMBER	PLAN TITLE	DRAWN BY	DATE OF PLAN	Updated Proposal Plans	Nil	Proposal Plans	Genus	2 September 2024
APPROVED PLANS																			
PLAN NUMBER	REVISION NUMBER	PLAN TITLE	DRAWN BY	DATE OF PLAN															
Updated Proposal Plans	Nil	Proposal Plans	Genus	2 September 2024															
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4" style="text-align: left; padding: 5px;">APPROVED DOCUMENTS</th> </tr> <tr> <th style="width: 30%; padding: 5px;">DOCUMENT TITLE</th> <th style="width: 20%; padding: 5px;">VERSION NUMBER</th> <th style="width: 25%; padding: 5px;">PREPARED BY</th> <th style="width: 25%; padding: 5px;">DATE OF DOCUMENT</th> </tr> </thead> <tbody> <tr> <td style="height: 30px;"></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				APPROVED DOCUMENTS				DOCUMENT TITLE	VERSION NUMBER	PREPARED BY	DATE OF DOCUMENT							
APPROVED DOCUMENTS																			
DOCUMENT TITLE	VERSION NUMBER	PREPARED BY	DATE OF DOCUMENT																

	Statement of Environmental Effects	Nil	Genus	16 August 2024
<p>In the event of any inconsistency between the approved plans and documents, the approved PLANS prevail.</p>				
<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p>				
<p>Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</p>				
<p>3 COMPLIANCE WITH THE NATIONAL CONSTRUCTION CODE 2022</p>				
<p>All building work must be carried out in accordance with the provisions of the National Construction Code (NCC) 2022.</p>				
<p>Note: Applicants who have lodged an objection and who have been granted exemption under Part 15 of the Environmental Planning and Assessment (Building Certificate and Fire Safety) Regulation 2021, must comply with the National Construction Code (NCC) 2022 in all other respects.</p>				
<p>Reason: Prescribed Statutory control</p>				
<p>4 DAMAGE TO ADJOINING PROPERTY</p>				
<p>All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights must be observed at all times. 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.</p>				
<p>Reason: Structural safety</p>				
<p>5 OCCUPATION CERTIFICATE</p>				
<p>To ensure compliance with the Environmental Planning & Assessment Act 1979. All buildings will require an Occupation Certificate PRIOR to occupation/use of the building.</p>				
<p>Reason: Statutory requirement</p>				
<p>6 WASTE MANAGEMENT</p>				
<p>While site work is being carried out:</p> <p>a) All waste management must be undertaken in accordance with the Waste Management Plan; and</p> <p>b) Upon disposal of waste, records of the disposal must be compiled and provided to Council detailing the following:</p> <ul style="list-style-type: none"> i) The contact details of the person(s) who removed the waste; ii) The waste carrier vehicle registration; iii) The date and time of waste collection; 				

	<p>iv) A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill;</p> <p>v) The address of the disposal location(s) where the waste was taken; and</p> <p>vi) The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste.</p> <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.</p>
	Reason: To require records to be provided, during site work, documenting the lawful disposal of waste

Before the issue of a construction certificate

7	<p>APPLICATION FOR A CONSTRUCTION CERTIFICATE</p> <p>The applicant must apply to Council or a Registered 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:</p> <p>(a) Architectural plans and specifications complying with the National Construction Code (NCC) 2022, relevant Australian Standards, and the development consent and conditions.</p> <p>(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.</p> <p>Note: The engineer/s undertaking certification must be listed on the National Professional Engineers Register under the appropriate category.</p> <p>(c) Geotechnical report for the site, prepared by a qualified geotechnical engineer detailing the foundation conditions of the site and solutions for consideration by a structural Engineer.</p> <p>(d) Essential services plan outlining the existing and proposed fire safety measures.</p> <p>(e) Disabled access provisions to common and public areas in accordance with AS1428.</p> <p>(f) If a performance solution is proposed, the following details must be lodged:</p> <p>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</p>
----------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>Compliance with all relevant Performance NCC requirements;</p> <p>How the solution is at least equivalent to the Deemed-To-Satisfy provisions.</p> <p>A statement about the person who prepared the performance solution, indicating qualifications, experience, insurance details, and membership of an approved accreditation body</p> <p>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.</p>
	<p>Reason: Statutory requirement</p>
<p>8</p>	<p>APPOINTMENT OF PRINCIPAL CERTIFYING AUTHORITY</p> <p>No work shall commence in connection with this Development Consent until:</p> <ul style="list-style-type: none"> (a) A construction certificate for the building work has been issued by: <ul style="list-style-type: none"> (i) the consent authority; or (ii) an accredited certifier; and (b) the person having the benefit of the development consent has: <ul style="list-style-type: none"> (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 (c) the principal certifying authority has, no later than 2 days before the building work commences: <ul style="list-style-type: none"> (i) notified the Council of his or her appointment, and (ii) 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 (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has: <ul style="list-style-type: none"> (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

	<p>(e) 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.</p> <p>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.</p> <p>Under the Environment Planning and Assessment Act, 1979, 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.</p>
	Reason: Statutory requirements
9	CONSTRUCTION CERTIFICATE
	<p>No work shall commence until you:</p> <p>(a) Obtain a Construction Certificate from either Cabonne Council or a Registered Certifier - a fee applies for this service; and</p> <p>(b) Lodge with Cabonne Council any Construction Certificate obtained from a Registered Certifier (together with associated plans and documents) - a fee applies for this service</p> <p>Note: The Construction Certificate is to be applied for via the NSW Eplanning Portal.</p>
	Reason: Statutory Requirement
10	CONSTRUCTION SITE MANAGEMENT PLAN
	<p>Before the issue of a Construction Certificate, a construction site management plan must be prepared, and provided to Council.</p> <p>The plan must include the following matters:</p> <ol style="list-style-type: none"> 1. The location and materials for protective fencing and hoardings on the perimeter of the site; 2. Provisions for public safety; 3. Pedestrian and vehicular site access points and construction activity zones; 4. Details of construction traffic management including: <ol style="list-style-type: none"> a. Proposed truck movements to and from the site; b. Estimated frequency of truck movements; and <ol style="list-style-type: none"> c. Measures to ensure pedestrian safety near the site; 5. Details of bulk earthworks to be carried out; 6. The location of site storage areas and sheds; 7. The equipment used to carry out works; 8. The location of a garbage container with a tight-fitting lid;

	<p>a. Dust, noise and vibration control measures;</p> <p>j. The location of temporary toilets;</p> <p>11. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:</p> <p>a. AS 4970 – Protection of trees on development sites;</p> <p>b. An applicable Development Control Plan;</p> <p>c. An arborist's report approved as part of this consent</p> <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p>
	Reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.
11	EROSION AND SEDIMENT CONTROL PLAN
	<p>Before the issue of a Construction Certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Council:</p> <p>1. Council's relevant development control plan,</p> <p>2. the guidelines set out in 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time), and</p> <p>3. the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time)</p>
	Reason: To ensure no substance other than rainwater enters the stormwater system and waterways.
12	WASTE MANAGEMENT PLAN REQUIREMENTS
	<p>Before the issue of a Construction Certificate, a waste management plan for the development must be prepared and provided to Council. The plan must be prepared</p> <p>1. in accordance with</p> <p>a. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time; and</p> <p>b. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out; and</p> <p>2. include the following information—</p> <p>a. the contact details of the person removing waste;</p> <p>b. an estimate of the type and quantity of waste;</p> <p>c. whether waste is expected to be reused, recycled or sent to landfill;</p> <p>d. the address of the disposal location for waste.</p> <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p>
	Reason To ensure resource recovery is promoted and local amenity protected during construction.
13	BUSH FIRE PRONE AREAS & RURAL FIRE SERVICE S100B REQUIREMENTS

The approved development is to incorporate the measures as set out in Australian Standard AS3959-2018 and the National Construction Code 2022 requirements relating to construction in bushfire prone areas.

The following bushfire protection measures are to be implemented and adhered to as required by the RFS 100b the requirements must be implemented prior to subdivision certificate;

Asset Protection Zones

The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

1 – From the commencement of building works, and in perpetuity, the property around the proposed telecommunication tower for a minimum distance of 7m must be managed as an **inner protection area** in accordance with the following requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*:

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building
- Lower limbs should be removed up to a height of 2m above the ground
- Tree canopies should be separated by 2m to 5m
- Preference should be given to smooth-barked and evergreen trees
- Large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings
- Shrubs should not be located under trees
- Shrubs should not form more than 10% ground cover
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of vegetation
- Grass should be kept mown (as a guide, ground should be kept to no more than 100mm in height)
- Leaves and vegetation debris should be removed regularly

2 – New construction must comply with Section 3 (excluding section 3.5) and Section 9 (BAL FZ) of Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of *the NASH Standard – Steel Framed Construction in Bushfire Areas* (incorporating amendment A – 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

3 - Consistent with the recommendations of the supporting document *Bush Fire Assessment Report Telecommunications Facility 26 Bevan Road, Mullion Creek NSW 2800*, prepared by Statewide Bushfire Consulting, Ref: 24SBC_963, V 3.1, dated 31 July 2024, all cabling must be completely shielded (e.g. steel pipe or steel enclosure) or provided underground then internal to the monopole structure. Cabling from the proposed equipment cabinet must be underground or shielded before running internal within the monopole and connecting to the antennas approximately 25 metres above ground level. Dependent upon the cabling type

	<p>and outer sheath, failure of unshielded cabling can occur at low radiant heat levels (N.B. 13 kW/m²).</p> <p>4 – Fences and gates must comply with Section 7.6 of <i>Planning for Bush Fire Protection 2019</i>. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.</p> <p>Access – Internal Roads <i>The intent of measure is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</i></p> <p>5 – A vehicle turning area meeting RFS vehicle turning head requirements as outlined in Section 3.3, Appendix B of <i>Planning for Bushfire Protection 2019</i> must be provided</p>
	Condition reason: {Reason: Statutory requirement}

Before building work commences

14	EROSION AND SEDIMENT CONTROL IN PLACE
	<p>Before any site work commences, Council must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with 'Managing Urban Stormwater: Soils and Construction' prepared by Landcom (the Blue Book) (as amended from time to time).</p>
	Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
15	NOTICE OF COMMENCEMENT
	<p>No work shall commence until a notice of commencement is submitted to council via the NSW Eplanning Portal:</p> <p>(a) Not less than two (2) days notice of the date on which it is proposed to commence work associated with this Development Consent;</p> <p>(b) Details of the appointment of a Principal Certifying Authority (either Cabonne Council or another Registered Certifier,</p> <p>(c) Details of the name, address and licence details of the Builder.</p>
	Reason: Statutory Requirement
16	TOILET AMENITIES ON CONSTRUCTION SITE
	<p>Prior to commencement of any building works, toilet facilities for employees must be provided in accordance with SafeWork NSW requirements.</p> <p>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.</p>
	Reason: Statutory Requirement - Health and amenity

During building work

17	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
18	CONTAMINATED LAND 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 Cabonne Council.
	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
19	CRITICAL STAGE INSPECTIONS - GENERAL
	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 NCC Volume 1 and Part A5 of the NCC Volume 2 in relation to any matter relevant to the development.
	Reason: Statutory requirement
20	DISCOVERY OF RELICS AND ABORIGINAL OBJECTS
	While site work is being carried out, if a person reasonably suspects a relic or Aboriginal object is discovered:
	<ol style="list-style-type: none"> 1. the work in the area of the discovery must cease immediately; 2. the following must be notified <ol style="list-style-type: none"> 1. for a relic – the Heritage Council; or

	<p>2. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</p> <p>Site work may recommence at a time confirmed in writing by:</p> <p>1. for a relic – the Heritage Council; or</p> <p>2. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85.</p>
	Reason: To ensure the protection of objects of potential significance during works.
21	HOURS OF WORK
	<p>Site work must only be carried out between the following times –</p> <p style="padding-left: 40px;">For Construction from 7:00am to 6:00pm on Monday to Friday.</p> <p style="padding-left: 80px;">8:00am to 1:00pm on Saturday</p> <p style="padding-left: 80px;">No Work on Sunday and Public Holidays</p> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p>
	Reason: To protect the amenity of the surrounding area
22	INSPECTION RECORDS AND COMPLIANCE CERTIFICATES
	<p>The PCA or accredited certifier undertaking each of the inspections must make a record of each inspection in accordance with Part 8 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulations 2021 and, if the person is not the PCA, forward a copy to the PCA.</p> <p>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. A compliance certificate must be issued where:</p> <p>(a) Either:</p> <p style="padding-left: 40px;">(i) Council is appointed the PCA; or</p> <p style="padding-left: 40px;">(ii) Council is the PCA but agrees to an accredited certifier undertaking certain inspection/s, and</p> <p>(b) The PCA or accredited certifier is of the opinion that the stage of work he or she has inspected is satisfactory.</p>
	Reason: Statutory Requirement
23	INSPECTION FOR BUILDING WORKS (CLASSES 1 OR 10)

	<p>Where applicable inspections of the development site may be required to be undertaken at the following stages:</p> <p>(a) After the excavation for, and prior to the placement of, any footings;</p> <p>(b) Prior to pouring any in-situ reinforced concrete building element;</p> <p>(c) Prior to covering of the framework for any floor, wall, roof or other building element;</p> <p>(d) Prior to the covering waterproofing in any wet areas;</p> <p>(e) Prior to covering any stormwater drainage connections;</p> <p>(f) After the building work has been completed and prior to any occupation certificate being issued in relation to the building; and</p> <p>(g) Other.</p> <p>If the person having the benefit of the development consent appoints Council as the PCA, Council will give written advice as to what critical stage inspections apply.</p> <p>Prior to issuing an Occupation Certificate or subdivision certificate the PCA must be satisfied that the work has been inspected on the above occasions.</p> <p>Except as provided by subclause (g), the inspections may be carried out by the PCA or, if the PCA agrees, by another certifying authority.</p> <p>The final inspection detailed at subclause (g) may only be carried out by the PCA.</p> <p>For each inspection the principal contractor (or owner-builder) must notify the PCA at least forty eight (48) hours in advance that the site is ready to be inspected prior to the commencement of work on the next stage.</p>
	Reason: Statutory Requirements
24	NOISE AND VIBRATION REQUIREMENTS
	While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of <5dB above background noise, when measured at a lot boundary of the site.
	Reason: To protect the amenity of the neighbourhood during construction.
25	STAMPED PLANS
	Stamped plans, specifications, documentation and the consent shall be available on site at all times during construction.
	Reason: To ensure compliance with approved plans
26	PROCEDURE FOR CRITICAL STAGE INSPECTIONS
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Reason: To require approval to proceed with building work following each critical stage inspection.

27	WASTE MANAGEMENT
	<p>While site work is being carried out:</p> <ol style="list-style-type: none"> 1. all waste management must be undertaken in accordance with the waste management plan; and 2. upon disposal of waste, records of the disposal must be compiled and provided to <Insert the principal certifier or Council (where a principal certifier is not required)>, detailing the following: <ol style="list-style-type: none"> a. The contact details of the person(s) who removed the waste; b. The waste carrier vehicle registration; c. The date and time of waste collection; d. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; e. The address of the disposal location(s) where the waste was taken; f. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and Council.</p>
	Reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

Before issue of an occupation certificate

28	REMOVAL OF WASTE UPON COMPLETION
	<p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 1. all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and 2. written evidence of the waste removal must be provided to the satisfaction of the Council
	Reason: To ensure waste material is appropriately disposed or satisfactorily stored.
29	REPAIR OF INFRASTRUCTURE
	<p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> 1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or 2. if the works in (a) are not carried out to Council's satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Reason: To ensure any damage to public infrastructure is rectified.
30	ADDITIONAL INSPECTION CHARGES

	Prior to the issue of any Occupation Certificate any additional Inspection fees/charges which have been incurred and issued by the certifier during construction works are to be paid and proof provided to the Principal Certifier.
	Reason: Statutory Requirement
31	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
33	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 or part. 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

Occupation and ongoing use

	BUSH FIRE PRONE AREAS – ASSET PROTECTION ZONES AND LANDSCAPING
	The area around the proposed development must be managed as an inner protection area for the following distances (or to the property boundary, whichever occurs first): North – 7m South – 7m West – 7m East – 7m The APZs must also be in accordance with the following requirements of Appendix 4 of RFS Planning for Bush Fire Protection 2019: <ul style="list-style-type: none"> • Tree canopy cover should be less than 15% at maturity; • Trees at maturity should not touch or overhang the building • Lower limbs should be removed up to a height of 2m above the ground • Tree canopies should be separated by 2m to 5m • Preference should be given to smooth-barked and evergreen trees

	<ul style="list-style-type: none">• Large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings• Shrubs should not be located under trees• Shrubs should not form more than 10% ground cover• Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of vegetation• Grass should be kept mown (as a guide, ground should be kept to no more than 100mm in height)• Leaves and vegetation debris should be removed regularly
	<p>Condition reason: (Reason: Statutory requirement and to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities)</p>