

**MINUTES OF MEETING OF SINGLETON COUNCIL HELD IN THE COUNCIL CHAMBERS QUEEN STREET SINGLETON ON TUESDAY 15 AUGUST 2023, COMMENCING AT 5.49PM AFTER THE PUBLIC FORUM.**

**PRESENT:**

Crs S Moore (Mayor and Chairperson), G Adamthwaite, S George, T Jarrett, S Johnstone, M McLachlan, T McNamara, V Scott and D Thompson (v).

**APOLOGIES**

88/23 **MOVED** Cr Adamthwaite **SECONDED** Cr McLachlan that there were nil apologies and that it be noted that Cr Jenkins was on leave.

**CARRIED**

**IN ATTENDANCE**

Jason Linnane, General Manager; Vicki Brereton, Director Organisation & Community Capacity; Dwight Graham, Director Corporate & Commercial Services; Justin Fitzpatrick-Barr, Director Infrastructure and Planning; Melinda Curtis, Executive Manager, Mark Wiblen, Manager Corporate Services, Adam Howell, IT Helpdesk Officer, Rebecca Bailey, Coordinator Governance, and Larissa Britton, Coordinator Governance. There were members of the public present in the gallery and no representatives of the media.

**CONFIRMATION OF MINUTES**

89/23 **MOVED** Cr George **SECONDED** Cr McNamara that the minutes of Meeting of Singleton Council held on Tuesday 18 July 2023, be confirmed.

**CARRIED**

**DISCLOSURES AND DECLARATIONS OF INTEREST**

- Cr McLachlan declared a pecuniary interest in Item DI&P45/23 as the son of an objector is paid by her to babysit her children.

**WITHDRAWAL OF ITEMS AND LATE ITEMS OF BUSINESS**

Nil.

90/23 **MOVED** Cr S George **SECONDED** Cr M McLachlan to bring forward item DI&P43/23 and DI&P45/23.

(**MOVED** Cr George **SECONDED** Cr McLachlan)

**DI&P43/23 Council Determination - 8.2023.256.1 Carport - Lot  
503 DP 837313 - 12 Robinson Way SINGLETON  
HEIGHTS**

**FILE:8.2023.256/06**

In accordance with Determination of Development Applications by Council policy, a report recommending refusal was considered by Council.

91/23 **MOVED** Cr Adamthwaite **SECONDED** Cr McLachlan that Council;

1. Defer determining Development Application 8.2023.256.1
2. Request staff to notify the Development Application for fourteen (14) days in accordance with Council's Community Participation plan including any property that has a line of sight to the subject development from the street and
3. Receive a further report at the September 2023 meeting to determine the development application.

**CARRIED**

*Upon being put to the meeting, the motion was declared carried.  
For the Motion were Crs S Moore, G Adamthwaite, T McNamara, V Scott, M  
McLachlan and S Johnstone Total (6).  
Against the Motion were Crs D Thompson, S George and T Jarrett Total (3).*

*Cr Malinda McLachlan left the meeting, the time being 06:03 PM*

**DI&P45/23 8.2023.33.1 - Multi-Dwelling Housing - 29 Bishopgate Street, Singleton**

**FILE:8.2023.33/06**

A report was provided for Council to consider development application 8.2023.33.1 which sought consent for the following:

- Multi-dwelling housing, comprising of six (6), one (1) bedroom, two (2) storey units (each unit contains ground floor parking and first floor habitable rooms).

92/23 **MOVED** Cr S George **SECONDED** Cr G Adamthwaite that Council approve the development application, with the below conditions of consent and an additional condition for the provision of privacy screens for windows that overlook neighbouring properties.

### 1. Approved Plans and Documentation

The development consent incorporates this schedule of conditions and the plans referenced and stamped as follows:

Plans prepared by: Urban Living; Project Number: 21/077			
Name of Plan	Drawing Number	Issue	Date
Draft Plan of Strata Subdivision – Location Plan	S03	4	19/06/2023
Draft Plan of Strata Subdivision – Floor Plan	S04	4	19/06/2023
Site Plan	S05	4	19/06/2023
Lower Floor Plan	S07	4	19/06/2023
Upper Floor Plan	S08	4	19/06/2023
Elevations	S09	4	19/06/2023
Elevation & Section	S10	4	19/06/2023
Sections	S11	4	19/06/2023
Roof Plan	S18	4	19/06/2023
Shadow Diagrams	S19	4	19/06/2023

Plans prepared by: Metiri; Project Number: 230078			
Name of Plan	Drawing Number	Issue	Date
STORMWATER DRAINAGE PLAN & DETAILS	02	A	17/06/2023
TYPICAL SECTIONS & DETAILS	03	4	19/06/2023
ONSITE DETENTION CALCULATIONS	04	4	19/06/2023

Plans prepared by: Urban Living; Project Number: HUN311022			
Name of Plan	Drawing Number	Issue	Date

Landscape Plan	2	Change street boundary, fence height as per council request	03/07/2023
Landscape Plan	3	Change street boundary, fence height as per council request	03/07/2023

Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- i) Any amendments made by Council on the approved plans or documents;
- ii) Any notes, markings, or stamps on approved plans or documents, and
- iii) Any conditions contained in this consent.

## 2. Section 138 Approval

Any work within a public road must be inspected and approved by Council under the *Roads Act 1993* as the Roads Authority. The applicant is to submit an application in order to obtain a permit with conditions prior to starting any works on the Council Road Reserve.

## 3. Water and Sewer

Where a new water or sewer connection or modification to an existing connection is required, an application shall be made to Singleton Council's Water and Sewer Department for the provision of services.

## 4. Construction Certificate, Principal Certifier & Notice of Commencement

In accordance with the provisions of Section 6.6 of the *Environmental Planning and Assessment Act 1979* construction works approved by this consent must not commence until:

- a) A Construction Certificate has been issued by the consent authority, Council or an accredited certifier; and
- b) A Principal Certifier has been appointed by the person having benefit of the development consent in accordance with Section 109E of the *EP&A Act 1979*; and
- c) If Council is not the Principal Certifier, notify Council no later than two (2) days before building work commences as to who is the appointed Principal Certifier; and
- d) At least two (2) days before commencement of building work, the person having benefit of the development consent is to notify Council as to the intention to commence building work.

## 5. Plumbing and Drainage Works

All plumbing and drainage works shall be carried out by a licensed plumber in accordance with the provisions of the *Plumbing and Drainage Act & Regulation*

2011, National Plumbing and Drainage Code AS/NZ 3500, and with the approval of Singleton Council being the Plumbing Regulator under delegation by NSW Fair Trading.

## PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

### 6. Section 7.11 Contributions

A monetary contribution pursuant to the provisions of Section 7.11 of the *Environmental Planning and Assessment Act 1979* and Councils S7.11 Contributions Plan (1.6 Singleton Existing Urban Area – Medium Density Dwelling) towards to provision of the following services prior to the issue of a Construction Certificate:

Contributions Plan:	Singleton Development Contributions Plan 2008 (Version 2)
Catchment:	1.6 Singleton Existing Urban Area - Medium Density Dwelling

**Note:** The contributions stated below have been calculated in accordance with the development contributions plan as at the date of issue. Rates are indexed on an annual basis. If contributions are not paid within the financial year in which this payment schedule is issued, the contributions payable will be determined using the indexed rates current at the time of payment.

Facility Type	Quick Code	Method	Tenements/ET's	Rate	Contribution
Bushfire Services	401	-		\$0.00	\$0.00
LGA Public Open Space and Recreation	137	per 1 bedroom dwelling	6	\$193.00	\$1,158.00
LGA and Local Public Open Space and Recreation	137			\$0.00	\$0.00
Local Open Space and Recreation (Branxton Only)	137			\$0.00	\$0.00
Local Community Facilities	139	per 1 bedroom dwelling	6	\$390.00	\$2,340.00
Public Car Parking	141	-		\$0.00	\$0.00
Rural Roads	142	per dwelling or lot serviced by a sealed Council road		\$0.00	\$0.00
Singleton Urban Roads	403	per 1 bedroom dwelling	6	\$2,065.00	\$12,390.00
Singleton Traffic & Parking Study	405	per dwelling or lot		\$0.00	\$0.00
Preparing and Administering Plans	135	per dwelling or lot	6	\$195.00	\$1,170.00
				<b>TOTAL:</b>	<b>\$17,058.00</b>

A copy of the Contributions Plan may be inspected at Council's Customer Service Section, Administrative Building, Cnr Queen and Civic Avenue, Singleton or can be accessed on Council's Website [www.singleton.nsw.gov.au](http://www.singleton.nsw.gov.au)

The amount of contribution payable under this condition has been calculated at 11 July 2023. This amount shall be indexed at the time of actual payment in accordance with the Consumer Price Index (CPI) as published by the Australian Bureau of Statistics.

### 7. Water and Sewer Services – Compliance Requirements

#### Make Application

Prior to issue of a construction certificate application is to be made to Council's Water and Sewer Group for requirements for compliance with Section 307, Water Management Act 2000 (NSW).

In response to this application, Council's Water and Sewer Group will issue a Notice of Requirements under Section 306 of the *Water Management Act 2000 (NSW)*, which will detail conditions, which must be satisfied.

**Comply with Pre-Construction Requirements**

Provide evidence of compliance with pre-construction requirements of the s306 Notice of Requirements. The Notice of Requirements will include conditions which must be satisfied prior to release of a Construction Certificate including any requirements for completion of water and sewer servicing strategies and associated detailed designs.

**8. Sediment and Erosion Control Plan**

Prior to the issue of a Construction Certificate, a sediment and erosion control plan is to be submitted and approved by the nominated Principal Certifier. The sediment and erosions control plan shall be prepared in accordance with Council's Development Engineering Specifications and Landcom's 'Soil and Construction – Managing Urban Stormwater - Current edition.

**9. Drainage Design**

Prior to the issue of a construction certificate the applicant shall submit details of stormwater disposal with supporting calculations for the development to the Principal Certifier for approval.

The stormwater design is to be designed in accordance with Singleton Development Engineering design specifications and the applicant shall demonstrate that the development will not increase the limits of upstream and downstream flooding for floods over the range of 1 in 1 year to the 1 in 100 year Average Recurrence Interval (ARI) storm events by the inclusion of on-site stormwater detention controls.

Additionally, the provision of a water quality control system to treat stormwater runoff from the development as outlined in Council's DCP water quality performance guidelines and Stormwater Management strategy shall be included.

**10. Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the base of the footings of a building on an adjoining allotment of land, the person having the benefit of the development consent must, at the person's own expense, comply with the requirements of clause 74 of the *Environmental Planning and Assessment Regulation 2021*, including:

- (1)
  - (a) protect and support the adjoining premises from possible damage from the excavation;
  - (b) where necessary, underpin the adjoining premises to prevent any such damage; and
  - (c) giving at least seven (7) days' notice before excavating to the owner of the adjoining allotment.
- (2) The condition referred to in subclause (1) does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

Details must be submitted to the Principal Certifier prior to the issue of the Construction Certificate.

### **11. Flood Control Lot – Ground Floor**

All habitable rooms on the ground floor will be constructed using water-resistant materials. Full details shall be submitted to and approved by the Certifying Authority prior to the issue of a Construction Certificate.

### **PRIOR TO THE COMMENCEMENT OF WORKS**

#### **12. Building Waste**

Prior to any construction work commencing, containment of building waste materials shall be provided within the boundaries of the building site, above natural or excavated ground level, by a screened area of silt stop fabric or shade cloth, having minimum dimensions of 2.4 x 2.4 x 1.2 metres high OR equivalent size waste disposal bin.

The enclosure or bin shall be maintained for the term of the construction to the completion of the development. The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the site. Appropriate provision is to be made to prevent wind-blown rubbish escaping from the containment.

#### **13. Service Relocations**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

#### **14. Hoarding and Construction Site Safety Fencing**

Construction site safety fencing and/or hoarding shall be provided in accordance with WorkCover requirements. Such fencing and/or hoarding shall be erected wholly within the property boundary unless prior approval from Council is obtained.

Council approval is required to install hoarding, site fencing or overhead protective structures over or adjoining a public place i.e. a footpath or a Public Reserve. No work shall commence until written approval is obtained.

#### **15. Sediment and Erosion Control**

The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's Development Engineering Specifications, Landcom's 'Soil and Construction – Managing Urban Stormwater - Current edition. Sediment and erosion control measures are to be implemented prior to the commencement of any earthworks and shall be

maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

## **16. Temporary Closet Requirements**

A temporary closet shall be provided on site from the commencement of building work. No inspections will be made until the closet is installed.

A temporary closet shall be:

- a) A water closet connected to the sewerage system to Council approval; or
- b) A water closet connected to an approved septic tank; or
- c) A chemical closet supplied by a contractor approved by Council.

## **DURING WORKS**

### **17. Noise – Construction Sites**

The operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises, shall be evaluated and comply with the requirements of the NSW Office of Environment and Heritage publication “Interim Construction Noise Guideline” July 2009.

#### Approved Construction Times

The approved hours for construction of this development are:

Monday to Friday - 7.00am to 6.00pm.

Saturday – 8am to 1pm.

No construction work shall take place on Sundays or Public Holidays.

### **18. Excavation – Non Indigenous Relics**

Should any relics, as defined under the Heritage Act 1977 (as amended), be discovered then all excavations or disturbance to the area shall cease immediately and Heritage NSW shall be notified in accordance with Section 146 of the Heritage Act 1977.

All necessary approvals shall be obtained from Heritage NSW and copies provided to Council prior to works recommencing.

### **19. BASIX Certificate**

The development shall be constructed in accordance with a current BASIX certificate.

Should there be any changes to the specifications of the development (e.g. colour, insulation, etc), except where restricted or excluded by any condition of consent, an amended/new BASIX Certificate shall be obtained and may be relied upon as

having complied with this condition.

A copy of any amended/new BASIX Certificate shall be submitted by the Principal Certifier to Council within fourteen days of the receipt of the BASIX Certificate. Prior to the issue of an Interim or Final Occupation Certificate, whichever occurs first, certification of compliance with the BASIX Certificate shall be provided to the Principal Certifier.

## **20. Finished Floor Level – Flooding**

Council records indicate that the development site is likely to be or has been affected by flooding.

The Second Story Floor levels for the development shall be constructed in accordance with the minimum Australian Height Datum (AHD) level of 41.2m AHD.

Upon completion of the concrete formwork for the floor or the timber floor frame, a registered surveyor shall survey the finished floor level to Australian Height Datum (AHD) and provide a certificate to the Principal Certifier which confirms the finished floor level complies with the approved plans.

## **21. Waste Management**

Rubbish generated from the development is to be suitably contained on site at all times. No rubbish shall be stockpiled in a manner which facilitates the rubbish to be blown off site.

## **22. Building Materials On-Site**

All building materials, plant and equipment are to be placed on the building site. Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways, public reserves, etc.

## **23. Earthworks**

All earthworks carried out as part of the development are to be constructed in accordance with Australian Standard 3798-2007, 'Guidelines on Earthworks for Commercial and Residential Developments'.

## **24. Excavation and Backfilling - Notice to Owners of Adjoining Land**

All excavations and backfilling associated with the development must be executed safely, properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a professional engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must:

- a) Preserve and protect the building from damage
- b) If necessary, underpin and support the building in a manner certified by a

professional engineer.

- c) Give at least seven (7) days' notice to the adjoining owner before excavating, of the intention to excavate

The principal contractor, owner builder, or any person who needs to excavate and undertake building work, must first contact "Dial Before You Dig" and allow a reasonable period of time for the utilities to provide locations of their underground assets.

## **25. Inspection Requirements for Sanitary Drainage**

The applicant shall ensure that Council, being the Plumbing Regulator under delegation by NSW Fair Trading, has been requested to and carried out inspection of the works at the following stages of construction:

- a) Internal drainage lines before the floor is laid, or concrete placed.
- b) Stackwork before being covered.
- c) External drainage lines before backfilling of the trenches.
- d) Final - on completion of all sanitary plumbing to drainage work.

Requests for inspections may be made either by telephone (02) 65 787 290 or in person at one of Council's Customer Service Counters.

Inspection requests are subject to the following:-

- a) Applicants are required to nominate the relevant Notice of Work and address prior to the inspection request being granted.
- b) Clerical staff only will receive all requests for inspections.
- c) Where work is not prepared, ready for inspection, applicants will be required to re-book inspections through a Customer Service Centre for the next available day and a re-inspection fee may be charged.
- d) Inspections must be received before 3.30 pm on the working day prior to when the inspection is required.
- e) Inspections will be carried out in accordance with inspection details indicated on Council's website – search Building/Plumbing Inspections.

## **26. No Works on adjoining Public Reserve**

The public reserve adjoining the site shall not be affected by site works, construction materials stockpiles, waste, building products and debris, site sheds, spoil placement or the like. No access for vehicles, machinery or goods to the site shall be gained across the public reserve without approval from Council. All costs associated with such an approval shall be payable by the person having the benefit of the consent.

## **27. Dust Suppression**

During the extraction, removal, and transportation of material associated with the works, the person having the benefit of the consent shall ensure that airborne dust is contained within the work site or transport vehicles, and does not impact on the amenity of the surrounding environment.

Effective environmental controls and practices shall be implemented and maintained to the satisfaction of Council and/or the Principal Certifier.

## **28. Unobstructed Footpath Access**

The person having the benefit of the consent shall maintain unobstructed footpath access within the public road reserve at all times. Building materials shall not be placed or stored within the road reserve.

In the case of sites where it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

## **PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

### **29. Occupation Certificate**

Every building or part of a building shall not be occupied or used until an Occupation Certificate has been issued by the Principal Certifier.

Please be advised that Section 6.10 of the *Environmental Planning and Assessment Act, 1979* prevents the Principal Certifier from issuing an Occupation Certificate until all conditions of Development Consent have been completed.

### **30. Water and Sewer Contributions**

Prior to the release of an Occupation Certificate, the applicable water and sewer contributions must be paid. Water Directorate Guidelines are used to calculate the charges which reflect the additional water and sewer loadings generated by the development.

The value of the contributions will be included in Water and Sewer Group's Notice of Requirements in response to the developer's application for a certificate of compliance as under Section 307, *Water Management Act 2000 (NSW)*.

### **31. Water and Sewer Certificate of Compliance**

Prior to the issue of an Occupation Certificate, a certificate of compliance with requirements of Section 307, *Water Management Act 2000 (NSW)* must be obtained from Council's Water and Sewer group.

A Section 307 Certificate will be issued, upon application to the Water and Sewer Group, after all requirements detailed in the Section 306 Notice of Requirements have been satisfied.

### **32. Damage Caused During Construction**

Prior to issue of an occupation certificate, the applicant will repair any damage to a public road or associated structures such as kerb and gutter, drains, footpath and utility services caused as a consequence of the development works. Any remediation work is to be completed to Council's satisfaction.

### **33. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifier shall be satisfied that all commitments listed in the current BASIX Certificate have been complied with.

### **34. Evacuation Management Plan**

The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The management plan should avoid the letting of the premises during periods of flood emergency or when flood warnings are issued. The applicant should contact Council and the State Emergency Service for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building in a prominent location, and kept up to date at all times.

The management plan shall be submitted to, and approved by, Council prior to the issue of an Occupation Certificate.

### **35. Stormwater Management – Residential, Rural Residential and Village Areas under 2 Hectares with a Potable Water Supply**

Prior to issue of any Occupation Certificate for the building(s) the stormwater drainage from the building is to be installed and must provide for an onsite stormwater detention, retention and recycling system. The minimum standard for compliance with Council's Policy is as follows:

- a) **Single dwellings and outbuildings/Duplex developments with a hardstand area (roof plus impervious surfaces) of greater than 500sqm** must provide a stormwater retention and detention system that ensures that the total of the sites stormwater runoff after development does not exceed the calculated runoff for the site prior to the development for all storm durations for the 5 year, 20 year and the 100 year ARI (Australian Recurrence Level) storm event.

### **36. Stormwater Disposal**

Stormwater shall be disposed of through a system designed to the satisfaction of the Principal Certifier in accordance with Australian Standard 3500 and be conveyed to:

- a) the street gutter or kerb inlet pit; or
- b) an inter-allotment drainage system to which the land has an entitlement to

use.

Immediately after completion of any roof, a disposal system shall be installed which disposes of the stormwater without causing any adverse environmental impacts

### **37. Driveway Access – Urban Residential**

Prior to issue of an Occupation Certificate, the driveway access from the road edge to the property boundary shall include a concrete access to the development and shall be designed and constructed in accordance with Council Development Engineering Design and Construction Specifications.

**Note:** This work within the road reserve will required a section 138 application.

### **38. Flood Control Lot – Electrical Fittings**

All electrical fittings and electrical outlets installed in the proposed dwelling are to be certified by a registered surveyor as being not less than 500mm above the 100-year Average Recurrence Interval flood level. The fittings/outlets are to therefore be installed at a level of RL 41.2m Australian Height Datum or higher. The certification shall be submitted to the Principal Certifier prior to the issue of an Occupation Certificate.

## **PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE**

### **39. Subdivision Certificate**

An application for a Subdivision Certificate is required to be submitted to Council. The application must be accompanied by the final plan of the subdivision.

### **40.88B Restriction - Onsite Stormwater Detention System**

A Section 88B Restriction on Title under the Conveying Act 1919 shall be placed on the proposed strata lots approved as part of the application, as follows:

#### **a) Onsite Stormwater Detention System**

The registered proprietor shall not make or permit or suffer the making of any alterations to any onsite stormwater detention system which is, or shall be, constructed on the lots burdened without the prior consent in writing of Singleton Council.

The expression “onsite stormwater detention system” shall include all ancillary gutters, pipes, drains, walls, pumps, kerbs, pits, grates, tanks, chambers, basins, rainwater tanks, and surfaces designed to temporarily detain stormwater as well as all surfaces graded to direct stormwater to the temporary storage.

The onsite stormwater detention system is as detailed on the approved plans prepared by Mertiri.

A notation is to be incorporated naming Singleton Council as the only party

permitted to vary the restriction.

b) Ground Floor Use

The registered proprietor of any strata lot must not use the ground floor area of the unit as a living-room, bedroom or kitchen.

A notation is to be incorporated naming Singleton Council as the only party permitted to vary the restriction.

**41. Positive Covenants**

The registered proprietor of the proposed strata lots hereby burdened will in respect of the onsite stormwater detention system:

- a. Keep the onsite stormwater detention system clean and free from silt, rubbish and debris;
- b. Maintain and repair at the sole expense of the registered proprietors the whole of the onsite stormwater detention system so that it functions in a safe and efficient manner;
- c. Permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant; and
- d. Comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.

Pursuant to Section 88F (3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

- a. In the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to above; and
- b. The Council may recover from the registered proprietor in a Court of competent jurisdiction:
  - i. Any expense reasonably incurred by it in exercising its powers under subparagraph (a) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (a) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.

- ii. Legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to Section 88F of the Act or providing any certificate required pursuant to Section 88G of the Act or obtaining any injunction pursuant to Section 88H of the Act.

This covenant shall bind all persons who are of claim under the registered proprietor(s) as stipulated in Section 88E (5) of the Act.

## **CONDITIONS TO BE SATISFIED AT ALL TIMES**

### **42. Parking Areas to be Kept Clear**

At all times, car parking spaces, driveways and footpaths must be kept clear of goods and must not be used for storage purposes.

### **43. Outdoor Lighting**

All outdoor lighting must not detrimentally impact upon the amenity of other premises and adjacent dwellings and road reserve, and must comply with, where relevant, AS 1158.3:2020 *Lighting for roads and public spaces – Pedestrian Area (Category P) lighting – Performance and design requirements* and AS 4282:2019 *Control of the obtrusive effects of outdoor lighting*.

### **44. Driveways to be Maintained**

All access crossings and driveways shall be maintained in good order for the life of the development.

### **45. Landscaping**

Landscaping shall be maintained in accordance with the approved plan in a healthy state, and in perpetuity, by the existing or future owners and occupiers of the development.

If any of the vegetation comprising the landscaping dies or is removed, it is to be replaced with vegetation of the same species and similar maturity as the vegetation which has died or was removed.

The location if waste bins as identified on the landscape plan are to be maintained in perpetuity.

The fencing along the Bishopgate Street frontage must have a maximum height of 1.5m, and be constructed of timber with a minimum 30% transparency.

### **46. Waste Management**

The waste storage area is to be kept clean and tidy at all times, with waste stored only in the provided bins.

**ADVICE****a. “Dial Before You Dig” Dial 1100**

Before any excavation work starts, contractors and others should phone the “Dial Before You Dig” service to access plans/information for underground pipes and cables. [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

**b. Dividing Fences**

The erection of dividing fences under this consent does not affect the provisions of the *Dividing Fences Act 1991*. Under this Act, all relevant parties must be in agreement prior to the erection of any approved dividing fence/s under this consent.

Council has no regulatory authority in this area and does not adjudicate civil disputes relating to the provision of, or payment for, the erection of dividing fences. If there is a neighbour dispute about the boundary fence and you are seeking mediation, you may contact the Community Justice Centre, or if legal advice or action is required, you may contact the Chamber Magistrate.

**c. Site Contamination Issues During Construction**

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about site contamination, Council must be immediately notified by the applicant, and works must cease. Works must not recommence on site until approval is granted by Council.

**d. Other Approvals and Permits**

The applicant shall apply to Council for all necessary permits including crane permits, road opening permits, hoarding or scaffolding permits, footpath occupation permits, and/or any other approvals under *Section 68 (Approvals)* of the *Local Government Act, 1993* or *Section 138 of the Roads Act, 1993*.

**e. Condensation and Water Vapour Management**

Singleton Local Government Area is within Climate Zone 6 and the National Construction Code contains requirements for Condensation and Water Vapour Management within habitable buildings within this zone.

Any Construction Certificate should clearly specify the installation of these features.

**f. Occupation Certificate**

An application for Occupation Certificate is required for every building or part of a building before occupation or use.

*Upon being put to the meeting, the motion was declared carried.*

*For the Motion were Crs S Moore, G Adamthwaite, T McNamara, V Scott, D Thompson, S George, T Jarrett and S Johnstone Total (8).*

*Against the Motion was Nil Total (0).*

*Cr Malinda McLachlan returned to the meeting, the time being 06:05 PM*

*General Manager's Report (Items Requiring Decision)*

**GM25/23 Request for Leave of Absence - Councillor Hollee Jenkins - 10/08/2023 to 11/10/2023**

**FILE:21/00157**

A report was provided to advise that Councillor Hollee Jenkins had requested a leave of absence for the period 10 August 2023 to 11 October 2023 as she will be away on holidays in the centre of Australia with limited service and internet coverage.

93/23 **MOVED** Cr McLachlan **SECONDED** Cr McNamara that Council grant leave of absence to Councillor Hollee Jenkins for the period 10 August 2023 to 11 October 2023.

**CARRIED**

**GM26/23 Mount Thorley Warkworth VPA Committee Principles**

**FILE:23/00031/00**  
A report was provided seeking endorsement of the principles for the Mount Thorley Warkworth Voluntary Planning Agreement (MTW VPA) Committee that will be used to develop the New Project Package and processes, consistent with the MTW VPA Terms of Reference.

94/23 **MOVED** Cr McNamara **SECONDED** Cr George that Council endorse the Principles for Prioritisation of Projects - Mount Thorley Warkworth Voluntary Planning Agreement Committee - 15/08/2023 as they will be used to develop the New Project Package and processes, consistent with the MTW VPA Terms of Reference.

**CARRIED**

*Corporate and Commercial Services Report (Items Requiring Decision)***DCCS25/23 T2022.006 - Putty Valley Road - CH9.755 to CH12.25** **FILE:T2022.006**

A report was provided advising Council that a report had been prepared for Council's consideration in Closed Council which contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it (the Tenderers).

95/23 **MOVED** Cr McLachlan **SECONDED** Cr Adamthwaite that the report on the Tender for T2022.006 - Putty Valley Road - CH9.755 to CH12.25 be considered in Closed Council with the press and public excluded in accordance with Section 10A(2)(d)(i) of the *Local Government Act, 1993*, on the grounds that the report contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

**CARRIED***Organisation and Community Capacity Report (Items Requiring Decision)***DOCC21/23 Proposed Learn to Swim fee increase (Belgravia Leisure)****FILE:23/00404**

A report was provided for Council to consider outside of the annual Fees and Charges review for the increase of Learn to Swim fees from \$17.00 to \$17.50, as requested by Belgravia Leisure.

96/23 **MOVED** Cr McNamara **SECONDED** Cr Scott that:

1. The proposed increase to Learn to Swim fees from \$17.00 to \$17.50 be placed on public exhibition for a period of 28 days.
2. Public notice be given of Council's intention to adopt the increase to Learn to Swim fees, subject to consideration of submissions received and provided that there are no objections received.
3. Should objections be received, Council received a further report, to consider submissions received during the public exhibition period, prior to adopting the proposed fee increase.

**CARRIED**

*Infrastructure & Planning Report (Items Requiring Decision)***DI&P40/23 Minutes - Roads Advisory Committee - 13/07/2023 FILE:20/00034**

A report was provided to note the minutes of the Roads Advisory Committee held on 13 July 2023 and to seek Council's endorsement of the Committee's recommendations.

97/23 **MOVED** Cr Jarrett **SECONDED** Cr George that Council:

1. Notes the minutes of the Roads Advisory Committee meeting held on 13 July 2023.
2. Adopts the following recommendations of the Roads Advisory Committee:

**5.1 Singleton Roads Advisory Committee - Terms of Reference**

That Council endorse the draft Revised Terms of Reference.

**5.2 222 Lambs Valley Road – Maintenance**

1. That Council continue to classify and maintain the gravel road as Low Maintained and wait for the outcome of Disaster Recovery Funding Agreement submission, that is currently in progress.
2. That a further report is provided to the Roads Advisory Committee if Disaster Recovery Funding Agreement is not approved providing a new recommendation for a funding source for proposed maintenance works.
3. That Council's draft Cattle Grids and Public Gates policy is to be provided to landowners for future reference.
4. That Council endorse that the unnamed lane is to be named through the Road Naming process.

**5.3 Commission Road - NPWS – Update**

That Council does not agree to the preliminary idea from NPWS and strongly reiterates the position of not becoming the Road Control Authority for the track leading to Commission Road from Apple Tree Flat Road.

**5.4 Starvation Lane - Unformed Road Closure – Update**

That Council:

1. Formally close the unformed section of Starvation Lane under Part 15 of the *Roads Act (1993)* and place appropriate bollards to restrict access by motor vehicles at both ends of the unformed section of Starvation Lane, while still allowing for pedestrian and cycling usage; provide parking space with appropriate signage for local community; and monitor the site for further

degradation.

2. Notifies impacted landowners of the requirement to submit a Section 138 for each livestock movement between properties and the requirement to notify Local Land Services.

**CARRIED**

**DI&P41/23 8.2008.532.4 - Application to Modify Development**

**Consent - 17 - 23 John Street - Lot 2 DP1189261 FILE:8.2008.532/11**

A report was provided for Council to consider a section 4.55(2) Application to Modify Development Consent DA532/2008. The proposal was seeking approval to extend the current delivery hours to twenty-four (24) hours, seven (7) days a week at the existing Singleton Aldi store located at 17 – 23 John Street, Singleton.

98/23

**MOVED** Cr McNamara **SECONDED** Cr Scott that Council approve the development application, with the below conditions of consent:

**MODIFICATIONS APPROVED BY THIS CONSENT 8.2008.532.4**

- ***Condition 12 has been amended***
- ***Condition 65 has been added***
- ***Condition 66 has been added***

**MODIFICATION APPROVED BY A PREVIOUS CONSENT 8.2008.532.2**

- ***Condition 1 has been amended***
- ***Condition 4 has been removed***
- ***Condition 6 has been amended***
- ***Condition 8 has been amended***
- ***Condition 10 has been amended***
- ***Condition 22 has been amended***
- ***Condition 24 has been amended***
- ***Condition 27 has been amended***
- ***Condition 31 has been amended***
- ***Condition 32 has been amended***
- ***Condition 34 has been amended***
- ***Condition 63 has been added***
- ***Condition 64 has been added***

***Condition 1 was modified by a previous application 8.2008.532.2 and shall read as follows.***

**1. APPROVAL IN ACCORDANCE WITH THE PLANS**

**The development will be carried out in accordance with the development application, accompanying plans and documents described as:**

- *Statement of Environmental Effects 8.2008.532.1 - Submission - 17 John Street - Lot 2 DP 1189261 (for report) dated November 2008 30/03/2023 and submitted on 22 December 2008.*
- *Site Image - Change of plant species undated and submitted on 8 July 2009.*
- Detailed plans referenced as detailed in the following table:

Drawing No.	Drawing Title	Date/Revision
<b>Survey Plan:</b>		
1475-DET23.10.08	Detail Survey (2 Sheets)	23.10.08
<b>Subdivision Drawings:</b>		
1475-SUBDIV02.12.08	Plan of Proposed Subdivision	02.12.08
<b>Architectural Drawings</b>		
DA000	Cover Sheet & Drawing List	A
DA001	Site Analysis Plan	B
DA002	Site/Roof Plan	C
DA040	Ground Floor Plan	C
DA090	Elevations	B
DA091	Elevations	C
DA100	Sections	B
DA101	New Tenancy	A
DA400	Shadow Diagrams	A
DA402	Photomontage Images	C
-	External Finishes	-
<b>Landscape Plan</b>		
101	Landscape Plan	C
501	Landscape Details	C
<b>Civil Works Drawings</b>		
SKC1-01	Sediment Control and Erosion Management Plan	3
SKC2-01	General Arrangement	3
SKC6-01	Stormwater Catchment Plan	3

Drawing Title	Drawing No.	Revision No.	Revision Date	Prepared by:
Condenser Platform Layout	06	-	-	A.J. Baker & Sons Pty. Ltd.
Siteworks Plan	290718SI-DAC01	1	04/09/2012	Mott MacDonald
Erosion and Sediment Control Concept Plan,	290718SI-DAC02	1	04/09/2012	Mott MacDonald

Notes and Details				
Site Plan	DA002/B	B	10/09/2012	Donaldson Worrall
Floor Plan	DA040/B	B	10/09/2012	Donaldson Worrall
Elevations - Sheet 1	DA090/B	B	10/09/2012	Donaldson Worrall
Elevations – Sheet 2	DA091/B	B	10/09/2012	Donaldson Worrall
Proposed Subdivision of Lots	1475-DA SUBDIV-20.03.12	A	20/03/2012	De Witt Consulting
Landscape Plan	101	C	01/12/2008	Site Image Landscape Architects
Landscape Details	501	C	07/11/2008	Site Image Landscape Architects
External Finishes Schedule	-	-	-	Suters

**Notes:**

- Any alterations to the drawings and/or documentation, as approved by Council, will require further Council consent as per s96 of the Environmental Planning and Assessment Act.
- No other works or activities, other than those approved by this consent notice, may be carried out without prior consent from Council.

*Reason: To ensure that the development is carried out in accordance with the submitted plans and accompanying documentation.*

## 2. LAPSING OF CONSENT

**Consent for the development will lapse after 5 years. Note that this relates to the period within which the development must commence.**

*Reason: To specify the period for the lapsing of consent.*

## 3. ACOUSTIC CERTIFICATION AND MONITORING

**The applicant is to provide Council with certification from a qualified acoustic engineer that the completed works are as per the recommendations of the Noise Assessment prior to release of the Occupation Certificate and use of the facility.**

**Within one month of the commencement of operations, an Acoustic**

**Assessment is to be undertaken and supplied to Council verifying that noise levels at the nearest residential receptors do not exceed the noise criteria as detailed in the Acoustic Assessment.**

*Reason: To ensure compliance with the approved conditions of consent and to ensure the noise amenity of the locality is not disturbed.*

**Condition 4 was deleted by a previous consent 8.22008.532.2**

**4. FIRST USE APPROVAL**

**~~This Development Approval does not apply to the use of the premises on proposed Lot 2. A separate Development Approval will be obtained from Council for the use of the premises.~~**

*~~Reason: To ensure that the premises have appropriate approval for the use.~~*

**5. AMENITY**

**There is to be no unreasonable interference with the residential amenity of the area by reason of the emission of any noise, smell, smoke, vapour, fume or otherwise.**

**This condition will be complied with for the term of this consent.**

*Reason: To ensure that the proposed development is designed, constructed and managed in a manner which has minimal impact on the amenity of the area.*

**Condition 6 was amended by a previous consent 8.2008.532.2 and shall read as follows**

**6. FLOODLIGHTING**

**~~Any proposed external lighting of the premises will be positioned, directed and shielded so as not to interfere with traffic or detract from the amenity or project glare onto adjacent premises.~~**

**Any proposed external lighting of the premises will be positioned, directed and shielded so as not to interfere with traffic or detract from the amenity or project glare onto adjacent properties in full compliance with the environmental parameters of AS1158 P11 and P12 category of lighting.**

**This condition will be complied with for the term of this consent.**

*Reason: To ensure that the development does not interfere with traffic safety and to protect the amenity of the neighbourhood.*

**7. SITE MAINTENANCE**

**The site is to be maintained in a tidy and orderly manner at all times.**

Landscaped areas are to be kept free of vehicles, stored goods, garbage or waste material. All work or storage of goods and materials is to be confined within the building except for external areas specifically approved for such purposes on the approved plan.

*Reason: To ensure that the site is maintained in an orderly manner and does not detract from the overall appearance of the locality.*

**Condition 8 was amended by a previous consent 8.2008.532.2 and shall read as follows.**

#### 8. SANDSTONE KERB

~~The section of sandstone kerb and gutter along the Harriet Street is not to be removed or damaged during construction and operation of the site without prior consent from Council.~~

The section of sandstone kerb and gutter along Harriet Street is not to be removed or damaged during construction and operation of the site without prior approval from Council. The proposed drainage outlets in Harriet Street (two of) are to be specifically designed to blend in with the existing sandstone kerb and written acceptance of the design from Council's Manager Development and Regulatory Services shall be obtained prior to the works commencing.

Council, under the Roads Act, is to approve and accept any works within a public road. All such works are to be completed and approved by Council prior to the issue of an Occupation Certificate.

*Reason: To ensure the heritage sandstone kerb is retained.*

#### 9. LAND CONTAMINATION

The proposed development is to be carried out in accordance with State Environmental Planning Policy No. 55 Remediation of Land and its guidelines. If contamination is found work is to be stop until further assessment can be carried out and Singleton Council shall be notified. If contamination of the whole site is such that the development does not proceed, the entire site is to be restored, turfed and maintained to a satisfactory level.

*Reason: To ensure that the site is suitable for the proposed use and to statutory requirements.*

**Condition 10 was amended by a previous consent 8.2008.532.2 and shall read as follows**

#### 10. ENGINEERS CERTIFICATION

The applicant shall submit a report from a suitably qualified and

experienced engineer in respect of the proposed development, such report to verify that:-

- (a) ~~any damage to the proposed development sustained in a flood will not generate debris capable of causing damage to downstream buildings or property;~~
- (b) ~~the building structure will be able to withstand the force of flood waters (including buoyancy forces) and the impact of debris;~~
- (c) ~~all finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of flood waters.~~

  

- (a) ~~the building structure will be able to withstand the force of flood waters (including buoyancy forces) and the impact of debris;~~
- (b) ~~all finishes, plant fittings and equipment subject to inundation will be of materials and functional capability resistant to the effects of flood waters.~~

**Note:** The report shall be submitted to and approved by Council prior to release of the Construction Certificate for the building/s.

*Reason: To minimise the extent of property damage and the risk of injury in the event of flooding of the site.*

## 11. ACCOUSTIC WALL

The 3-metre-high acoustic wall on the boundary of Lot 3 DP 1077322 No.4 Harriet Street is to extend the full length of the boundary. The acoustic wall will be at the cost of the applicant.

*Reason: To ensure that the amenity of the residence is not adversely affected by the development.*

**Condition 12 has been amended by this consent 8.2008.532.4 and shall read as follows**

## 12. LOADING DOCK HOURS OF OPERATION

~~Following commencement of operation, the loading dock will operate between the times stated as follows:~~

**Monday to Friday.....6am to 9pm  
Saturday.....7am to 9pm  
Sunday and Public Holidays.....7am to 8pm**

Following commencement of operation under this modification consent 8.2008.532, the loading dock will operate 24 hours a day, 7 days a week.

**This condition will be complied with for the term of this consent.**

*Reason: To minimise adverse impact in the locality.*

**13. GRAFFITI & VANDALISM**

**Any vandalism and graffiti are to be removed from premises at the earliest possible time.**

**This condition will be complied with for the term of the approval.**

*Reason: To ensure that the premises appear will kept and maintained and vandalism is not encouraged.*

**14. SECURITY ALARM**

**Any security alarm system installed on the subject land shall be a “back-to-base” type system.**

**This condition will be complied with for the term of the approval.**

*Reason: To ensure the amenity of the residential neighbourhood is not unreasonably jeopardised by the development.*

**15. WASTE REMOVAL**

**Waste will be collected for disposal at appropriate locations and removed at regular intervals and must not under any circumstances be allowed to accumulate on site.**

**Waste handling facilities will be provided so that:**

- stored waste does not create offence by emission of dust, leachate, odour, unsightliness or an environment suitable for vermin;**
- putrescible waste is stored in shaded, ventilated, waterproof and vermin-proof conditions;**
- storage containers will be conveniently located both for the user and the waste collector;**
- storage containers will be readily manoeuvred from the waste storage area to the collection vehicle;**
- lids for the storage containers will prevent entry of water and be of light weight material or such construction as to be readily operated by the user.**

**This condition will be complied with for the term of this consent.**

*Reason: To ensure compliance with Council requirements.*

**16. HOURS OF OPERATION**

**Following commencement of occupation, the premises trade only between the times stated as follows:**

**Monday to Sunday.....6:00am to 10:00pm**

**This condition will be complied with for the term of this consent.**

*Reason: To minimise adverse impact in the locality.*

#### **17. ACCESS CROSSING CONCRETE**

**A reinforced concrete commercial/industrial access crossing shall be constructed from the kerb and gutter to the property boundary, including a layback in the kerb, in accordance with Council's Engineering Specifications and AS 2890.**

**All works within a public road must be inspected and approved by Council under the Roads Act 1993 as the Roads Authority. Driveway levels across Council's footpath are to be submitted to and approved by Council. Access crossing construction is to be inspected by Council after excavation and placement of reinforcement and on completion.**

**Where water main cocks are under the access crossing approved cast iron main cock covers are to be placed. The covers are to be fixed plumb and square to the centreline of each main and 100mm NS uPVC minimum Class 9 pressure pipe is to be used as a protective sleeve between the cover and the main cock.**

**All works are to be completed and approved by Council prior to the issue of an Occupation Certificate.**

*Reason: To ensure the provision of safe, adequately defined and properly constructed means of vehicular access from the road to the development.*

#### **18. KERB AND GUTTER**

**Should any work be undertaken with respect of Council's kerb and gutter, such as constructing a new kerb crossing, the work will be undertaken in accordance with Council's specifications. Redundant kerb crossings in Harriett Street, John Street and Argyle Street shall be re-instated to match the existing kerb.**

**The work is to be completed to Council's satisfaction prior to the issue of an Occupation Certificate.**

*Reason: To ensure that Council infrastructure remains intact and appropriately constructed.*

#### **19. DAMAGE CAUSED DURING CONSTRUCTION**

**The applicant will repair any damage to a public road or associated structures such as kerb & gutter, drains, footpath and utility services caused as a consequence of the development works.**

**The work is to be completed to Council's satisfaction prior to the issue of an Occupation Certificate.**

*Reason: To ensure that any damage to Council owned or maintained infrastructure is repaired.*

**20. DEMOLITION**

**Prior to the demolition and/or removal of existing structures on site, all existing services are to be disconnected, sealed and made safe. The sewer and water service is to be disconnected by a licensed plumber and drainer. A Start Work Docket must be submitted to Council and Council's Utilities Engineer must certify that the works have been undertaken to the satisfaction of Council.**

*Reason: To ensure that Council infrastructure remains intact and operational.*

**21. PROVISION OF FOOTPAVING**

**The provision, at no cost to Council, of Singleton Signature paving for the full street frontages of the development. Paving bedding and joint details are to be in accordance with Council's standard drawings for streetscape paving. All other details are to be in accordance with Singleton Council's construction specifications. All works are to be completed prior to the issue of an Occupation Certificate. All works within Council's road reserve must be inspected and approved by Council.**

*Reason: To ensure compliance with Council's streetscape plan and safe pedestrian access.*

**Condition 22 was amended by a previous consent 8.2008.532.2 and shall read as follows**

**22. ALTERATIONS TO GROUND LEVELS**

**~~Any alterations to existing surface levels on the site shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties.~~**

**Any alterations to existing surface levels on the site or adjustment of existing boundaries shall be undertaken in such a manner as to ensure that no additional surface water is drained onto or impounded on adjoining properties. The developer is to provide a stormwater flow path, piped or overland, to ensure that roof or surface stormwater flows collected on proposed Lot 1 can flow to Council's in-street stormwater system or through proposed Lot 2 to connect into its stormwater disposal system and an 88B instrument created accordingly.**

*Reason: To ensure that such alterations to surface levels do not disrupt existing*

stormwater flows in the vicinity.

## 23. SEDIMENT AND EROSION CONTROL

The control of erosion and the prevention of silt discharge into drainage systems and waterways will be necessary in accordance with Council's Development Engineering Specifications, Department of Conservation and Land Management's 'Urban Erosion and Sediment Control' requirements and the Department of Housing 'Soil and Water Management for Urban Developments'. Erosion control measures are to be implemented prior to the commencement of any earthworks and shall be maintained until satisfactory completion and restoration of site earthworks, including revegetation of all exposed areas.

*Reason: To ensure protection of the environment by minimising erosion and sediment.*

**Condition 24 was amended by a previous consent 8.2008.532.2 and shall read as follows**

## 24. STORMWATER RUNOFF

~~All stormwater run-off from trafficable areas subject to contamination shall be disposed of by means which do not pollute waters. Stormwater runoff from the site to be generally in accordance with approved plan 08649; SKC2-01 Revision 3 by Robert Bird Group. The following information is to be provided to Council prior to the issue of a Construction Certificate and works completed prior to the issue of an Occupation Certificate.~~

All stormwater run-off from trafficable areas subject to contamination shall be disposed of by means which do not pollute waters and comply with the objectives of Stormwater Quality in Council's DCP. Stormwater runoff from the site is to be generally in accordance with approved plan 290718SI-DAC01 Rev 1 Siteworks Plan. The following information is to be provided to Council prior to the issue of a Construction Certificate and works completed prior to the issue of an Occupation Certificate.

- Longsection of stormwater pipes showing finished surface levels and pipe inverts to demonstrate that the internal stormwater system can adequately discharge to Council's stormwater pits in John Street. Stormwater design in John Street must be approved and inspected by Council under the Roads Act.
- Lodge with Council a Traffic Control Plan for works in John Street.
- All works in John Street to Council's specifications.
- Provide a Plan of Management/maintenance for the GPT for Council approval prior to the issue of an Occupation Certificate.
- All stormwater from the site to be collected on the site and disposed of in accordance with the approved plans.

*Reason: To prevent water pollution.*

**25. SEWER EXTENSION**

Manhole lids within the proposed carpark are to be replaced with heavy duty Gatic lids and surrounds. Sewer line 29A-28B is to be decommissioned and a riser/internal drop is to be provided at manhole 28B to service the development. Existing line 28B-28C is to be inspected by CCTV to determine condition of the line and relined if necessary.

**Council must carry out works on a live sewer line. The applicant shall make an application to Council to quote on the above works.**

**You are advised to contact Council's Utilities Engineer prior to undertaking this work.**

*Reason: To comply with Council policy.*

**26. SERVICE RELOCATIONS**

The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

*Reason: To ensure that any required alterations to utility infrastructure are undertaken to acceptable standards at the developer's cost.*

**Condition 24 was amended by a previous consent 8.2008.532.2 and shall read as follows**

**27. LANDSCAPING**

~~The provision and maintenance of landscaping in accordance with the Landscape plan SS08-1792 101 rev C and letter received 8 July 2009 regarding change of plant species. A suitable qualified person is to supervise construction. All landscaping works are to be completed prior to the issue of an Occupation Certificate.~~

An amended landscaping plan, prepared generally in accordance with the approved concept landscaping plan is to be submitted to the Principal Certifying Authority prior to issue of the construction certificate, showing amended landscaping

~~The provision and maintenance of landscaping in accordance with the Landscape plan SS08-1792 101 rev C and letter received 8 July 2009 regarding change of plant species. A suitable qualified person is to supervise construction. All landscaping works are to be completed prior to the issue of an Occupation Certificate.~~

*Reason: To lessen the visual impact on the surrounding environment.*

## 28. SUBDIVISION CERTIFICATE FEE

A subdivision fee, in accordance with Council's Fees & Charges is required to be paid to Council prior to Council endorsing the final plan of subdivision. The fee payable is subject to annual adjustment.

Subdivision Certificate Fee	\$150.00 + \$10 per additional lot	No. Additional Lots. 1	\$160.00
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*Reason: To comply with Council's adopted fees and charges.*

## 29. CERTIFICATION OF SERVICES

Certification shall be submitted to Council by a Registered Surveyor, prior to endorsement of the final plan of survey and release of the Subdivision Certificate that all services and domestic drainage lines are wholly contained within each of the respective lots or easements created as required.

*Reason: To ensure that lots are fully serviced and appropriate easements created.*

## 30. SUBDIVISION CERTIFICATE

An application for a Subdivision Certificate is required to be submitted to Council. The application must be accompanied by the final plan of subdivision, and 5 prints pursuant to Clause 157 of the Environmental Planning and Assessment Regulation 2000.

*Reason: To provide for certification of the subdivision plan.*

***Condition 31 was amended by a previous consent 8.2008.532.2 and shall read as follows***

## 31. SUBDIVISION REQUIREMENTS

~~Subdivide existing 8 lots into 2 in accordance with the Statement of Environmental Effects and approved plans. Subdivision plan to be lodged at the Land and Property Information prior to the issue of a Construction Certificate.~~

The subdivision is to be carried out in accordance with the approved subdivision plan 1475-DA SUBDIV-20.03.12 prepared by de Witt Consulting and is to be registered with LPI prior to issue of any Occupation Certificate for the development.

*Reason: to ensure that the subdivision is carried out in accordance with Council's subdivision requirements.*

**Condition 32 was amended by a previous consent 8.2008.532.2 and shall read as follows**

### 32. ROAD WIDENING

~~The portion of the site required for road widening on the corner of John Street and Harriett Street being a splay along each road to form a splayed corner and is to be in accordance with drawing SK02, shall be transferred to Council for dedication as a public road and a suitable survey plan providing for the dedication shall be lodged with the Land Titles Office for registration prior to occupation of the site or issue of an Occupation Certificate.~~

~~All costs to be borne by the applicant and the dedication and transfer of the land at no cost to Council.~~

The portion of the site required for road widening on the corner of John and Harriet Streets shall be a splay along each road to form a splayed corner in accordance with drawing DA002/B Site Plan Section 96 Application. The road widening shall be dedicated to Council as a public road and a suitable plan providing for the dedication shall be lodged with LPI for registration prior to the issue of an Occupation Certificate. Any adjustment to the existing pram ramp on the corner to ensure compliance with the requirements of AS1428 Design for Access and Mobility is to be made good at the developers cost. All costs to be borne by the developer and dedication and transfer of the land to Council at no cost to Council. All works are to be completed prior to the issue of an Occupation Certificate.

*Reason: To facilitate the implementation of proposed road widening and road improvement works considered to be necessary and/or desirable having regard to likely increased pedestrian and vehicular traffic movement.*

### 33. PARKING SIGNAGE

The vehicular entrance and exit driveways and the direction of traffic movement within the site shall be clearly indicated by means of reflectorised signs and pavement markings prior to the issue of an Occupation Certificate.

**This condition will be complied with for the term of this consent.**

Provide 'No Stopping' signs on John Street and Argyle Street at the approach and departures of the entrances/exits to provide sight distance and comply with the Australian Standards. Relocate the 'No Stopping' sign on the north side of Argyle Street near its intersection with John

Street to a position approximately 20m in an easterly direction in Argyle Street. Provide a plan for approval by Council showing the location of the signage prior to erection of signs. All signs to comply with Australian Standards and erected prior to the issue of an Occupation Certificate.

*Reason: To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces and driveway access and in the interest of traffic safety and convenience.*

**Condition 34 was amended by a previous consent 8.2008.532.2 and shall read as follows**

#### **34. CARPARKING**

~~On-site car parking shall be provided for a minimum of 71 vehicles plus 3 disabled car spaces on the Aldi lot and 3 carparks on the bakery lot and such being set out generally in accordance with Council's Car Parking Code and the approved plans. Parking spaces shall be clearly indicated by pavement markings for the life of the development.~~

On-site car parking shall be provided for a minimum of 73 vehicles spaces on the Aldi lot. Two of the car parking spaces on the Aldi lot are to be provided to benefit proposed Lot 1 and burden proposed Lot 2 by way of an 88B Restriction as to User with Council as the Authority to vary, modify or delete this easement.

The parking areas are to be set out in accordance with Council's Car Parking DCP and the approved plans. Parking spaces shall be clearly indicated by pavement markings for the life of the development.

Disabled car parking spaces are to be provided and are to comply with AS2890.6 and the Building Code of Australia.

**The car park is to be designed for ESA's of  $6 \times 10^4$  with a wearing course of asphalt or concrete.**

*Reason: To ensure that adequate provision has been made for manoeuvring and parking of vehicles within the development or on the land, to meet the expected demand generated by the development.*

#### **35. LOADING / UNLOADING**

All parking and loading bays shall be permanently marked out on the pavement surface.

*Reason: To improve safety in the car park.*

#### **36. INSPECTION REQUIREMENTS**

The applicant shall ensure that arrangements are made for Council to carry out inspections of the development at the following stages of construction as applicable.

- A) Internal drainage lines before the floor is laid, or concrete placed.
- B) External drainage lines before backfilling of the trenches.
- C) The access crossing construction after excavation and prior to placement of reinforcement.
- D) The access crossing upon completion.

Requests for inspections may be made either by telephone (02) 6578 7290 or in person at the Customer Services Counter.

**Inspection requests are subject to the following:-**

- 1) Applicants are required to nominate the relevant development application number and location prior to the inspection request being granted.
- 2) Clerical staff only will receive all requests for inspections.
- 3) Where work is not prepared, ready for inspection, applicants will be required to re-book inspections through the Customer Service Centre for the next available day and a re-inspection fee may be charged.
- 4) Inspections must be received before 3.30 pm on the working day prior to when the inspection is required.
- 5) Inspections within the township of Singleton will generally be carried out as AM or PM inspections.
- 6) Where Council has been appointed as the PCA, inspection requests will not be accepted if evidence of payment of building insurance under the Home Building Act, 1989 or evidence of an owner builders permit has not been received by Council.

### **Council Policy**

*Reason: To ensure that adequate notice is given to Council for a required inspection.*

### **37. ERECTION OF SIGNS**

A signboard (minimum size 600mm x 400mm) must be erected in a prominent position indicating the following:-

- a) Name, address and telephone number of the Principal Certifying Authority for the work; and
- b) Name of the principal contractor for any building work and a telephone number on which that contractor may be contacted

outside working hours; and

- c) Stating that unauthorised entry to the work site is prohibited.

The signboard must be maintained during the course of building/demolition works and removed upon completion.

**Clauses 98A of the Environmental Planning & Assessment Regulation 2000.**

*Reason: To facilitate identification of the building site and those persons responsible for the control of activities on the site.*

#### **38. INSPECTIONS BY PRINCIPAL CERTIFYING AUTHORITY**

**The applicant shall ensure arrangements are made for inspections to be carried out during the course of construction and as required by the Principal Certifying Authority.**

*Reason: To ensure inspections are carried out as required by the Principal Certifying Authority.*

#### **39. OCCUPATION CERTIFICATE – PRINCIPAL CERTIFYING AUTHORITY**

**The building shall not be occupied or used until an Occupation Certificate has been issued by the Principal Certifying Authority.**

**Please be advised that Section 109H (1B) of the Environmental Planning and Assessment Act, 1979 prevents the Principal Certifying Authority from issuing an occupation certificate until all pre-determined conditions of development consent have been completed.**

*Reason: To ensure compliance with the provisions of the Environmental Planning & Assessment Act, 1979.*

#### **40. COMPLIANCE WITH LEGISLATION (GENERAL)**

**It is the responsibility of the applicant to construct the building in compliance with the Environmental Planning & Assessment Act 1979, amendments thereto and the Building Code of Australia.**

*Reason: To ensure awareness of the legislation that the application has been determined under.*

#### **41. WORK NOT INSPECTED**

**The applicant/builder may be required to open up, take down or remove any work that is carried out contrary to any approval/consent issued by the Principal Certifying Authority or other consent authority.**

*Reason: To ensure the work complies with the Act and Regulations and to*

*enable the Principal Certifying Authority to issue an Occupation Certificate.*

**42. DEMOLITION WORKS**

**All demolition works must be carried out in accordance with AS 2601 "Demolition of Structures".**

*Reason: To ensure the safety of persons engaged in or around the works and to ensure environmental safeguards are in place.*

**43. HOURS OF WORK**

**Any building work (which is audible in adjoining dwellings) must be carried out between 7.00am and 6.00pm Monday to Friday and 8.00am to 5.00pm Saturdays, but not on Sundays or public holidays.**

*Reason: To protect the amenity of the neighbourhood.*

**44. TEMPORARY CLOSET REQUIREMENTS**

**A temporary closet shall be provided on site from the commencement of building work. No inspections will be made until the closet is installed.**

**A temporary closet shall be:-**

- a) A chemical closet supplied by a contractor approved by Council.**

*Reason: To ensure that adequate sanitary provisions are provided and maintained on the building site for use by persons engaged in building activity.*

**45. CONTROL OF WASTE**

**Suitable provision for the containment of building waste materials generated by the building process, shall be provided within the boundaries of the building site prior to any construction work being commenced above natural or excavated ground level, as follows:-**

- a) Such containment measures are to be either by means of a screened area of silt stop fabric or shade cloth, having dimensions of 1.8 x 1.8 x 1.2 metre high area OR equivalent size waste disposal bin.**
- b) The provision of a suitable enclosure or bin shall be maintained for the term of the construction to the completion of the project.**
- c) The enclosure or bin shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.**
- d) Building waste shall be disposed of at an approved waste disposal or recycling facility. Building waste shall not be disposed of by burning on site.**

**Council Policy**

*Reason: To protect the amenity of the adjoining area by the management of building waste materials within the building site to maintain a clean environment and promote safety on site.*

**46. WASTE MATERIAL FROM DEMOLITION WORKS**

**The applicant must ensure that all waste material generated from the work is adequately stored and is removed from the site during demolition and clean up works.**

**All waste materials must be removed to an approved waste disposal facility in accordance with the appropriate WorkCover requirements. In the case of asbestos, prior arrangements may need to be made with the operator of the facility.**

*Reason: To prevent any rubbish leaving the site which could reduce the amenity of the area.*

**47. REGISTERED SURVEYORS REPORT**

**The building is to be set out by a Registered Surveyor in the position approved by Council.**

*Reason: To ensure the building is being erected in the correct position on the allotment in accordance with the approved plans.*

**48. BUILDING MATERIALS**

**Throughout the course of building operations on the land, the applicant shall ensure that Council's footpath is kept clear of materials at all times to allow unimpeded access by pedestrians.**

**Building materials, plant and equipment (including water closets), are not to be placed on footpaths, roadways and public reserves without Council approval.**

*Reason: To ensure pedestrian and vehicular access is not restricted in public places.*

**49. RETAINING WALLS**

**Excavations or filling are to be adequately retained by Council approved retaining walls, or be battered to a slope of not steeper than 4 (horizontal) to 1 (vertical). Retaining walls that fit any of the following criteria require Development Consent from Council and Construction Certificate Approval from a Principal Certifying Authority:**

- a) Total height exceeding 600mm;**
- b) Within 1.25 metre of the centreline of the sewer main;**

c) Within any registered easement;

#### **Council Policy**

*Reason: To reduce the risk of environmental and/or building damage.*

### **50. COMPLETION OF RETAINING WALLS/BATTERED BANKS**

**All retaining walls and/or battered banks together with their associated drainage shown on the plans or required by conditions of consent shall be constructed prior to the occupation of the building.**

*Reason: To ensure adequate provision is made to retain and drain soil.*

### **51. ENERGY EFFICIENCY – CLASS 5, 6, 7, 8 AND 9 BUILDINGS**

**The proposed building(s) must be constructed in accordance with the current requirements for efficient energy use. The Principal Certifying Authority (PCA) is to be satisfied that the proposed building(s) will comply with Section J of the Building Code of Australia (BCA).**

*Reason: To reduce greenhouse gas emissions by the efficient use of energy.*

### **52. NEW PLUMBING AND DRAINAGE WORK**

**All plumbing and drainage works shall be carried out by a licensed plumber in accordance with the provisions of the National Plumbing and Drainage Code AS 3500, and Singleton Council where applicable.**

*Reason: To ensure that all plumbing and drainage works comply with the relevant standards.*

### **53. SANITARY DRAINAGE**

**A work as executed sanitary drainage plan, drawn to scale, indicating the layout of all internal fixture points, external fixtures such as yard gullies and educt vents and connection point to Council's sewer main must be submitted to Council. It is preferable that this plan be made available at the time of the inspection to Council's field staff however in any event must be submitted with the Occupation Certificate.**

*Reason: To ensure that an accurate record is kept of all sanitary drainage work.*

### **54. MAINTENANCE OF EQUIPMENT**

**Any equipment that may promote the growth of micro organisms likely to cause Legionnaires disease shall be MAINTAINED in accordance with the provisions of the Public Health Act, 1991 and Regulations. The installer of the equipment must provide the building owner and/or occupier with an operation and maintenance manual and such manual is required to be**

**kept adjacent to the equipment and available 24 hours a day.**

*Reason: To ensure compliance with the Public Health Act & Regulations.*

**55. REGISTRATION OF EQUIPMENT**

**Any system requiring microbial control is to be registered with Council prior to an Occupation Certificate and use of the building.**

*Reason: To facilitate rapid retrieval of information in the event of an outbreak of Legionnaires' disease.*

**56. FIRE SAFETY MEASURES (GENERAL)**

**Prior to occupation of the building, the applicant shall submit to Council a Final Fire Safety Certificate in respect of each essential fire safety measures installed in the building indicating that:**

- i) the measure has been inspected and tested by a person (chosen by the owner of the building) who is competent to carry out such an inspection and test; and
- ii) the measure was or was not (as at the date on which it was inspected or tested) found to have been designed and installed, and to be capable of operating, to a standard not less than that required by or under the Environmental Planning and Assessment Regulation or by the Council.

**The building owner shall cause Council to be given a Fire Safety Statement every 12 months after the first Fire Safety Statement is supplied, certifying that the fire safety measures have been maintained in an operable condition.**

**The Fire Safety Statement shall be in a form approved by Council. One copy shall be displayed in a prominent position on the premises, one copy being submitted to Council and one copy to the NSW Fire Brigade.**

**Clauses 170, 171, 172, 173, 174, 175, 176 and 177, Environmental Planning & Assessment Regulation 2000**

*Reason: To ensure that each of the essential services is installed and is capable of operating to the appropriate standard.*

**57. COMPLIANCE WITH ACTS AND REGULATIONS**

**The premises including the construction and fit-out shall comply with the Food Act 2003, Food Regulation 2004, Food Standards Code and the Australian Standard 4674-2004 – Design, construction and fit-out of food premises.**

*Reason: To ensure the premises are designed, constructed and fitted out to comply with relevant health and hygiene standards.*

#### **58. GARBAGE AND RECYCLABLE MATERIALS**

**The premises shall have provisions for the storage of garbage and recyclable materials that are:**

- a) supplied with water hose cocks for proper cleaning of garbage receptacles or the provision of an alternative approved means for washing garbage receptacles,**
- b) the floor of the proposed garbage washing area is to be paved and coved with an impervious material that is graded and drained to a floor waste for the disposal of liquid wastes to the sewer,**
- c) constructed so rooms and receptacles are ventilated and vermin proof.**

*Reason: To ensure the premises are provided with the necessary service of waste disposal and storage in accordance with AS4674 -2004 and Food Safety Standards 3.2.3 (6).*

#### **59. CLEANERS SINK**

**Premises shall be provided with facilities for disposing of mop water and similar liquid waste. These facilities shall be:**

- a) A cleaners sink OR**
- b) Alternatively a hot and cold tap connection can be used in conjunction with a floor waste.**

**These are to be located outside areas where open food is handled and must be separate to any equipment or food related sinks.**

*Reason: To ensure the premises are provided with the necessary provisions of cleaning facilities to adequately clean in compliance with AS4674-2004 and Food Safety 3.2.3 (12,13).*

#### **60. COOLING AND/OR FREEZING CHAMBER**

**The refrigerated/cooling/freezing chamber, which is of sufficient size for a person to enter must have –**

- a) A door which is capable of being opened by hand from inside without a key; and**
- b) Internal lighting controlled only by a switch which is located adjacent to the entrance doorway inside the chamber; and**
- c) An indicator lamp positioned outside the chamber which is illuminated when the interior light is switched on; and**
- d) An alarm that is:**
  - i. Located outside but controllable only from within the chamber; and**
  - ii. Able to achieve a sound pressure level outside the chamber of 90dB(A) when measured 3m from the sounding device.**

**The door required by (a) above must have a doorway with a clear width of**

**not less than 600mm and a clear height of not less than 1.5m.**

*Reason: To ensure cooling and freezing chambers are constructed in compliance with the Building Code of Australia.*

## **61. WALLS – SOLID CONTRUCTION**

**Walls of the food premises including internal walls of the food preparation areas, kitchen sculleries, food displays, food servery's and food storage areas shall be of solid construction e.g. brick, concrete, concrete block, or other similar approved homogenous material. Walls which allow for voids or cavities are not permitted such as stud walls.**

*Reason: To ensure the premises are constructed for ease of cleaning, pest control and minimise contaminates in accordance with AS4674-2004 and Food Safety Standards 3.2.3 (11).*

## **62. TRAFFIC IMPACT ASSESSMENT**

**A traffic impact assessment report is to be prepared and submitted to Council six (6) months after commencement of operations and implement any recommended traffic remedial improvements at the applicant's cost.**

*Reason: To facilitate the implementation of any required traffic facility improvements considered to be necessary and/or desirable having regard to what becomes obvious after commencement of operations.*

**Conditions 63 & 64 were added by a previous consent 8.2008.532.2**

## **63. HOARDING AND FOOTPATH OCCUPATION**

**As the work involved in the erection/demolition of a building/buildings:**

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**
- b) involves the enclosure of a public place**

**a hoarding or fence must be erected between the work site and the public place.**

**The awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public space.**

**The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.**

**Approval for any footpath occupation must be gained from Council's Operations Division.**

**Any such hoarding, fence or awning is to be removed when the work has**

been completed.

*Reason: To assist in the promotion of safety in and around the site.*

#### **64. FIRE SAFETY UPGRADE**

**The existing bakery building shall be brought into partial conformity with the Building Code of Australia.**

**All aspects of the building design shall comply with the applicable performance requirements of Section C (Fire Resistance), Section D (Access and Egress) and Section E (Fire Services) of the Building Code of Australia.**

**The Construction Certificate plans and specifications are to be submitted pursuant to Clause 139 of the Environmental Planning and Assessment Regulation 2000 and must detail building upgrade works required by this condition.**

**The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the building to bring it into compliance with the provisions described above.**

**The fire safety upgrade works referred to in this condition must be completed prior to the issue of any Occupation Certificate for the development approved under DA532/2008 (SA70/2008).**

**Note: The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition.**

*Reason: To ensure adequate measures are provided within the building to protect persons and facilitate their egress from the building.*

#### **65. ACOUSTIC VERTIFICATION REPORT**

Prior to commencement of use under this modification 8.2008.532.4, a suitably qualified acoustic consultant\* must prepare an acoustic verification report to the satisfaction of Council that confirms the following:

- (a) All recommendations contained in the DA acoustic report prepared by Muller Acoustic Consulting Pty Ltd dated 3 March 2023 reference MAC201215-02RP1 have been implemented, and
- (b) The project specific noise criteria established in the DA acoustic report and any other noise and vibration criteria specified in this consent are being complied with.

*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society.*

*(Reason: To protect residential amenity)*

**66. Compliance with Acoustic Report – Ongoing Use**

All recommendations contained in the DA acoustic report prepared by Muller Acoustic Consulting Pty Ltd dated 3 March 2023 reference MAC201215-02RP1 relating to use and/or management of the site must be implemented and complied with at all times and for the life of the development.

*(Reason: to ensure acoustic impacts of the development are controlled.)*

**Advice to Applicant:**

- 1** Please advise all subcontractors of conditions of approval.
- 2** Your plans and specifications have been endorsed and are enclosed together with information from other authorities that may relate to the proposed works.
- 3** The applicant is advised that assessment and approval of this application by Council does not guarantee that the building will comply with the provisions of the *Disability Discrimination Act 1993*. The applicant should ensure that investigations are carried out to determine liability under this Act.

The application to build is assessed in accordance with the relevant building laws and it remains the responsibility of the builder/applicant to ensure compliance with other laws, including anti-discrimination legislation.

*Australian standards 1428 Parts 1, 2, 3, 4, Design for Access and Mobility is a comprehensive guide on disability access.*

**CARRIED**

*Upon being put to the meeting, the motion was declared carried.  
For the Motion were Crs S Moore, G Adamthwaite, T McNamara, V Scott, D Thompson, S George, T Jarrett, M McLachlan and S Johnstone Total (9).  
Against the Motion was Nil Total (0).*

**DI&P42/23 Draft Asset Management Policy****FILE:20/00363/009**

A report was provided with an overview of the recommended changes to POL/9006.5 Asset Management Policy which were made as a result of the recent review.

99/23 **MOVED** Cr Adamthwaite **SECONDED** Cr McLachlan that Council:

1. Adopt draft POL/9006.5 Asset Management Policy with an updated review period of four (4) years.
2. Rescind POL/9006.4 Asset Management Policy.

**CARRIED****DI&P43/23 Council Determination - 8.2023.256.1 Carport - Lot 503****DP 837313 - 12 Robinson Way SINGLETON HEIGHTSFILE:8.2023.256/0**

This item was considered earlier in the meeting.

**DI&P45/23 8.2023.33.1 - Multi-Dwelling Housing - 29 Bishopgate****Street, Singleton****FILE:8.2023.33/06**

This item was considered earlier in the meeting.

**DI&P46/23 Draft Biodiversity Conservation Policy****FILE:23/00186/003**

A report was provided with an overview of the recommended changes to the Singleton Council Biodiversity Conservation Policy which were made as a result of the recent review.

100/23 **MOVED** Cr Thompson **SECONDED** Cr Adamthwaite that Council:

1. Adopt draft POL/10068.2 Biodiversity Conservation Policy with an updated review period of four (4) years.
2. Rescind POL/10068.1 Biodiversity Conservation Policy.

**CARRIED**

*General Manager's Report (Items for Information)***GM27/23 Minutes - Arts Upper Hunter - 27/04/2023****FILE:23/00008**

Arts Upper Hunter held their General Board meeting on 27 April 2023. The minutes of the meeting were provided for Council's information.

**NOTED****GM28/23 Minutes - Singleton Combined Rural Halls Committee - 20/07/2023****FILE:01/0301**

The Singleton Combined Rural Halls Committee held their Annual General Meeting on 20 July 2023. The minutes of the meeting were provided for Council's information.

**NOTED***Corporate and Commercial Services Report (Items for Information)***DCCS26/23 Investment Report - July 2023****FILE:23/00420**

In accordance with clause 212 of the *Local Government (General) Regulation, 2021* a report was provided advising of funds invested under section 625 of the *Local Government Act, 1993* as at 31 July 2023.

**NOTED***Organisation and Community Capacity Report (Items for Information)***DOCC22/23 Minutes - Audit Risk and Improvement Committee - 17/05/2023****FILE:22/00516/002**

The Audit Risk and Improvement Committee held its ordinary meeting on 17 May 2023. The minutes of the meeting were provided for Council's information.

**NOTED***Infrastructure & Planning Report (Items for Information)***DI&P48/23 Minutes - Singleton Heritage Advisory Committee - 14/07/2023****FILE:20/00035**

The Singleton Heritage Advisory Committee held its ordinary meeting on 14 July 2023. The minutes of the meeting were provided for Council's information.

**NOTED**

**Questions Given****QG6/23 Questions of Which Notice Has Been Given****FILE:21/00172**

Responses were provided to the following Councillor questions from the 18 July 2023 Council Meeting:

1. Cr Hollee Jenkins – Caledonian Hotel Flag.

**NOTED**

101/23 **MOVED** Cr McLachlan **SECONDED** Cr Scott that Council **MOVE** to Closed Council (Confidential Section of Ordinary Meeting – Closed to the Public) at 6.19PM.

**CARRIED****OPEN COUNCIL RESUMED AT 6.25PM.****CC20/23 T2022.006 - Putty Valley Road - CH9.755 to CH12.25 FILE:T2022.006**

It was **RECOMMENDED** that Council award the tender for T2022.006 - Putty Valley Road - CH9.755 to CH12.25 to KCE Pty Ltd for the total sum of \$2,030,000 excluding GST.

102/23 **MOVED** Cr George **SECONDED** Cr McNamara that the recommendations of Closed Council be adopted.

**CARRIED**

**The meeting closed at 6.26pm and the minutes pages 1 to 46 were confirmed on 29 August 2023 and are a full and accurate record of proceedings of the meeting held on 15 August 2023.**

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Mayor/Chairperson

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General Manager