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## NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

*Environmental Planning and Assessment Act 1979*

### APPLICANT DETAILS

Camilla Rocks  
29 Werribee Road  
BOURKELANDS NSW 2650

### APPLICATION DETAILS

Development Application Number: DA2023/0065

Description of Development: Subdivision (4 Lots into 6 Lots) Including New Road

### LAND TO BE DEVELOPED

Address: Central Road WEST WYALONG NSW 2671

Property Description: Lot 1233 DP 753135  
Lot 1243 DP 753135  
Lot 1257 DP 753135  
Lot

### DETERMINATION DETAILS

Decision: **APPROVED** subject to conditions

Determination Date: 20 June 2023

Approval to operate from: 20 June 2023

Approval to lapse on: 20 June 2028

## PART A – ADMINISTRATIVE CONDITIONS

### General

1. The development must be carried out in accordance with the following plans and documentation listed below and as endorsed by Council, except where amended by other conditions of this development consent:

Plan No	Issue	Prepared by	Date
Plan of Subdivision	-	Angus Arndell	24/8/2022
Overview	1	C. Downey	7/12/2022
Statement of Environmental Effects	-	Camilla Rocks	16/3/2023

### Notes:

- *Any material alteration to the plans and/or documentation shall be submitted for the approval of Council. Such alterations may require the lodgement of an application to amend the consent under s4.55 of the Act, or a fresh development application. No works, **other than those approved under this consent**, shall be carried out without the prior approval of Council.*
- *Where there is an inconsistency between the documents lodged with this application and the following conditions, the conditions shall prevail to the extent of that inconsistency.*

### Erection of signs

2. A sign must be erected in a prominent position on any site on which building work, is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority 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.

## PART B – REQUIREMENTS BEFORE THE COMMENCEMENT OF ANY WORKS

### Before You Dig Australia

3. Prior to carrying out any works, an enquiry shall be undertaken with Before You Dig Australia for any relevant infrastructure plans.

### Section 68 Approvals

4. Prior to the commencement of works – an activity approval is required under Section 68, Part B – 4, 5 and 6, of the Local Government Act 1993 for any public infrastructure sewer/stormwater works, where that work is proposed to be carried out on public or Council owned land.

#### Traffic and Pedestrian Management Plan

5. The applicant is to prepare and implement a Traffic Management Plan that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

#### Soil and Water Management Plan

6. The developer is to submit a soil and water management plan for the site. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing.

The measures detailed in the plan are to remain in place until all landscaping is completed.

#### Public Liability Insurance

7. Prior to the commencement of any works on Council or Transport for NSW (TfNSW) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

### PART C – REQUIREMENTS BEFORE THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE.

#### Payment of Developer Contribution

8. Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Bland Section 94A Development Contributions Plan 2011, a contribution shall be paid to Council, as follows:

Description	Levy %	Amount Payable
Commercial/Industrial Development Over \$200,000	1%	\$9000.00

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Bland Section 94A Development Contributions Plan. The contribution is to be paid before a Subdivision Works Certificate is issued.

**Subdivision Works Certificate – Engineering Works**

9. The applicant is to obtain a Subdivision Works Certificate, for the engineering work required by conditions 6, 12, 13, 15,17 & 19

*Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council’s Revenue Policy.*

**Engineering Plans**

10. The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Condition(s) 6, 12, 13, 15, 17 & 19

**PART D - REQUIREMENTS DURING WORKS**

**Engineering Inspections**

11. The applicant is to arrange an inspection of the development/subdivision works by Council’s Technical Services Department, at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

	<b>Inspection</b>	<b>Stage</b>
A	Road Construction	<ul style="list-style-type: none"> <li>* Following site regrading, and prior to installation of footway services;</li> <li>* Excavation and trimming of subgrade;</li> <li>* After compaction of sub-base;</li> <li>* After compaction of base, and prior to sealing;</li> <li>* Establishment of line and level for kerb and gutter placement;</li> <li>* Subsoil Drainage;</li> <li>* Road pavement surfacing;</li> <li>* Pavement test results (compaction, strength).</li> </ul>
B	Drainage	<ul style="list-style-type: none"> <li>* After laying of pipes and prior to backfill;</li> <li>* Pits after rendering openings and installation of step irons.</li> </ul>
C	Water	<ul style="list-style-type: none"> <li>* After laying of mains and prior to backfill;</li> <li>* After laying of services and prior to backfill;</li> <li>* Pressure testing.</li> </ul>
D	Sewerage	<ul style="list-style-type: none"> <li>* After laying of pipes and prior to backfill;</li> <li>* Main - air pressure testing;</li> <li>* Manhole - water test for infiltration, exfiltration.</li> </ul>
E	Concrete Footway Crossings	<ul style="list-style-type: none"> <li>* After placing of formwork and reinforcement, and prior to concrete placement;</li> </ul>
F	New Gate – Rural Crossing	<ul style="list-style-type: none"> <li>* Prior to commencement of excavation works.</li> <li>* After compaction of base and prior to sealing</li> <li>* Road pavement surfacing</li> </ul>
G	Erosion and Sediment Control	<ul style="list-style-type: none"> <li>* Prior to the installation of erosion measures.</li> </ul>
H	All Development & or Subdivision Works	<ul style="list-style-type: none"> <li>* Practical completion.</li> </ul>
I	Road Openings	<ul style="list-style-type: none"> <li>* Upon completion of works.</li> </ul>

### **Design New Road To Engineering Standard**

12. Shamrock Street is to be designed in accordance with *Bland Shire Council Guidelines for Engineering Works* as an Industrial road.

### **Construct Road Shoulder, Kerb And Gutter**

13. The road shoulder is to be constructed and sealed, and the barrier kerbing and guttering, is to be constructed, to include the provision of street drainage where necessary, in Shamrock Street and Central Road, for the full frontage of the subject land.

### **Site Management**

14. The site shall be managed so that:
- (a) No additional filling shall be placed on the land which may impede the flow of flood waters;
  - (b) Any clearing or drainage activities shall not alter the drainage patterns across the site;
  - (c) No landscaping or similar type structures shall be installed which will inhibit the flow of flood waters;
  - (d) Any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of the flood waters;
  - (e) All actions shall be taken upon the site which will minimise the effect of the property upon the flood waters.

### **Interallotment Drainage**

15. The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a minimum 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500.

### **Easement – Storm Water**

16. The final survey plan is to show easements in gross to drain water in favour of Council over all storm water drains conveying stormwater.

*Note: Council will meet the additional survey and legal costs necessary to comply with this condition.*

### **Reticulation – Subdivision**

17. The construction of water and sewerage reticulation is to take place to serve each industrial lot and, where required, each open space lot.

The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that the riser cap finishes 150 mm above the finished surface level of each allotment created.

### **Easement For Sewer**

18. The final plan of survey is to show an easement for sewer over all lots affected and in favour of Council. For sewer mains of 300mm or greater diameter, the easement is to be 5 metres wide with the main centrally located.

### **Sewer Extension**

19. A sewer extension is to be constructed to serve the development.

The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that the riser cap finishes 150 mm above the finished surface level of each allotment created.

*Note: This work will be carried out at full cost to the developer, either by Council or the developer.*

### **Relocate Utility Services**

20. The developer is to relocate any utility services if required, at the developer's cost.

### **Clearance From Power Lines**

21. Clearance from power lines is to be provided during and after construction. Minimum distances from powerlines are to be maintained.

### **Environmental Site Management**

22. There is to be no burning of waste material, felled trees or other material on the site.

### **Erosion And Sediment Control**

23. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with the Dept Housing – *Soil and Water Management for Urban Development (The Blue Book)*.

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

### Approved hours of Construction

24. Construction work may only be undertaken in accordance with the provisions of the Environmental Protection Authority – Draft Construction Noise Guideline as identified below:

DAY	HOURS
Monday to Friday	7:00am to 6:00pm
Saturday	8:00am to 1:00pm
Sunday & Public Holidays	Nil

*Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.*

### Dust Suppression

25. The applicant will ensure that all machinery and traffic movement areas are continually watered when in use in order to prevent raised dust from becoming a nuisance to neighbouring properties.

### Waste

26. All waste associated with the construction works is to be appropriately collected, stored and disposed of at an approved waste facility.

## REQUIREMENTS PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

### Subdivision Certificate Required

27. A Subdivision Certificate, pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended must be obtained from Council, prior to its lodgement with the Lands Titles Office

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

*Note 1: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent have been complied with and the appropriate fee paid.*

*Note 2: Application for a Subdivision Certificate must be made on the NSW Planning Portal under the 'Post Consent Certificate' tab.*

The development (each lot) shall be serviced with electricity, water, gas and telecommunications and prior to the issue of subdivision certificate the following documents shall be submitted to Council to demonstrate that the requirements of the public utility services have been met:

- i) Essential Energy: Notification of Arrangement OR Certificate of Acceptance
- ii) Goldenfields Water Council Council: Certificate of Compliance
- iii) Relevant Communications Authority: Notification of Arrangement OR Certificate of Acceptance.

### **Sewerage Headworks**

28. The applicant shall contribute \$5000 per new lot created/per new dwelling, towards sewer head works pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

### **Works As Executed Plan**

29. The applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Condition(s) 6, 12, 13, 15, 17 & 19 in AutoCAD 2000 format.

*Note 1: The provision of a table on the works as executed plan which details: the distance from the centre of the downstream manhole/pit to each sideline, house connection, and dead end; the depths to invert; and the length of such sidelines.*

*Note 2: The provision of information on the works executed plan which details: road levels, road crossfalls & longitudinal grades*

### **Electrical And Telecommunications Authorities – Subdivision**

30. The developer is to furnish Council with documentary evidence that arrangements have been made, satisfactory to the appropriate electrical authority and the appropriate telecommunications authority, for the provision of street and pathway lighting and/or for the provision of underground electrical power and/or telephone lines, respectively, to serve each lot.

*Note: This information must be submitted before Council will issue the Subdivision Certificate relating to this development.*

### **Goldenfields Water Council Council**

31. Prior to the release of the Subdivision Certificate a compliance certificate under s306 of the Water Management Act 2000 must be obtained in respect of the development relating to water management works that may be required in connection with the development.

Note 1: 'Water management work' is defined in s283 of the Water Management Act 2000 to a 'water supply work', 'drainage work', 'sewage work' or 'flood work'. These terms are defined in that Act.

Note 2: Goldenfields Water County Council is responsible for issuing compliance certificates and imposing requirements relating to water supply works for development in Council's area – please contact Goldenfields Water County Council to ascertain compliance certificate water supply related requirements. A copy of such a compliance certificate is required prior to release of the Subdivision Certificate.

Note 3: The Council is responsible for issuing compliance certificates and imposing requirements relating to sewerage, drainage and flood works for development in its area.



- Note 4: Under s306 of the Water Management Act 2000, Goldenfields Water of the Council, as the case requires, may, as a precondition to the issuing of a compliance certificate, impose a requirement that a payment is made or works are carried out, or both, towards the provision of water supply, sewerage, drainage or flood works.
- Note 5: The Section 64 Sewer base figure is \$5000.00 minimum charge per allotment or the cost of works – whichever is the greater.
- Note 6: Section 64 contributions shall be indexed in accordance with CPI annually at the commencement of the financial year.
- Note 7: The figures outlined in this consent are based on the current rate of CPI. Please be advised that CPI changes on a regular basis and you are advised to contact Council prior to payments being made, to ensure no further CPI increases/decreases have occurred since the date of this consent.

### **Compliance Certificate – Engineering Works**

32. The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** from either Council or an accredited certifying authority, certifying that the engineering work required by condition(s) 6, 12, 13, 15, 17 & 19 has/have been constructed in accordance with the approved plans.

*Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.*

### **Creation of An Easement**

33. The development will require the creation of an easement under Section 88B of the Conveyancing Act 1919:
- a) for drainage of water. The easement will be in favour of Council, it will have a minimum width of 10 metres and be located as indicated on Plan of Subdivision of Lots 1133,1233,1243 & 1257 DP753135 dated 24/8/22
  - b) for drainage of water. The easement will be in favour of Council it will have a minimum width of 5 metres and be located as indicated on Plan of Subdivision of Lots 1133,1233,1243 & 1257 DP753135 dated 24/8/22
  - c) for water supply. The easement will be in favour of Council it will have a minimum width of 5 metres and be located as indicated on Plan of Subdivision of Lots 1133,1233,1243 & 1257 DP753135 dated 24/8/22
  - d) for drainage of sewerage. The easement will be in favour of Council it will have a minimum width of 5 metres and be located as indicated on Plan of Subdivision of Lots 1133,1233,1243 & 1257 DP753135 dated 24/8/22
  - e) for restriction on the use of land. The easement will be in favour of Council it will have a minimum width of 40 metres and be located as indicated on Plan of Subdivision of Lots 1133,1233,1243 & 1257 DP753135 dated 24/8/22

### **Access**

34. Designated access/egress driveways are required to be installed to service all proposed allotments prior to the release of the subdivision certificate. All access/egress driveways shall be a minimum of 6 meters wide and constructed as concrete vehicular access prior to the release of the subdivision certificate. The driveways shall be constructed to the

satisfaction of Council for the life of the development and must be constructed in accordance with Council requirements.

**Asset Protection Zone**

35. A section 88b instrument is to be to maintain APZ of no less than 13 metres will be required along the southern boundary and 11 metres along the eastern boundary. The APZ is to be maintained in perpetuity to the standard specified within Table 5.3a and Appendix 4 of Planning for Bushfire Protection.

**Bushfire Protection Measures**

36. Any future landscaping is to comply with table 5.3a of Planning for Bushfire Protection and utility supply is to comply with Table 5.3c of Planning for Bushfire Protection.

**Dedication of Road Widening**

37. The dedication as public road is required of that part of the subject land so indicated on the approved plans.

**PART E – REASON FOR CONDITIONS**

***Conditions of consent have been imposed to:***

1. Ensure the proposed development:
  - a) achieves the objects of the Environmental Planning and Assessment Act, 1979;
  - b) complies with the provisions of all relevant environmental planning instruments;
  - c) Is consistent with the aims and objectives of Council's Development Control Plans, Codes and Policies.
2. Ensure that the relevant public authorities and the water supply authority have been consulted and their requirements met or arrangements made for the provision of services to the satisfaction of those authorities.
3. Meet the increased demand for public amenities and services attributable to the development in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979.
4. Ensure the protection of the amenity and character of land adjoining and in the locality of the proposed development.
5. Minimise any potential adverse environmental, social or economic impacts of the proposed development.
6. Ensure that all traffic, carparking and access requirements arising from the development are addressed.
7. Ensure the development does not conflict with the public interest.

**PART H – OTHER COUNCIL APPROVALS**  
**Section 68 Local Government Act, Section 138 Roads Act**

Nil

**PART I – GENERAL ADVICE**

***LAPSING OF DEVELOPMENT CONSENT***

Development consent does not lapse if the approved use has actually commenced or the proposed work is physically commenced before the consent lapse date, except where a condition specifies a limit to the duration of the consent.

***RIGHT OF APPEAL***

If you are the applicant:

You can appeal against this decision in the Land and Environment Court within twelve (12) months of the date of this notice (section 97 of the *Environmental Planning and Assessment Act, 1979*). You cannot appeal, however, if a Commission of Inquiry was held and the development is designated development or state significant development.


***REVIEW OF DETERMINATION***

An applicant may request the Council to review this determination within one (1) year after the date the applicant received this notice. The prescribed fee must be paid with the request for a review. Once the review is completed the Council may confirm or change the determination.

If there is an appeal, the period of time within which Council may undertake a review is extended up to the time the Court hands down its decision.

A Review cannot be requested for:

- a determination to issue or refuse to issue a complying development certificate, or
- a determination in respect of designated development, or
- a determination in respect of integrated development, or
- a determination in respect of integrated development, or a determination made by Council under Section 116E in respect of an application by the Crown.



Ray Graham  
**Director Technical Services**

