

DEVELOPMENT ASSESSMENT REPORT – DA300/18 – SUBDIVISION 1 LOT INTO 2 – LOT 42 DP 751636 – SOLID WASTE LANDFILL DEPOT CASTLEREAGH HIGHWAY BLACKMANS FLAT NSW 2790

1. PROPOSAL

Council is in receipt of a Development Application (DA300/18) from J Maynard Centennial Springvale C/- CEH Survey for a subdivision of 1 lot into 2 on land known as Lot 42 DP 751636, Solid Waste Landfill Depot Castlereagh Highway Blackmans Flat NSW 2790.

Lot 42 DP 751636 (approximately 27.42 ha) currently contains land used in association with the Springvale Coal Mine and Development Consent has been granted for a future Solid Waste Landfill (388/05DA). The land is partially vegetated, retains a downslope of approximately 11% towards the east and is entirely landlocked with no existing legal access (see Figure 1).

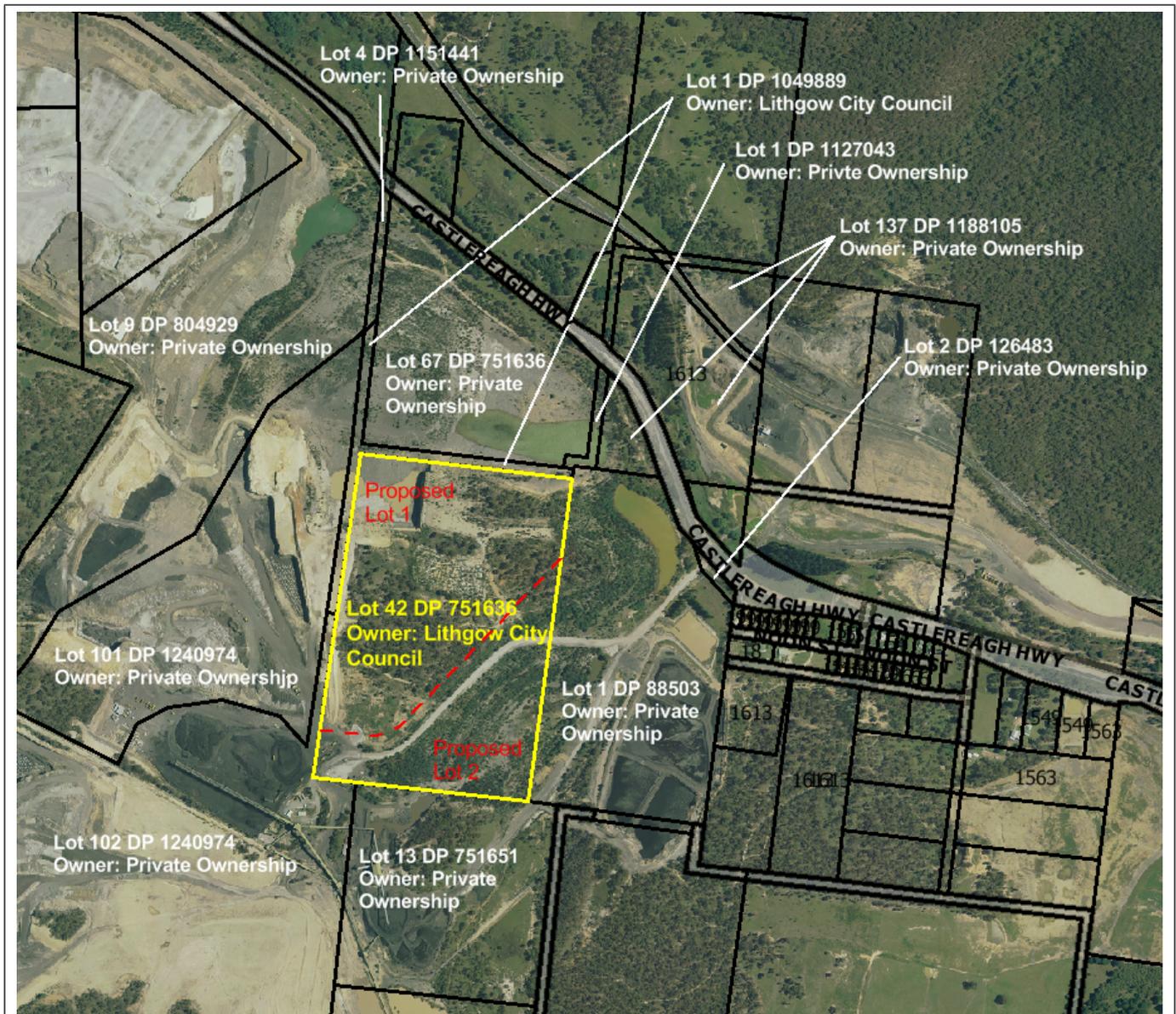


Figure 1 – Surrounding Area and Ownerships – Lot 42 DP 751636 Landlocked

The proposed development intends to subdivide the land into two separate lots (see Figure 2) to facilitate easier land management of the two previously approved land uses, as described below:

Proposed Lot	Description
Lot 1 (approximately 16.9 hectares).	To contain the future Blackmans Flat Solid Waste Landfill Depot (approved under 388/05DA). Access to the site will be provided via a Right of Carriageway (ROW) over proposed Lot 2 and a Licence Agreement (between current landowners) from Castlereagh Highway over the existing private road located on adjoining Lot 2 DP 126483 and Lot 1 DP 88503.
Lot 2 (approximately 10.3 hectares).	To contain a coal handling area associated with Springvale Coal Mine. Access to the site will be provided via a Licence Agreement (between current landowners) from Castlereagh Highway over the existing private road located on adjoining Lot 2 DP 126483 and Lot 1 DP 88503.

The proposed subdivision will not change the pre-existing access issues associated with the site being landlocked (see Figure 1).

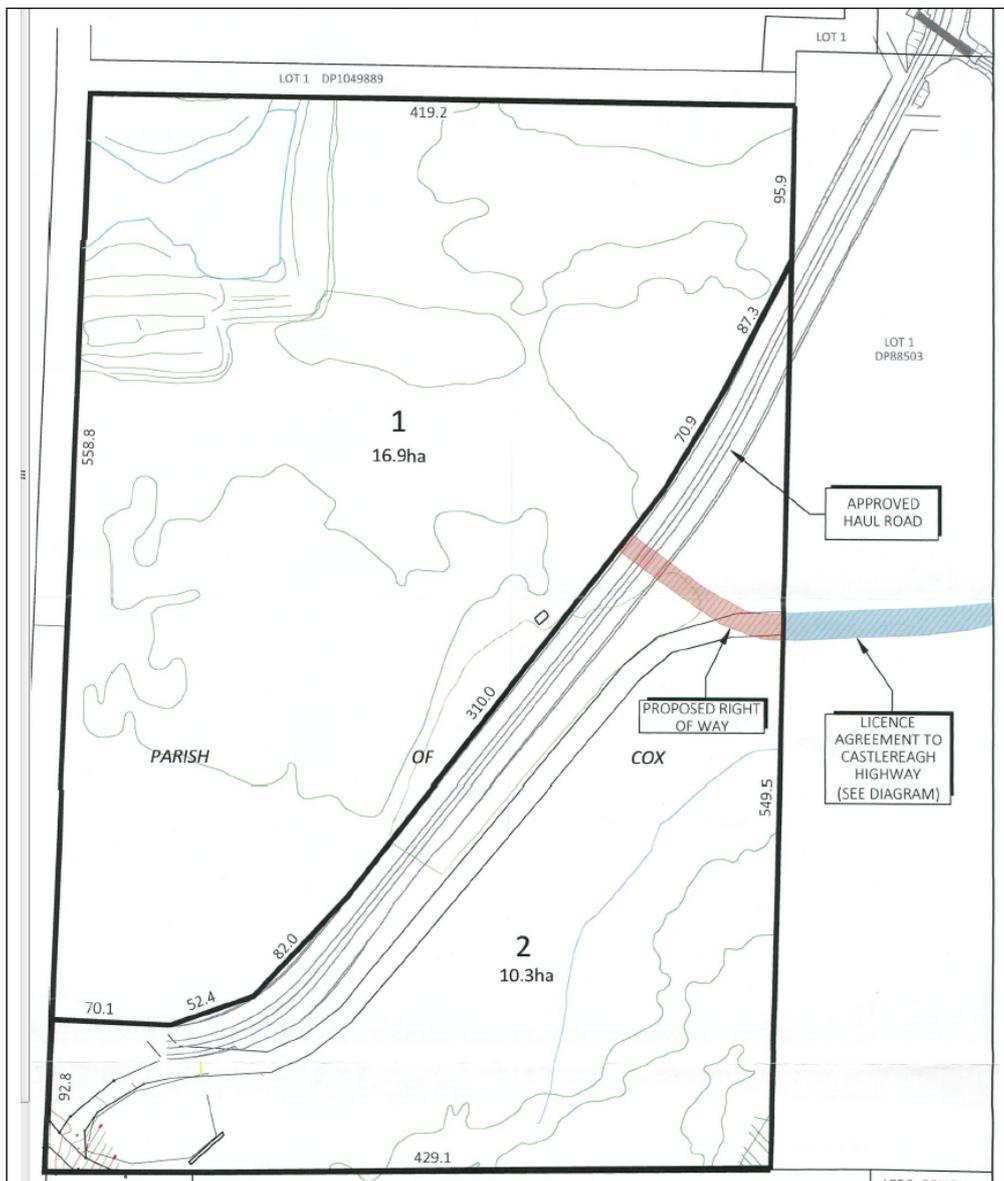


Figure 1 – Plan of Proposed Subdivision – Lot 42 DP 751636

Past Applications:

The following Development Applications have previously been considered in relation to Lot 42 DP 751636:

Application No.	Description	Determination	Date of Determination	Consent Authority	Consent Valid
388/05DA	Solid Waste Landfill	Approved	4 December 2006	Lithgow City Council	Yes.
017/11DA	Mixing Plant – Coal Washery Reject and Fly Ash	Approved	20 June 2011	Lithgow City Council	Unknown.
SSD-5579	Western Coal Services (Including Haul Road and Offset Rehabilitation)	Approved	4 April 2014	NSW Planning Assessment Commission (PAC)	Yes.
SSD-5579 (Mod 1)	Area over Lot 42 DP 751636)	Approved	19 June 2017	NSW PAC	
SSD-5579 (Mod 2)		Approved	15 December 2017	NSW Department of Planning & Environment	

2. SUMMARY

To assess DA300/18 with recommendation for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 42 DP 751636
Property Address : Solid Waste Landfill Depot Castlereagh Highway BLACKMANS FLAT NSW 2790

4. ZONING: The land is zoned SP2 Infrastructure (Purpose – Waste or Resource Management Facility) in accordance with Council's current planning instrument, being *Lithgow Local Environmental Plan (LEP) 2014*.

5. PERMISSIBILITY: The proposed development is permitted with consent on land zoned SP2 Infrastructure (Purpose – Waste or Resource Management Facility) under LEP 2014, as the primary purpose of the subdivision is to facilitate easier land management of the previously approved Blackmans Flat Solid Waste Landfill Depot (388/05DA) on Lot 1 and subsequently, the previously approved Springvale Coal Mine (SSD-5579) on Lot 2.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Policy 4.8 Consultation with Indigenous People

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken upon lodgement of the Development Application, which identified that there are twenty-two (22) Aboriginal sites recorded in or near 1000 metres of Lot 42 DP 751636 (with six (6) sites located within 200 metres of the land). Accordingly, it

was considered that the development may give rise to the operation of Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) and the application was referred to the following local Aboriginal communities, in accordance with Section 6.3 of Council Policy 4.8.

- MINGAAN Aboriginal Corporation
- Bathurst Aboriginal Land Council

No written submissions were received from any Aboriginal groups and further assessment (as addressed under Sections 5.3.1 and 5.3.6 of this report) identified that due to previous Development Consents issued in relation to the land, the subdivision does not give rise to Part 6 of the NPW Act.

Policy 7.2 Subdivision – Release Of Subdivision Plans

The subdivision (if approved) will not be released by Council until such a time that all conditions of consent have been satisfied (as applicable). It will be conditioned that any necessary works be completed prior to the release of a Subdivision Certificate.

Policy 7.5 Notification Of Development Applications

The proposed development is not exempt from requiring neighbour notification under Section 2 of Council Policy 7.5. Therefore, the development was required to be notified to surrounding landowners and placed on public display for a period of 14 days, during which time no submissions were received.

Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land

Council Policy 7.6 is applicable to the proposed development as it is to be located on land owned by Lithgow City Council. In accordance with Clause 1 of Policy 7.6, the application is required to be referred to the Ordinary Meeting of Council for determination.

5.2 FINANCIAL IMPLICATIONS (e.g. Section 94)

Section 94A (Section 7.12) Development Contributions Plan 2015

Council's Section 94A Development Contributions Plan 2015 is applicable to all land within the Lithgow LGA and the following levies are used to calculate the contribution:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

Given that the development involves the subdivision of only one lot into two, the estimated cost of subdivision works (including the costs of or incidental to preparing, executing and registering subdivision plans and any related covenants or easements) is not expected to be greater than \$100,000. Therefore, no development contribution is required to be paid for the subdivision of land.

5.3 LEGAL IMPLICATIONS

Biodiversity Conservation Act 2016

No vegetation clearing has been proposed as part of this Development Application and access to Lot 1 will be provided over a previously constructed access way (see Figure

3). Therefore, the development is not likely to significantly affect threatened species under Section 7.2 of the *Biodiversity Conservation Act 2016*.



Figure 3 – Access to Proposed Lot 1 Previously Constructed – No Additional Clearing Required

Roads Act 1993

Access to the development is proposed via Castlereagh Highway which is owned and controlled by the NSW Roads and Maritime Services (RMS). Accordingly, the application was referred to the NSW RMS for assessment, from which no objections were raised. Accordingly, the development is considered to be consistent with the requirements of this Act.

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow Local Environmental Plan 2014

LEP 2014 – Compliance Check		
Clause		Compliance
Land Use table	SP2 Infrastructure	Yes.
5.10	Heritage conservation	Yes. Advisory notes to be

		placed on consent.
7.4	Terrestrial biodiversity	Yes.
7.5	Groundwater vulnerability	Yes.
7.7	Sensitive lands	Yes.
7.8	Development within a designated buffer area	Yes.
7.10	Essential Services	Yes, subject to conditions.

Land Use Table: The proposed development is permitted with consent on land zoned SP2 Infrastructure (Purpose – Waste or Resource Management Facility) under LEP 2014, as the primary purpose of the subdivision is to facilitate easier land management of the previously approved Blackmans Flat Solid Waste Landfill Depot (388/05DA) on Lot 1 and subsequently, the previously approved Springvale Coal Mine (SSD-5579) on Lot 2.

Clause 5.10 Heritage: The land is not identified as a Local or State Heritage Item and is not located within any Heritage Conservation Area. However, an AHIMS search was undertaken, which identified that there are twenty-two (22) Aboriginal sites recorded in or near 1000 metres of Lot 42 DP 751636 (with six (6) sites located within 200 metres of the land). A Cultural Heritage Assessment (prepared by RPS Australia East Pty Ltd, dated 25 June 2013) was carried out as part of the previously approved State Significant Development Application for the Springvale Coal Mine (Western Coal Services, SSD-5579) which identified that there are no Aboriginal sites or places located within close proximity of Lot 42 DP 751636 (see Figure 4). Access to Lots 1 and 2 has previously been constructed and any additional upgrade works are not likely to impact or disturb any Aboriginal heritage sites/objects. The following advisory notes will also be implemented on the consent to ensure that any Aboriginal objects uncovered during works are carefully managed:

1. All Aboriginal objects and Places are protected under the *NSW National Parks and Wildlife Act 1974*. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the NSW Office of Environment and Heritage (OEH). Should any Aboriginal objects be encountered during any construction and/or operational works associated with the development, all works must cease onsite and the find must not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the NSW Office of Environment and Heritage and Aboriginal stakeholders.
2. Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:
 - a) Immediately cease all work at that location and not further move or disturb the remains.
 - b) Notify the NSW Police and NSW Office of Environment and Heritage's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location.
 - c) Not recommence work at that location unless authorised in writing by NSW Office of Environment and Heritage.

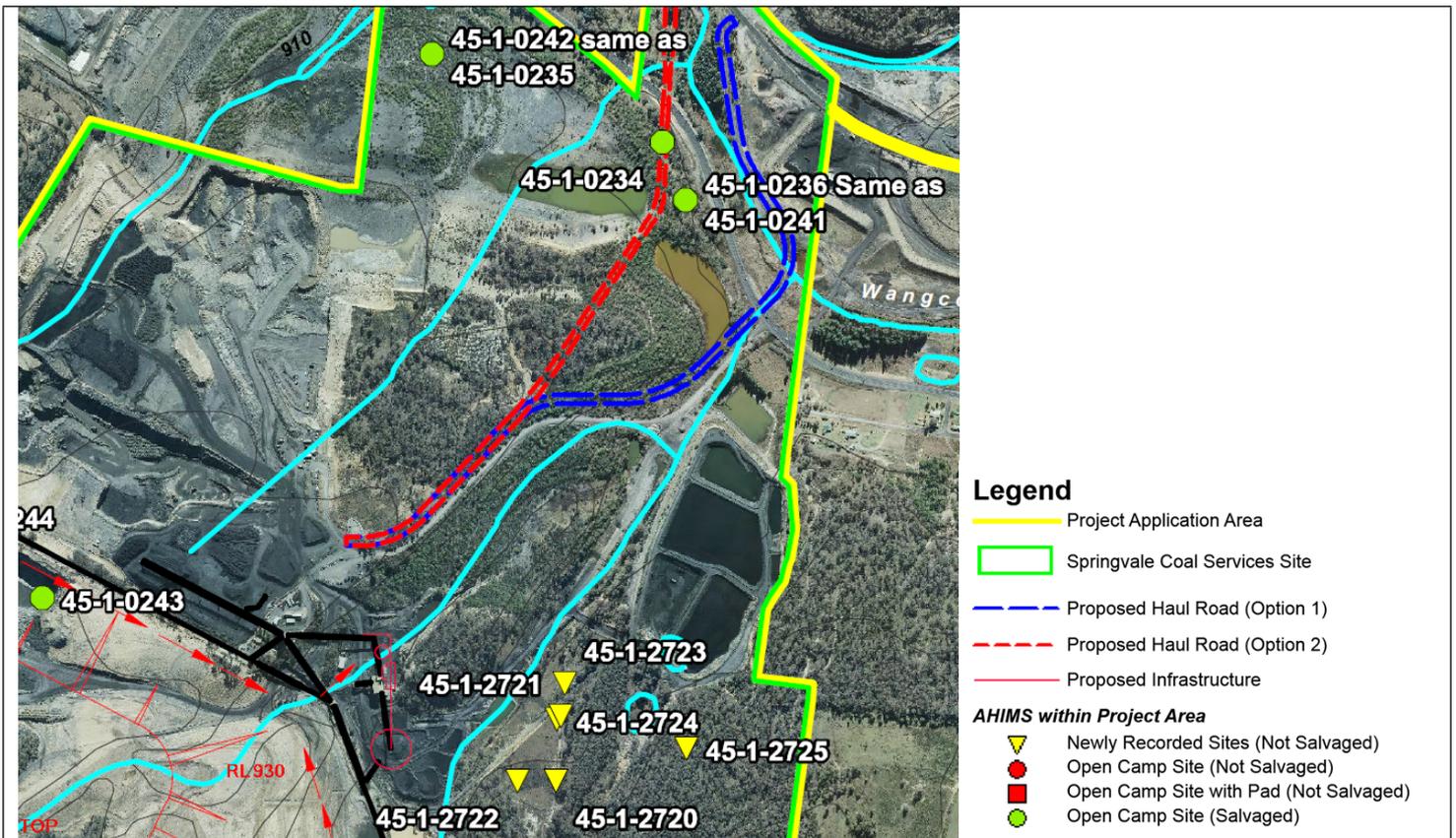


Figure 4 – Existing AHIMS Sites and Additional Sites Found During Field Survey – *Cultural Heritage Assessment* (prepared by RPS Australia East Pty Ltd, dated 25 June 2013) – State Significant Development (SSD) “Western Coal Services Project” (SSD-5579)

The Springvale Coal Mine is also subject to a Heritage Management Plan (Condition 32 of SSD-5579) and therefore, any identified sites are subject to appropriate management and mitigation. Additionally, in accordance with Clause 5.10(8) of LEP 2014, the application was notified to local Aboriginal communities in writing for a period of twenty-eight (28) days, during which time no submissions were received.

Clause 7.4 Biodiversity: The land is identified as “Biodiversity” on the Environmentally Sensitive Areas – Biodiversity Overlay Map which contains the following attributes:

Map Unit	State Wide	Overclear	Landscape	Biodiversity ID
37 Coxs Permian Red Stringybark - Brittle Gum Woodland	Southern Tableland Dry Sclerophyll Forest	<30% remaining	Capertee Plateau	High
33 Tableland Broad-leaved Peppermint - Brittle Gum - Red Stringybark Grassy Open Forest	Southern Tableland Dry Sclerophyll Forest	<30% remaining	Capertee Plateau	High

However, no additional clearing is required as part of this Development Application as access to Lot 1 will be provided over a previously constructed access way (see Figure 3). Therefore, the proposal is not expected to place any adverse impact on: the condition, ecological value and significance of the flora and fauna on the land; the importance of the vegetation on the land to the habitat and survival of native fauna;

the biodiversity structure, function and composition of the land; and the habitat elements providing connectivity on the land.

Clause 7.5 Groundwater Vulnerability: The land is also identified as “Groundwater Vulnerable” on the Environmentally Sensitive Areas – Water Overlay Map which contains the following attributes:

Type	Description
Groundwater vulnerability – Moderately high.	Developments with the potential for significant contamination of groundwater sources (such as intensive animal agriculture) would not be considered appropriate here.

The subdivision intends to separate the two approved land uses, including the future Blackmans Flat Solid Landfill Depot and the Springvale Coal Mine, onto two separate titles to facilitate easier land management. The application was referred to Council’s Building Officer from which no concerns were raised in regard to the wastewater management of proposed Lots 1 and 2 with consideration towards the previously approved land uses. The subdivision is not expected to result in any additional sources of groundwater contamination.

Clause 7.7 Sensitive Lands: Further, the land is identified as “Sensitive Land Areas” on the Environmentally Sensitive Areas – Land Overlay Map which contains the following attributes:

Description	Soil Loss
Severe to extreme sheet and rill erosion.	10 to 25 tonne/ha/yr
Severe to extreme sheet and rill erosion.	Greater than 25 tonne/ha/yr

No earthworks are required as part of this Development Application. Therefore, the proposed subdivision is not likely to place any adverse impact on the erosion potential of the land.

Clause 7.8 Development within a Designated Buffer Area: The land is identified as “Facilities Buffer Zone” on the Facilities Buffer Zone Map due to the approved waste management facility which is proposed to be located on Lot 1. The subdivision intends to separate the two approved land uses, being the future Blackmans Flat Solid Landfill Depot and the Springvale Coal Mine, onto two separate titles to facilitate easier land management. Accordingly, the subdivision is consistent with the purpose of the Facilities Buffer Zone and no land use conflicts will result from the proposal.

Clause 7.10 Essential Services: Clause 7.10 of LEP 2014 states the following in relation to the provision of essential services to the development:

7.10 Essential services

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

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

Any future development on proposed Lots 1 and 2 will need to be connected to an onsite water supply, onsite wastewater management system and onsite stormwater management system. The application was referred to Council's Building Officer for assessment, from which no concerns were raised in regard to the management of wastewater and stormwater within the new boundaries of proposed Lots 1 and 2, with consideration given towards the existing Development Consents. It is considered that connections to these services will be readily achievable when required.

As the land has previously been subject to Development Consents for coal mining operations and a solid landfill depot, it is not considered necessary as part of this subdivision to require that Lots 1 and 2 be connected to telecommunication and electricity services. However, electricity and telecommunication services are available within the surrounding area and will be available for any future development, when required.

Further, Lot 42 DP 751636 is entirely land-locked by surrounding land that is currently under separate ownership (see Figure 1). Development Consents have previously been granted for the Springvale Coal Mine (SSD-5579) and Blackmans Flat Solid Waste Landfill Depot (388/05DA) without legal access. The proposed subdivision intends only to separate the two previously approved land uses onto separate title to facilitate easier land management and therefore, the provision of legal access to proposed Lots 1 and 2 is **not** considered **essential** and the existing situation of a landlocked site, will not change.

However, it is worth noting that adequate arrangements for vehicular access to be made available when required, have been attempted. Lot 42 DP 751636 is subject to a Land Swap Agreement and Compensation Agreement between Lithgow City Council and Springvale SK Kores Pty Ltd & Centennial Springvale Pty Ltd (dated 8 November 2018) which was authorised at the Ordinary Meeting of Council held on 24 September 2018 (Minute No. 18-275). The following condition of consent will be implemented to ensure that the "Right of Carriageway" delineated on the proposed plan of subdivision is detailed on any Linen Plans:

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.

State Environmental Planning Policy 44 – Koala Habitat Protection

SEPP 44 is applicable to site given that it exceeds 1ha in size and is located within the Lithgow Local Government Area to which the SEPP applies. Part 2 of the SEPP requires Council to consider whether the land the subject of the application retains potential and subsequently core koala habitat.

Many of the trees listed within Schedule 2 of the SEPP are common within the Lithgow Local Government Area, however core koala habitat within this area is rare, with only 12 koala sightings ever reported on private land within the LGA.

Comment: Given that no trees are to be removed as part of the development, and the section of the subject site relevant to the application is devoid of native vegetation it is considered unnecessary to proceed further with SEPP 44 assessment.

State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 – Compliance Check		
Clause		Compliance
7	Contamination and remediation to be considered in determining development application	Yes.
17	Guidelines and notices: all remediation work	NA.

Comment: Development Consent has previously been granted for a future Blackmans Flat Solid Landfill Depot and the existing Springvale mining operations on the land. Accordingly, the site is likely to be contaminated from current and past mining activities. However, the proposed subdivision intends to separate the two approved land uses onto two separate titles to facilitate easier land management and is not intended for a more sensitive land use (such as residential, educational, recreational etc.). Therefore, in accordance with Clause 7(1) of SEPP 55, it is considered that the land will be suitable in its contaminated state for the purpose for which the development is proposed to be carried out. No contamination reports are required to be prepared for the proposed development in accordance with Clauses 7(2), (3) and (4) of SEPP 55.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

SEPP (Mining, Petroleum Production and Extractive Industries) 2007		
Clause		Compliance
13	Compatibility of proposed development with mining petroleum production or extractive industry	Yes.

Comment: The land is located in the vicinity of Springvale Coal Mine. The subdivision intends to separate the two approved land uses, including the future Blackmans Flat Solid Landfill Depot and the Springvale Coal Mine, onto two separate titles to facilitate easier land management. Therefore, the proposal is not likely to have a significant impact on current or future extraction or recovery of materials and will be consistent with previously approved land uses. Accordingly, the development complies with the requirements of Clause 13 of SEPP 2007.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check		
Clause		Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes.
11	Development that needs concurrence of the Chief Executive	NA.

Comment: The application is required to be assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool as below. Given the development satisfies this assessment the development complies with the SEPP.

NorBE Assessment

General Information

DA number **DA300/18**
 Assessing officer **Fern-Alice Finn**
 Council **Lithgow City**
 Development class **Subdivision unsewered <=3 lots**
 Date of assessment **30/01/19**

Lot	Section	Plan
42		751636

Assessment Summary

NorBE status	Approved	User outcome	Satisfied
System outcome	Satisfied		
SCA concurrence outcome		Determination date	--
Determination outcome	Pending		

Pre-Assessment

Located within Sydney drinking water catchment?	Yes
Is development consistent with any existing SCA S88 instruments on title?	N/A
Crown perpetual leasehold land?	No
Water quality impact ?	No
Concentration of flow of water?	No
Flow of water impeded?	No
Discharge of pollutants?	No
Any other matter?	No
Documentation is complete?	Yes
Does Water Cycle Management Study meet SCA/Council requirements?	Yes

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

Nil.

5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?

Nil.

5.3.5 Any matters prescribed by the regulations that apply to the land

The development has been forwarded to Council's Building Officer for assessment under appropriate regulations. It is considered that as a result of this assessment the development will comply with the provisions of the regulations subject to conditions of consent.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Adjoining Landuse: The surrounding area is generally for industrial and infrastructure pursuits with the proposal to be consistent with the surrounding land uses. The proposal will not cause any land use conflicts and the development is permissible within the zone.

Services: Any future development on proposed Lots 1 and 2 will have connections to an onsite water supply and onsite wastewater management systems. Additionally, there is access to electricity and telecommunication services nearby. Therefore, it is considered that any future development on Lots 1 and 2 will be adequately serviced, when required.

Flora and Fauna: No proposed clearing is required and the development will have no impact on flora or fauna.

Context and Setting: The proposed development will be located within an established industrial and infrastructure area and will have no major impact on the context and setting. The development has been designed to complement existing features of similar development in the area.

Access/ traffic: Lot 42 DP 751636 is entirely land-locked by surrounding land which is currently under separate ownership. As the proposed subdivision intends only to separate two previously approved land uses onto separate titles, the provision of legal access to proposed Lots 1 and 2 is not considered essential. However, it is worth noting that arrangements for vehicular access have been attempted. Lot 42 DP 751636 is subject to a Land Swap Agreement and Compensation Agreement between Lithgow City Council and Springvale SK Kores Pty Ltd & Centennial Springvale Pty Ltd.

Heritage: The land is not identified as a Local or State Heritage Item and is not located within any Heritage Conservation Area. However, an AHIMS search was undertaken, which identified that there are twenty-two (22) Aboriginal sites recorded in or near 1000 metres of Lot 42 DP 751636 (with six (6) sites located within 200 metres of the land). A Cultural Heritage Assessment (prepared by RPS Australia East Pty Ltd, dated 25 June 2013) was carried out as part of the previously approved State Significant Development Application for the Springvale Coal Mine (Western Coal Services, SSD-5579) which identified that there are no Aboriginal sites or places located within close proximity of Lot 42 DP 751636 (see Figure 4). Access to Lots 1 and 2 has previously been constructed and any additional upgrade works are not likely to impact or disturb any Aboriginal heritage sites/objects. Advisory notes will be implemented on the consent to ensure that any Aboriginal objects uncovered during works are carefully managed.

Social and Economic Impact: As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected to have minimal social and economic impact.

Soils: The proposed development will have no significant impact on soils. Development Consent has previously been granted for a future Blackmans Flat Solid Landfill Depot and the existing Springvale mining operations on the land. Accordingly, the site is likely to be contaminated from current and past mining activities. However, the proposed subdivision intends to separate the two approved land uses onto two separate titles to facilitate easier land management and is not intended for a more sensitive land use. Therefore, it is considered that the land will be suitable in its contaminated state for the purpose for which the development is proposed to be carried out.

Water: The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied. Therefore, the development will have minimal impact on water.

Air and Microclimate: No works are required as part of this application and therefore, there will be no significant impact on air or microclimate.

Waste: No works are required as part of this application and therefore, no construction or operational waste will be produced from the subdivision.

Natural Hazards: The land is not identified as bushfire or flood prone. There are no other known natural hazards which may impact the proposal.

Noise and Vibration: The proposed subdivision intends to separate the previously approved Solid Waste Landfill Depot and Springvale Coal Mine onto two separate lots to facilitate easier land management. No noise or vibration conflicts are expected to occur as a result of the subdivision.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for industrial and infrastructure pursuits with the size and nature of the development to be consistent with those in the surrounding area and the previously approved land uses. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding amenity. Therefore, the site is considered to be suitable for the proposed development.

5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to NSW Roads and Maritime Services, Council's Building Officer and Engineering Officer for commenting with recommendations detailed below. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with no submissions received.

NSW ROADS AND MARITIME SERVICES

Thank you for your letter dated 20 December 2018 referring DA300/18 to Roads and Maritime Services for comment.

I note the proposal involves subdividing an existing allotment of land into two new allotments. Vehicular access to each lot will be via a Right of Carriageway (ROW) to an existing access from the Castlereagh Highway. The purpose of the subdivision is to accommodate a future municipal waste depot. The waste depot proposal will be the subject of a future development application.

Roads and Maritime does not object to the proposed subdivision. In not objecting, Roads and Maritime advises that the future waste depot development will likely warrant an upgrade to the existing vehicular access from Castlereagh Highway.

Please forward a copy of Council's determination of DA300/18 to Roads and Maritime at the same it is sent to the proponent. If you wish to discuss this matter further, please contact Andrew McIntyre, Manager Land Use Assessment, on 02 6861 1453.

Planning comment: No objections were raised by the NSW Roads and Maritime Services in regard to the proposed development. Development Consent (388/05DA) was granted by Council on 4 December 2006 for the development of a Waste Facility on Lot 42 DP 751636 and Lot 1 DP 1049889. Conditions of consent were implemented at that time to ensure that access to the Waste Facility is suitably constructed in accordance with the requirements of the NSW Roads and Maritime Services (previously Roads and Traffic Authority (RTA)).

COUNCIL'S BUILDING OFFICER

Reference is made to the abovementioned Development Application, previous Development Applications and site inspection carried out on 5 February 2019.

The proposed subdivision involves the subdivision of Lot 42 into 2 lots. The new boundary will follow the existing road creating a smaller lot 2 to south east and remaining lot 1 to the northwest. Lot 1 will contain the proposed solid waste landfill depot and mixing plant previously approved under DA's 388/05 and DA017/11 respectively. It is considered that the proposed building developments associated with these applications will be located within the confines of the new boundary.

It is recommended that the various government departments etc. that were notified, provided assessment, conditions and licences under DA's 388/05 and 017/11 be notified regarding the proposed subdivision of lot 42 DP 751636.

No objections are raised to the proposed subdivision.

Planning comment: No objections were raised from Council's Building Officer in relation to the proposed development. Additionally, Council's Director of Economic Development and Environment confirmed that the proposed subdivision will not impact on any previous State Significant Development Consents, Mining Approvals or Environmental Protection Licenses associated with the land, to the extent that any relevant Authority needs to be notified of the application.

COUNCIL'S ENGINEERING OFFICER

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Planning comment: No comments were received from Council's Engineering Officers. However, access to the lots will be provided via a previously constructed access way.

5.3.9 The public interest

There have been no issues raised from the public regarding planning issues.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA300/18 is approved subject to conditions set out in Schedule A.

Report prepared by:

Supervisor:

Signed:.....

Signed:.....

Dated:.....

Dated:.....

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. That a Subdivision Certificate Application, release fee, Registered Surveyors Plans (original & 11 copies) along with associated 88B instrument if applicable, be submitted to Council for finalisation following the compliance with all conditions of this consent.

PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE

Property Addressing

3. The applicant must apply to Council in writing prior to the lodgment of any Subdivision Certificate Application, to request new property addresses for approved Lots 1 and 2.

ADVISORY NOTES

Aboriginal Heritage Conservation

- AN1. All Aboriginal objects and Places are protected under the *NSW National Parks and Wildlife Act 1974*. It is an offence to knowingly disturb an Aboriginal site without a consent permit issued by the NSW Office of Environment and Heritage (OEH). Should any Aboriginal objects be encountered during any construction and/or operational works associated with the development, all works must cease onsite and the find must not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying the NSW Office of Environment and Heritage and Aboriginal stakeholders.
- AN2. Aboriginal ancestral remains may be found in a variety of landscapes in NSW, including middens and sandy or soft sedimentary soils. If any suspected human remains are discovered during any activity you must:
 - a) Immediately cease all work at that location and not further move or disturb the remains.
 - b) Notify the NSW Police and NSW Office of Environment and Heritage's Environmental Line on 131 555 as soon as practicable and provide details of the remains and their location.
 - c) Not recommence work at that location unless authorised in writing by NSW Office of Environment and Heritage.