

**NOTICE TO APPLICANT OF DETERMINATION
OF A DEVELOPMENT APPLICATION**

To Lin Armstrong
Stevens Group
PO Box 3171
ERINA NSW 2250

being the applicant in respect of **Development Application No 2010/0286**.

Pursuant to section 81(1)(a) of the Environmental Planning and Assessment Act 1979, as amended, notice is hereby given of the determination by Council of Development Application No 2010/0286, relating to the land described as follows:

LOTS 4 & 5, DP 838537, PAT O'LEARY DRIVE, KELSO

The Development Application has been determined by GRANTING consent to the following development:

- 1. 5 LOT SUBDIVISION**
- 2. DEMOLITION OF EXISTING BUILDINGS (PLANT HIRE PREMISES & DERELICT BUILDING)**
- 3. REMEDIATION OF LAND**
- 4. CONSTRUCTION OF SERVICE STATION**
- 5. CONSTRUCTION OF MCDONALDS RESTAURANT**
- 6. CONSTRUCTION OF KENTUCKY FRIED CHICKEN RESTAURANT**
- 7. CONSTRUCTION OF BULKY GOODS RETAIL BUILDINGS (A, B, C & D)**
- 8. UPGRADE & REHABILITATION OF RAGLAN CREEK**
- 9. ROADWORKS ASSOCIATED WITH THE INTERSECTION OF GREAT WESTERN HIGHWAY AND PAT O'LEARY DRIVE**

Building Code of Australia building classification 6 & 10b.

IMPORTANT NOTICE TO APPLICANT

If this consent relates to a subdivision or to the erection of a building, one of the conditions listed below will require you to obtain a construction certificate prior to carrying out any work. **YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE**, even if you made an application for a construction certificate at the same time as you lodged this development application. Due to changes in the law relating to planning and building approvals, Council is unable to issue the construction certificate with the development consent. If there are no conditions in this development consent which need to be met before Council issues the construction certificate, and if your plans comply fully with the Building Code of Australia, the construction certificate will be forwarded to you shortly.

This consent is issued subject to the following conditions and reasons:

GENERAL

1. **The development shall be undertaken in accordance with the approved plans outlined below unless expressly modified by a condition of development consent.**

Drawing No	Revision	Name of Plan	Date
09159/DA/A/01	D	Staging and subdivision	16/2/10
09159/DA/A/02	G	Site plan – layout	17/2/10
09159/DA/A/03	C	Boundary elevations and sections	16/2/10
09159/DA/A/04	A	KFC store plan and elevations and McDonalds store plan and elevations	27/10/09
09159/DA/A/05	C	Bulky retail – Building A	16/2/10
09159/DA/A/06	B	Bulky retail – Building B	21/1/10
09159/DA/A/07	B	Bulky retail – Building C	21/1/10
09159/DA/A/08	B	Service Station	21/1/10
09159/DA/A/09	B	Stage 1 – Truck swept paths	18/2/10
09159/DA/A/10	B	Site layout – Truck swept paths	18/2/10
LD01	B	Vegetation Concept Plan	28/1/10
LD02	B	Landscape details	28/1/10
LD01	C	Landscape Concept Plan	18/2/10
LD03	D	Creekline Sections	23/2/10
PA01	B	Proposed subdivision of Lots 4 & 5 in DP 838537	19/2/10

2. **The development is to be carried out in accordance with the General Terms of Approval outlined by the NSW Office of Water (Reference 80 ERM2009/1190) as outlined below. It is noted that the following amendments to the submitted plans will be required:**
 - (i) **The proposed “dispersed overland flow” of water discharging from the settling basin and from the south western diversion channel does not provide a suitably controlled flow and presents risk of erosion of the channel bank. The use of level spreaders in this case is not considered acceptable given the discharge of water to Raglan Creek. Alternatively, the Department would consider a piped outlet more appropriate, incorporating geotextile and rip-rap bed prior to discharge into the creek (similar to the proposed outlet structure for the main overflow from diversion channel).**
 - (ii) **The proposed hand removal of some weeds as outlined in the Vegetation Management Plan will be considered acceptable subject to the areas being stabilised by the end of each day.**
 - (iii) **Sediment fencing must be installed on the high bank of the creek and the lowest edge of the regeneration areas prior to weeding to ensure displaced topsoil and weed fragments are not washed into the creek during rainfall events.**
 - (iv) **Sediment fencing must be maintained until the site is fully stabilised.**

- (v) **The proponent will be required to prepare an Erosion and Sediment Control Plan with the Controlled Activity Application. The ESCP is to be prepared in accordance with the Landcom (2004) Soils and Construction, Volume (4th Edition).**

Number	Condition
Plans, standards & guidelines	
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2010/0286 and provided by Council: (i) Site plan, map and/or surveys, (ii) Structural design and specifications, (iii) Vegetation Management Plan, (iv) Erosion and Sediment Control Plan. Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.
3	The consent holder must prepare or commission the preparation of: (i) Amendments to Plans – Vegetation Management Plan, Erosion and Sediment Control Plan and Stormwater Discharge Design.
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water guidelines located at: www.dwe.nsw.gov.au/water_trade/rights_controlled.shtml (i) Vegetation Management Plans, (ii) Riparian Corridors, (iii) Outlet structures.
5	The consent holder must: (i) carry out any controlled activity in accordance with approved plans, and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professions, and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance works, rehabilitation and maintenance and report to the NSW Office of Water as required.

Security deposits	
9	The consent holder must provide a security deposit (bank guarantee or cash bond) – equal to the sum of the cost of complying with the obligations under any approval – to the NSW Office of Water as and when required.
Access-ways	
10	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
Disposal	
11	The consent holder must ensure that no materials or cleared vegetation that may <ul style="list-style-type: none"> (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks, are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
12	The consent holder is to ensure that all drainage works <ul style="list-style-type: none"> (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water, and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
13	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
14	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	
15	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
16	The consent holder must ensure that any excavation does not result in <ul style="list-style-type: none"> (i) diversion of any river, (ii) bed or bank instability, or (iii) damage to native vegetation within the area where the controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
Maintaining river	
17	The consent holder must ensure that <ul style="list-style-type: none"> (i) river diversion, realignment or alteration does not result from any controlled activity work, and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.

River bed and bank protection	
18	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width of 10 metres measured horizontally landward from the highest bank of the river for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.
END OF CONDITIONS	

SUBDIVISION

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to water main extensions, sewer main extensions, sewer main diversions, stormwater drainage, Raglan Creek drainage works, footpaths and roadworks.**

Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: Because it is in the public interest that the design of that those aspects of the development comply with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

- The developer is to apply to Council for a Certificate of Compliance pursuant to Section 305 of the Water Management Act, 2000 (application form enclosed).**

NOTE 1: The developer should apply for a Certificate as a matter of urgency because the construction certificate cannot be issued until a certificate has been issued by Council and all monetary conditions have been satisfied.

NOTE 2: The developer will have to contribute the sum of \$5,007.60 water headworks plus \$4,560.60 sewer headworks before the Certificate of Compliance will be issued.

REASON: Because it is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

- The developer is to submit, with the application to erect the building, a survey certificate signed by a Registered Surveyor certifying the level of an appropriate benchmark on the site in relation to the Australian Height Datum.**

REASON: So that the design of the building may be assessed in detail in relation to a known level, before construction commences. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

6. **The applicant is to obtain a Flood Level Certificate detailing the predicted 1% Annual Exceedance Probability flood level on this property, prior to any construction works. This certificate is available from Council's Engineering Department at a current fee of \$77.00. Alternatively it may be calculated by a private consultant with appropriate engineering qualifications and demonstrated hydraulic modelling expertise to undertake a study in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To assist in the construction of the proposed development above the 1% AEP flood level. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

7. **The applicant is to obtain a construction certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with Bathurst Regional Council's Guidelines for Engineering Works prior to any subdivision works commencing.**

NOTE 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a construction certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

8. **The proposed internal entrance driveways and queuing areas associated with the entrance between McDonalds and KFC and the entrance to KFC are to be constructed at grades consistent with those outlined in *Parts 3.3 and 3.4 of AS/NZ2890.1:2004 Parking Facilities – Off Street Car Parking*.**

Further engineering plans are to be submitted to Council clearly demonstrating compliance with these grades prior to the issue of any Construction Certificates.

REASON: To ensure that vehicles access to the property is adequate. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

9. **The applicant is to prepare and submit to Council a Remediation Action Plan outlining the proposed remediation works necessary to render the site suitable for industrial/commercial purposes.**

REASON: To ensure that the site is suitable for industrial/commercial development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

10. **All traffic movements and modifications to Pat O'Leary Drive are to retain the kerbside parking lane on the eastern side of Pat O'Leary Drive.**

Documentary evidence is to be provided that heavy vehicle movements turning right into the site (i.e via the internal access road and into KFC) and left into the rear service lane can be accommodated without encroaching onto the eastern parking lane.

REASON: To ensure that the site does not unnecessarily interfere with adjoining businesses. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

11. **The applicant is to provide documentary evidence that it has obtained a Controlled Activity Approval under the Water Management Act from the NSW Office of Water for any works on "waterfront land". Waterfront land is land and material in or within 40 metres of the top of the bank or shore of the river identified.**

REASON: To comply with the requirements of the NSW Office of Water. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

12. **The developer is to submit a soil and water management plan for the site in accordance with Bathurst Regional Council's Guidelines for Engineering Work. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended has been issued by Council or an accredited certifying authority certifying that the plan is in accordance with Council's Guidelines for Engineering Works. Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.**

REASON: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Department of Environment and Conservation. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

13. **Any development involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 318 of the Occupational Health and Safety Regulation 2001,**

The Applicant/Owner having the benefit of the development consent must provide Bathurst Regional Council with a copy of a signed contract with such a person before any development pursuant to the complying development certificate commences.

Any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered.

REASON: So that the development complies with the requirements of Clause 136E of the Environmental Planning and Assessment Regulation 2000. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

14. **A copy of construction plans for the proposed Stage 1 roadworks are to be submitted to the RTA for approval prior to commencement. As the works are located on the highway, the developer is required to enter into a Works Authorisation Deed (WAD) with the RTA in order to carry out the proposed work. Any new pavement forming part of or joining the highway is subject to RTA approval which will form part of the WAD.**

The intersection treatments for the proposed Stage 1 roadworks are to cater for the turning paths of the largest vehicle anticipated to access the site. This is to be demonstrated on the design plans submitted to the RTA.

The intersection treatment for the proposed Stage 1 roadworks is to retain a minimum width of 6.5m on the Great Western Highway for traffic to manoeuvre around a vehicle waiting to turn right into property accesses.

REASON: To ensure that the RTA are satisfied that the intersection is satisfactory. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

15. **The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: Because the character of the subdivision is such as to warrant storm water drainage of this type. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

16. **All road and inter allotment drainage is to be conveyed to the Raglan Creek, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: Because the character of the development is such that storm water will be increased and must be safely conveyed to the storm water drainage system. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

17. **All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

18. **The demolition is to be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures & Council's Code for the Demolition of Buildings.**

REASON: Because it is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage. Section 79C(1)(a) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

19. **All redundant plumbing and drainage is to be capped off in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

Further, the works are to be inspected by Council's Plumbing and Drainage Inspectors before the capped off works have been concealed.

REASON: To protect the plumbing and drainage systems and to prevent unhealthy conditions on site. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

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

REASON: Because the circumstances are such that the services be relocated. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

21. **The construction of sewer mains such that there is a separate and distinct sewer connection wholly within the boundary of each proposed lot, in accordance with the Local Government (General) Regulation 2005 and in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

NOTE 1: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.

NOTE 2: Any sewer main extensions are to be a minimum of 1.2m from any 150mm mains and a minimum 2.0m from any 225mm or above.

REASON: Because that utility is required to serve the development. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

22. **The applicant is to relocate Council's sewer main to clear the proposed service station and awning and the proposed retaining wall between McDonalds and the service station by a minimum of 2 metres. The structure's footings are to be clear of the zone of influence of the sewer main, in accordance with Bathurst Regional Council's Guidelines for Engineering Works and Bathurst Regional Council's standard drawing EN7902. If the footings are not clear of the zone of influence of the sewer main, it will necessitate the construction of steel reinforced concrete piers, to support the structure and protect the sewer main. The piers need to be designed and certified by a structural engineer.**

REASON: Because these works require adequate clearance for maintenance. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

23. **The developer is to improve that part of the existing drainage channel known as Raglan Creek within the subject land so that it has sufficient capacity to drain the run off from a 1 in 100 years storm with 500mm freeboard, prior to overtopping in accordance with the Vegetation Management Plan prepared by Andrews Neil. All work is to comply with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: Because this utility is necessary to serve the development and to provide storm water drainage to the subject land or other land in the locality. Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

24. **Plumbing work is to be carried out so that each lot has a separate and distinct house drainage service connected to Council's sewer main within the boundaries of that lot, in accordance with the Local Government (General) Regulation 2005.**

REASON: Because that work should be wholly located within the lot that it serves. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

25. **The construction of water mains such that there is a separate and distinct water main connection wholly within the boundary of each proposed residential and open space lot, in accordance with the Local Government (General) Regulation 2005 and in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

NOTE: Application form for water is attached. This form is to be returned to Council with payment.

REASON: Because that utility is required to serve the development. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

26. **The applicant is to ensure that the water service to each lot is contained entirely within the boundary of the individual lot serviced. Any alterations that are necessary are to be at the applicants cost. The applicant is to arrange an inspection with Council's Plumbing & Drainage Inspector to ensure each property has a separate water supply within their respective boundaries.**

REASON: So that the development will have an adequate water service, having regard to the character and scale of that development, and because it is in the public interest to comply with the Local Government (Approvals) Regulation, 1999 made under the Local Government Act, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

27. **The applicant is to arrange an inspection of the subdivision works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.**

COLUMN 1	COLUMN 2
Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
Water	* After laying of mains and prior to backfill; * After laying of services and prior to backfill; * Pressure testing.
Sewerage	* After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration.
Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;
All Development & or Subdivision Works	* Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

28. **The development is to be constructed so that all finished ground levels are at least 500 mm above the 1:100 year flood level. The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act from Council or an accredited certifying authority certifying that all lots are 500mm above the 1:100 year flood level.**

REASON: To reduce the likelihood of damage from floodwaters. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

29. **The construction of an energy dissipating structure in the Raglan Creek, at the point where the storm water from the development will enter the channel, in accordance with Bathurst Regional Council's Guidelines for Engineering Work and the requirements of the NSW Office of Water.**

REASON: To prevent soil erosion occurring. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

30. **During and after construction, minimum distances from powerlines are to be maintained.**

REASON: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Country Energy. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

31. **Compliance with any requirements of the:**

- (a) **Roads and Traffic Authority;**
- (b) **Department of Water and Energy;**
- (c) **NSW Office of Water;**
- (d) **ARTC.**

REASON: Because of representations to that effect made by that body (those bodies). Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

32. **Any proposed site filling is to be clean material only, free from organic matter, and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. All such works are to comply with Bathurst Regional Council's Guideline for Engineering Works.**

NOTE: Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required prior to the issue of any construction certificate for the erection of a building or the issue of a subdivision certificate.

REASON: To ensure that any fill is correctly placed and compacted. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

33. **The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

34. **The redundant kerb laybacks in Pat O’Leary Drive are to be replaced with conventional barrier kerbing, and Council’s footway rehabilitated, in accordance with Bathurst Regional Council’s Guidelines for Engineering Works.**

REASON: To minimise vehicular access to the public roadway and to increase the capacity of the roadway for conveying storm water drainage runoff. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

35. **The internal roadway within all Rights of Carriageway are to be constructed of 200mm thick reinforced concrete to Bathurst Regional Council’s Guidelines for Engineering Works.**

REASON: To ensure the proposed road system has the capacity to cater for predicted traffic flows in the locality. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

36. **The site is to be remediated to a standard suitable for industrial/commercial development in accordance with the applicable Department of Environment and Conservation Guidelines.**

REASON: To ensure that the site is suitable for industrial/commercial development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

37. **The applicant is to upgrade the intersection of Pat O’Leary Drive and the Great Western Highway to provide opposing channelised right turns, left turn into Pat O’Leary Drive and a deceleration lane for traffic turning left into the service station. The intersection is to be in accordance with the RTA Road Design Guidelines.**

The minimum separation between Pat O’Leary Drive and the start of the diverge taper for the deceleration lane into the service station is to be 20 metres.

A Road Occupancy Licence is required prior to any works commencing within 3m of the travel lanes of the Great Western Highway.

REASON: To comply with the requirements of the RTA. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

38. **The construction of 1.2 metre wide, 100 mm thick concrete footpaths within the Great Western Highway commencing at the westernmost egress point to the Service Station to the intersection with Pat O’Leary Drive and within Pat O’Leary Drive from the intersection with the Great Western Highway to the**

main entry into the subject land in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

The footpath is to be wholly located within the existing road reserve and not within the private property or area identified for future road widening.

REASON: Because the size and density of the subdivision is such as to warrant a concrete footpaths in those locations. Section 79C(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended.

39. **Given the sites location next to the rail corridor, drainage from the development must be adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior approval has been obtained from the ARTC.**

REASON: To comply with the requirements of the ARTC. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

40. **During excavation the applicant is to observe extreme care to prevent water from collecting on or near ARTC infrastructure. It is possible that if water were to pond adjacent to the infrastructure, services could be interrupted. If this were to be the case, the applicant/contractor would be liable for the ARTC expenditure involved with restoring or maintaining alternative services.**

REASON: To comply with the requirements of the ARTC. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

41. **The boundary fence must be of a sufficient standard that it does not allow unauthorised entry into the rail corridor by any stock or persons, and the applicant must ensure that adequate safety measures are taken whilst work is carried out.**

REASON: To comply with the requirements of the ARTC. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

42. **The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs (excluding roadworks on the Great Western Highway) at practical completion to be held by Council for a minimum period of twelve (12) months. The bond must be lodged with Council before a subdivision certificate will be issued by Council.**

REASON: In order to cover cost of any works requiring repair. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

43. **The applicant is to submit to Council one set of transparent film copies of the works as executed plans for water mains, sewer mains, sewer main diversions, stormwater drainage, Raglan Creek drainage works and roadworks.**

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

44. **The applicant is to obtain a subdivision certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council. The final survey plan and two paper copies are to be submitted to Council along with the application for the subdivision certificate prior to its lodgement with the Lands Titles Office.**

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

REASON: Because it is in the public interest that the plan is certified in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

45. **The final plan of survey is to show a right of carriageway of variable width within all affected lots and in favour of all benefiting lots.**

REASON: Because those works referred to (including access works) and which are sited, or are to be sited, on the subject land should be protected by an easement. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

46. **The final plan of survey is to show an easement for drainage within all affected lots and in favour of all benefiting lots.**

REASON: Because those works referred to (including access works) and which are sited, or are to be sited, on the subject land should be protected by an easement. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

47. **The final plan of survey is to show an easement in favour of Council over the sewer mains inclusive of the relocated main.**

NOTE: The easement within is to be a minimum 2 metres from the external edge of both sewer mains.

REASON: Because those works referred to (including access works) and which are sited, or are to be sited, on the subject land should be protected by an easement. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

48. **The final survey plan is to show easements in gross to drain water in favour of Council over Raglan Creek.**

REASON: Because those drainage works which are sited, or are to be sited, on the subject land should be protected by an easement. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

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

NOTE: This information must be submitted before Council will issue the subdivision certificate relating to this subdivision.

REASON: So that electrical power and telephone lines are available, it being necessary that these utilities serve the subdivision. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

50. **At the completion of remediation the applicant is to submit to Council validation tests and a Site Audit Statement from an auditor accredited under the DECCW Contaminated Land Guidelines certifying that the site is suitable for industrial/commercial purposes.**

REASON: To ensure that the site is suitable for industrial/commercial development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

51. **All works associated with the upgrading of the Great Western Highway to accommodate the CHR intersection treatment are to be completed prior to the release of any subdivision certificates or the issue of any Construction Certificates authorising the construction of any buildings pursuant to this consent.**

REASON: To comply with the requirements of the RTA. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

52. **Road Safety Audits are to be conducted at the design and pre-opening stages of the roadworks in accordance with *Austroads (2009) Guide to Road Safety Part 6: Road Safety Audit*. The developer is responsible for mitigating deficiencies identified within the audit report.**

REASON: To comply with the requirements of the RTA. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

SERVICE STATION**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

53. **The applicant is to obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

NOTE 1: No building, engineering, excavation work or food premises fitout is to be carried out in relation to this development until the necessary construction certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a construction certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

54. **The food premises fitout is to be constructed in strict accordance with Australian Standard AS4674-2004 – Design, construction and fitout of food premises.**

NOTE: Detailed plans and specifications of food premises are to be submitted detailing the construction method of floors, walls and ceilings in all areas. The finishes to walls, floors and ceilings are to be included. The Plan is also to include the location of items such as appliances, equipment and wash hand basin.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

55. **No work is to commence until such time as the subdivision approved under Development Application 2010/0286 has been registered with the Land Titles Office. In this regard, a construction certificate will not be issued to erect the buildings until appropriate evidence has been received to indicate that the subdivision has been registered.**

REASON: Because it is in the public interest that these buildings cannot be constructed until such time as the land has been subdivided. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

56. **The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to stormwater drainage, paving and manoeuvring areas and access.**

Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: Because it is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

57. **The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed so that a prime mover and semi trailer 19.0 metres in length may perform a left turn into the site, turn around, and exit the site in a forward direction without crossing the road centreline. A plan drawn to scale showing all parking and manoeuvring areas is to be submitted to Council for approval prior to this consent becoming active.**

NOTE: All vehicle turning movements are to be based on the Austroads design vehicle.

REASON: So that the means of entrance to and exit from the subject land are adequate and so that adequate provision has been made for the manoeuvring of those types of vehicles likely to serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

58. **The applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code (copy attached). The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority certifying that the landscape plan is in accordance with Council's Landscape Code.**

NOTE: The compliance certificate is to be issued prior to any building work commencing on the site.

REASON: To ensure that landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

59. **Prior to the commencement of construction, arrangements, satisfactory to Country Energy and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, are to be made.**

REASON: So that electrical power and telephone lines are available, it being necessary that these utilities serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

60. **The applicant is to obtain a Flood Level Certificate detailing the predicted 1% Annual Exceedance Probability flood level on this property, prior to any construction works. This certificate is available from Council's Engineering Department at a current fee of \$77.00. Alternatively it may be calculated by a private consultant with appropriate engineering qualifications and demonstrated hydraulic modelling expertise to undertake a study in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To assist in the construction of the proposed development above the 1% AEP flood level. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

61. **The payment to Council of**

- (a) \$113.90 for plumbing and drainage work; and**
- (b) \$374.00 for the issuing of access levels.**

These fees must be paid at the time of lodgement of any Construction Certificate.

NOTE: All monetary conditions are reviewed annually, and may change as of 1 July each year.

REASON: Because it is in the public interest that such fees be paid in accordance with Council's Management Plan. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

62. **The payment to Council of a contribution pursuant to Section 94 of the Environmental Planning and Assessment Act for stormwater drainage management in accordance with Council's Section 94 Contribution Plan "Raglan Creek Stormwater Drainage Management".**

In order to determine the Section 94 Contribution for "Raglan Creek Stormwater Drainage Management" Council will require the submission of survey plan prepared by a registered surveyor clearly indicating the area of the proposed car park and manoeuvring areas (impervious Area). The amount of the contribution will be based on the amount per hectare of additional impervious area contained in Council's Management Plan (currently \$17,553.20 per ha for the 2009/2010 financial year).

NOTE: Copies of all Council's Section 94 Contribution Plans may be inspected at Council's offices.

REASON: Because, having considered the matter in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, as amended, the Council is satisfied that the development will require the provision of , or increase the demand for, these public amenities or services within the area. Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979, as amended.

63. **Trade waste material is not to be discharged into Council's sewerage system and/or stormwater system, without first obtaining written approval under section 68 of the Local Government Act 1993 from Council.**

The completed approval must be obtained prior to the issuing of any construction certificates.

The conditions of the approval are to be complied with in all respects.

REASON: To prevent damage to the Bathurst Sewage Treatment System and subsequent pollution of the Macquarie River and comply with the Local Government (General) Regulation 2005 and Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

64. **The applicant is to provide documentary evidence that it has obtained a Controlled Activity Approval under the Water Management Act from the NSW Office of Water for any works on "waterfront land". Waterfront land is land and material in or within 40 metres of the top of the bank or shore of the river identified.**

REASON: To comply with the requirements of the NSW Office of Water. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

65. **If a vehicular crossing over the footway is to be constructed, access levels are to be obtained from Council's Engineering Department. The vehicular crossing is to be constructed in accordance with Bathurst Regional Council's Guidelines for Engineering Works. Further the applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act PRIOR TO THE CONSTRUCTION of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council's Guidelines for Engineering Works and that the levels are in accordance with those issued.**

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

66. **The developer is to submit a soil and water management plan for the site in accordance with Bathurst Regional Council's Guidelines for Engineering Work. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended has been issued by Council or an accredited certifying authority certifying that the plan is in accordance with Council's Guidelines for Engineering Works. Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.**

REASON: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Department of Environment and Conservation. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

67. If the work involved in the erection or demolition of a building:

a) **is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**

b) **building involves the enclosure of a public place,**

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

If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

REASON: Because it is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

68. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

a) **a standard flushing toilet connected to a public sewer, or**

b) **if that is not practicable, an accredited sewage management facility approved by the Council, or**

c) **if that is not practicable, any other sewage management facility approved by the Council.**

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

NOTE 2: Refer to Council's Guidelines for the provision of builders temporary closet accommodation attached for additional information.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

69. **The applicant is to ensure the proposed service station, awning and retaining walls are clear of Council's sewer main by a minimum of 2 metres, and the footings are clear of the zone of influence of the sewer main, in accordance with Bathurst Regional Council's Guidelines for Engineering Works and Bathurst Regional Council's standard drawing EN7902. If the footings are not clear of the zone of influence of the sewer main, it will necessitate the construction of steel reinforced concrete piers, to support the structure and protect the sewer main. The piers need to be designed and certified by a structural engineer.**

REASON: Because these works require adequate clearance for maintenance. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

70. **The building is to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible grade to the connection to Council's sewer main, and the earthworks on the site are to be such that there is the required minimum cover over the house drainage line, all in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To ensure that the design, siting and height of the building is such that the house drainage operates correctly and because it is in the public interest to comply with the Local Government (Approvals) Regulation, 1999 made under the Local Government Act, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

71. **All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

NOTE: It will be necessary to install a temperature control device (eg. tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

72. **The applicant is to arrange for inspections by Council's Plumbing and Drainage Inspectors at the stages identified in the table below.**

COLUMN 1	COLUMN 2
Internal House Drainage	When all internal plumbing work is installed and prior to concealment.
External House Drainage	When all external plumbing work is installed and prior to concealment.

Final	Prior to occupation of the building.
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REASON: Because it is in the public interest that plumbing work is certifying as complying with AS/NZS 3500 and New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

73. **The applicant is to install back flow prevention devices throughout the water supply system, all in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To prevent harmful contamination of the public water supply (and because the type of business proposed will increase the risk of such contamination). Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

74. **The water service is to be of adequate size and of a design adequate to serve the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. Any necessary upgrading of the existing service is to be at full cost to the applicant.**

NOTE : Application form for water is attached. This form is to be returned to Council with payment.

REASON: So that the development will have an adequate water service having regard to the character of the development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

75. **All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to the interallotment drainage system to be constructed as part of the subdivision works in accordance with AS/NZS 3500.**

Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

NOTE: 'Pump-out' stormwater drainage systems are not acceptable.

REASON: Because the character of the development is such that storm water run off will be increased and must be safely conveyed to the storm water drainage system. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

76. **The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out within fourteen (14) days of the installation of the roof gutter down pipes.**

REASON: A drainage system for the disposal of stormwater must convey the water to an appropriate outfall, avoid the entry of water into a building, avoid water damaging the building and avoid the likelihood of damage or nuisance to any other property. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

77. **All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

78. **All storm water runoff from the proposed development is to be collected on site and conveyed to the new interallotment drainage system in a manner consistent with AS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

79. **The developer is to relocate, if necessary, at the developer's cost any utility services.**

REASON: Because the circumstances are such that the services be relocated. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

80. **During and after construction, minimum distances from powerlines are to be maintained.**

REASON: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Country Energy. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

81. **The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.**

COLUMN 1	COLUMN 2
Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;
Erosion and Sediment Control	* Prior to the installation of erosion measures.
All Development & or Subdivision Works	* Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

82. **A minimum 6 metre wide reinforced concrete vehicular crossings over the footway adjacent to the proposed ingress/egress points including splays measuring 500 mm to the street and 1000 mm perpendicular to the street and along both sides of the crossing(s), is to be designed and constructed in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

Further, the applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act at the completion of construction of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council's Guidelines for Engineering Works and that the levels are in accordance with those issued by Council.

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

83. **The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

84. **Compliance with any requirements of the Roads and Traffic Authority.**

REASON: Because of representations to that effect made by that body (those bodies). Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

85. **The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the construction certificate.**

REASON: Because it is in the public interest that a copy of the construction certificate plans are available. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

86. **Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.**

REASON: So that building works do not have adverse effect on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

87. **All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.**

Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

88. **Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's Erosion and Sediment Control Guidelines for Building Sites.**

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above guidelines are available from Council's Environmental Planning and Building Services Department.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

89. **The sheet metal cladding proposed to be used on the external surfaces of the roof of the building is to be of factory prefinished, non glare materials.**

REASON: So that the external appearance of the development is of a standard acceptable within the community, and because it is in the public interest to minimise

hazards and nuisances caused by sunlight reflecting from the development. Section 79C (1)(b) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

90. If soil conditions require it:

- a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and**
- b) adequate provision must be made for drainage.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

91. If the work involved in the erection or demolition of a building:

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

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

If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

REASON: Because it is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

92. All excavation and backfilling associated with the erection/demolition of the building must:

- a) be executed safely and in accordance with appropriate professional standards, and**
- b) be properly guarded and protected to prevent them from being dangerous to life or property.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

93. **The development is to be constructed so that all floor levels are at least 500 mm above the 1:100 year flood level. The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act from Council or an accredited certifying authority certifying that the finished floor level are 500mm above the 1:100 year flood level.**

REASON: To reduce the likelihood of damage from floodwaters. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

94. **The underground petroleum storage system is to be installed to meet the minimum requirements of the POEO (Underground Petroleum Storage Systems) Regulation 2008 inclusive of the following:**

A new UPSS must prior to commissioning:

- **Be appropriately designed, install and commissioned by duly qualified persons in accordance with the UPSS Regulation.**
- **Have minimum mandatory pollution protection equipment installed, consistent with the Regulation, comprising non-corrodible secondary containment tanks and associated pipework and overfill protection devices.**
- **Have groundwater monitoring wells installed and tested in accordance with the Regulations.**
- **Have a certificate showing that any equipment integrity test (EIT) has been carried out in line with the written directions of duly qualified persons.**

REASON: To comply with the requirements of the DECCW. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

95. **The applicant is to prepare and implement a Plan of Management for the site detailing the following:**

1. **installation of CCTV facilities in the areas recommended in the Barker Ryan and Stewart Report.**
2. **installation of lighting in the areas recommended in the Barker Ryan Stewart Report.**
3. **installation of pedestrian and vehicle controls in accordance with the recommendations in the Barker Ryan report.**
4. **protocols for the use and management of CCTV.**
5. **installation of intruder alarms and monitoring protocols.**
6. **risk assessments to determine the need for security personnel.**
7. **cleaning and maintenance protocols.**
8. **operational procedures relating to incident reporting.**
9. **noise management associated with patrons.**

REASON: To ensure that adequate measures are in place to deal with crime risks associated with the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

96. **The applicant is to submit to Council one set of transparent film copies of the works as executed plans for the stormwater drainage.**

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

97. **The erection of signs that clearly indicate to the drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.**

REASON: So that the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

98. **The erection of signs that clearly indicate to the drivers of vehicles both on and off the subject land the location and means of access to the car parking area(s).**

REASON: So that the car parking functions in the proper manner and to increase the likelihood of people parking on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

99. **Landscaping (including installation of an adequate watering system) is to be carried out and maintained in accordance with the certified landscape plan.**

NOTE: The landscaping is to be completed prior to the occupation of the building.

REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

100. **All landscaping areas are to be separated from adjoining driveways, manoeuvring areas and parking areas to prevent damage by vehicles in accordance with Council's Landscape Code (copy attached).**

REASON: To ensure that the landscaping is not damaged by vehicles driving onto the landscaped areas Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

101. **The applicant is to obtain an occupation certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority prior to occupation of the building.**

NOTE: The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

REASON: Because it is in the public interest that an occupation certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

102. **The owner shall submit to Council a final fire safety certificate stating that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:**

- a) **has been assessed by a properly qualified person; and**
- b) **was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building.**

Further, the assessment is to be carried out within a period of three (3) months of the date on which the final safety certificate was issued. The owner of the building shall forward a copy of the certificate to the New South Wales Fire Brigades and shall prominently display a copy in the building.

NOTE: A final fire safety certificate must be provided before a final occupation certificate can be issued for the building and must be provided if a fire safety order is made in relation to the building premises.

REASON: So that the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

103. **Submission of a certificate from a practising Structural Engineer approved by the Council certifying that the completed building has been constructed in accordance with the Engineer's details and is structurally sound.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

ONGOING MANAGEMENT

104. **The owner shall submit to Council an Annual Fire Safety Statement, each 12 months after the final safety certificate was issued. The certificate shall be on, or to the effect of, Council's Fire Safety Statement (copy attached).**

REASON: Because it is in the public interest that the development provide an Annual Fire Safety Statement. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

105. **Provision is to be made in the building and on the site for:**

- a) **access to the building for people with disabilities in accordance with the Building Code of Australia;**
- b) **toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities shall be accessible to all persons working in, or using, the building; and**
- c) **one motor vehicle parking space on the site for the exclusive use of people with disabilities in accordance with the Building Code of Australia.**

NOTE: The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

106. **A building number shall be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm (3 inches). The number must be in a contrasting colour to the background on which it is placed..**

REASON: Because it is in the public interest that the building/property be easily identifiable. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

107. **The provision of at least 11 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS 2890.1 - 2004 Car Parking and Council's Offstreet Car Parking Code.**

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

108. **Any proposed landscaping, signage and fencing are not to impede sight lines of traffic and/or pedestrians within the development, or when entering or leaving the development.**

REASON: To ensure ongoing safety and security associated with the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

109. **All activities associated with the loading and unloading of goods associated with the development must be carried out on site. All vehicles including delivery vehicles are to enter and exit the site in a forward direction.**

REASON: To ensure that loading and unloading of goods does not impact on the surrounding road network. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended

MCDONALDS

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

110. **The applicant is to obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

NOTE 1: No building, engineering, excavation work or food premises fitout is to be carried out in relation to this development until the necessary construction certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a construction certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

111. **The food premises fitout is to be constructed in strict accordance with Australian Standard AS4674-2004 – Design, construction and fitout of food premises.**

NOTE: Detailed plans and specifications of food premises are to be submitted detailing the construction method of floors, walls and ceilings in all areas. The finishes to walls, floors and ceilings are to be included. The Plan is also to include the location of items such as appliances, equipment and wash hand basin.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

112. **No work is to commence until such time as the subdivision approved under Development Application 2010/0286 has been registered with the Land Titles Office. In this regard, a construction certificate will not be issued to erect the buildings until appropriate evidence has been received to indicate that the subdivision has been registered.**

REASON: Because it is in the public interest that these buildings cannot be constructed until such time as the land has been subdivided. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

113. **The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to stormwater drainage, paving and manoeuvring areas and access.**

Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: Because it is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

114. **The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed so that a single unit truck 12.5 metres in length may perform a left turn into the site, turn around, and exit the site in a forward direction without crossing the road centreline. A plan drawn to scale showing all parking and manoeuvring areas is to be submitted to Council for approval prior to this consent becoming active.**

NOTE: All vehicle turning movements are to be based on the Austroads design vehicle.

REASON: So that the means of entrance to and exit from the subject land are adequate and so that adequate provision has been made for the manoeuvring of those types of vehicles likely to serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

115. **The applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code (copy attached). The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority certifying that the landscape plan is in accordance with Council's Landscape Code.**

NOTE: The compliance certificate is to be issued prior to any building work commencing on the site.

REASON: To ensure that landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

116. **Prior to the commencement of construction, arrangements, satisfactory to Country Energy and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, are to be made.**

REASON: So that electrical power and telephone lines are available, it being necessary that these utilities serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

117. **Trade waste material is not to be discharged into Council's sewerage system and/or stormwater system, without first obtaining written approval under section 68 of the Local Government Act 1993 from Council.**

The completed approval must be obtained prior to the issuing of any construction certificates.

The conditions of the approval are to be complied with in all respects.

REASON: To prevent damage to the Bathurst Sewage Treatment System and subsequent pollution of the Macquarie River and comply with the Local Government (General) Regulation 2005 and Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

118. **The payment to Council of a contribution pursuant to Section 94 of the Environmental Planning and Assessment Act for stormwater drainage management in accordance with Council's Section 94 Contribution Plan "Raglan Creek Stormwater Drainage Management".**

In order to determine the Section 94 Contribution for "Raglan Creek Stormwater Drainage Management" Council will require the submission of survey plan prepared by a registered surveyor clearly indicating the area of the proposed car park and manoeuvring areas (Impervious Area). The amount of the contribution will be based on the amount per hectare of additional impervious area contained in Council's Management Plan (currently \$17,553.20 per hectare for the 2009/2010 financial year).

NOTE: Copies of all Council's Section 94 Contribution Plans may be inspected at Council's offices.

REASON: Because, having considered the matter in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, as amended, the Council is satisfied that the development will require the provision of , or increase the demand for, these public amenities or services within the area. Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979, as amended.

119. **The payment to Council of 349.70 for plumbing and drainage work.**

These fees must be paid at the time of lodgement of any Construction Certificate.

NOTE: All monetary conditions are reviewed annually, and may change as of 1 July each year.

REASON: Because it is in the public interest that such fees be paid in accordance with Council's Management Plan. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 120. The developer is to apply to Council for a Certificate of Compliance pursuant to Section 305 of the Water Management Act, 2000 (application form enclosed).**

NOTE 1: The developer should apply for a Certificate as a matter of urgency because the construction certificate cannot be issued until a certificate has been issued by Council and all monetary conditions have been satisfied.

NOTE 2: The developer will have to contribute the sum of \$2,169.96 water headworks plus \$1,976.26 sewer headworks before the Certificate of Compliance will be issued.

REASON: Because it is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

PRIOR TO ANY WORK ON SITE

- 121. The developer is to submit a soil and water management plan for the site in accordance with Bathurst Regional Council's Guidelines for Engineering Work. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended has been issued by Council or an accredited certifying authority certifying that the plan is in accordance with Council's Guidelines for Engineering Works. Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.**

REASON: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Department of Environment and Conservation. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

- 122. If the work involved in the erection or demolition of a building:**

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**
 - b) building involves the enclosure of a public place,**
- a hoarding or fence must be erected between the work and the public place.**

If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

REASON: Because it is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

123. **Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by the Council, or
- c) if that is not practicable, any other sewage management facility approved by the Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

NOTE 2: Refer to Council's Guidelines for the provision of builders temporary closet accommodation attached for additional information.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

124. **The applicant is to ensure the proposed building and retaining walls are clear of Council's sewer main by a minimum of 2 metres, and the footings are clear of the zone of influence of the sewer main, in accordance with Bathurst Regional Council's Guidelines for Engineering Works and Bathurst Regional Council's standard drawing EN7902. If the footings are not clear of the zone of influence of the sewer main, it will necessitate the construction of steel reinforced concrete piers, to support the structure and protect the sewer main. The piers need to be designed and certified by a structural engineer.**

REASON: Because these works require adequate clearance for maintenance. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

125. **The water service is to be of adequate size and of a design adequate to serve the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. Any necessary upgrading of the existing service is to be at full cost to the applicant.**

The water service cost will be determined once the water service size is determined.

NOTE 1: Application form for water is attached. This form is to be returned to Council with payment.

REASON: So that the development will have an adequate water service having regard to the character of the development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

126. **The building is to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible grade to the connection to Council's sewer main, and the earthworks on the site are to be such that there is the required minimum cover over the house drainage line, all in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To ensure that the design, siting and height of the building is such that the house drainage operates correctly and because it is in the public interest to comply with the Local Government (Approvals) Regulation, 1999 made under the Local Government Act, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

127. **All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

NOTE: It will be necessary to install a temperature control device (eg. tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

128. **The applicant is to arrange for inspections by Council's Plumbing and Drainage Inspectors at the stages identified in the table below.**

COLUMN 1	COLUMN 2
Internal House Drainage	When all internal plumbing work is installed and prior to concealment.

External House Drainage	When all external plumbing work is installed and prior to concealment.
Final	Prior to occupation of the building.

REASON: Because it is in the public interest that plumbing work is certifying as complying with AS/NZS 3500 and New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

129. **The applicant is to install back flow prevention devices throughout the water supply system, all in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To prevent harmful contamination of the public water supply (and because the type of business proposed will increase the risk of such contamination). Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

130. **The sheet metal cladding proposed to be used on the external surfaces of the roof of the building is to be of factory prefinished, non glare materials.**

REASON: So that the external appearance of the development is of a standard acceptable within the community, and because it is in the public interest to minimise hazards and nuisances caused by sunlight reflecting from the development. Section 79C (1)(b) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

131. **All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to the interallotment drainage system to be constructed as part of the subdivision works in accordance with AS/NZS 3500.**

Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

NOTE: 'Pump-out' stormwater drainage systems are not acceptable.

REASON: Because the character of the development is such that storm water run off will be increased and must be safely conveyed to the storm water drainage system. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

132. **The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out within fourteen (14) days of the installation of the roof gutter down pipes.**

REASON: A drainage system for the disposal of stormwater must convey the water to an appropriate outfall, avoid the entry of water into a building, avoid water damaging the building and avoid the likelihood of damage or nuisance to any other property. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

133. **All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

134. **All storm water runoff from the proposed development is to be collected on site and conveyed to the new interallotment drainage system, in a manner consistent with AS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

135. **The developer is to relocate, if necessary, at the developer's cost any utility services.**

REASON: Because the circumstances are such that the services be relocated. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

136. **During and after construction, minimum distances from powerlines are to be maintained.**

REASON: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Country Energy. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

137. **The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.**

COLUMN 1	COLUMN 2
Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;
Erosion and Sediment Control	* Prior to the installation of erosion measures.
All Development & or Subdivision Works	* Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

138. **The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

139. **The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the construction certificate.**

REASON: Because it is in the public interest that a copy of the construction certificate plans are available. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

140. **Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.**

REASON: So that building works do not have adverse effect on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

141. **All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.**

Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

142. **Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's Erosion and Sediment Control Guidelines for Building Sites.**

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above guidelines are available from Council's Environmental Planning and Building Services Department.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

143. **If soil conditions require it:**

- a) **retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and**
- b) **adequate provision must be made for drainage.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

144. **If the work involved in the erection or demolition of a building:**

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

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

If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

REASON: Because it is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

145. All excavation and backfilling associated with the erection/demolition of the building must:

- a) be executed safely and in accordance with appropriate professional standards, and**
- b) be properly guarded and protected to prevent them from being dangerous to life or property.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

146. The applicant is to submit to Council one set of transparent film copies of the works as executed plans for the stormwater drainage.

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

147. The erection of signs that clearly indicate to the drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.

REASON: So that the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

148. The erection of signs that clearly indicate to the drivers of vehicles both on and off the subject land the location and means of access to the car parking area(s).

REASON: So that the car parking functions in the proper manner and to increase the likelihood of people parking on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

149. **The installation of exterior lighting to all vehicular manoeuvring and parking areas. The exterior lighting shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.**

NOTE: Compliance with Australian Standard AS4282 “Control of the Obtrusive Effects of Outdoor Lighting” will satisfy this condition.

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.

150. **Landscaping (including installation of an adequate watering system) is to be carried out and maintained in accordance with the certified landscape plan.**

NOTE: The landscaping is to be completed prior to the occupation of the building.

REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

151. **All landscaping areas are to be separated from adjoining driveways, manoeuvring areas and parking areas to prevent damage by vehicles in accordance with Council’s Landscape Code (copy attached).**

REASON: To ensure that the landscaping is not damaged by vehicles driving onto the landscaped areas Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

152. **The applicant is to obtain an occupation certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority prior to occupation of the building.**

NOTE: The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

REASON: Because it is in the public interest that an occupation certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

153. **The owner shall submit to Council a final fire safety certificate stating that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:**

- a) **has been assessed by a properly qualified person; and**

- b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building.

Further, the assessment is to be carried out within a period of three (3) months of the date on which the final safety certificate was issued. The owner of the building shall forward a copy of the certificate to the New South Wales Fire Brigades and shall prominently display a copy in the building.

NOTE: A final fire safety certificate must be provided before a final occupation certificate can be issued for the building and must be provided if a fire safety order is made in relation to the building premises.

REASON: So that the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

154. **Submission of a certificate from a practising Structural Engineer approved by the Council certifying that the completed building has been constructed in accordance with the Engineer's details and is structurally sound.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

155. **The applicant is to prepare and implement a Plan of Management for the site detailing the following:**

- (a) **installation of CCTV facilities in the areas recommended in the Barker Ryan and Stewart Report.**
- (b) **installation of lighting in the areas recommended in the Barker Ryan Stewart Report.**
- (c) **installation of pedestrian and vehicle controls in accordance with the recommendations in the Barker Ryan report.**
- (d) **those measures identified in the Plan of Management for McDonalds submitted with the Barker Ryan Stewart Report.**

REASON: To ensure that adequate measures are in place to deal with crime risks associated with the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

ONGOING MANAGEMENT

156. **The owner shall submit to Council an Annual Fire Safety Statement, each 12 months after the final safety certificate was issued. The certificate shall be on, or to the effect of, Council's Fire Safety Statement (copy attached).**

REASON: Because it is in the public interest that the development provide an Annual Fire Safety Statement. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

157. Provision is to be made in the building and on the site for:

- a) access to the building for people with disabilities in accordance with the Building Code of Australia;**
- b) toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities shall be accessible to all persons working in, or using, the building; and**
- c) one motor vehicle parking space on the site for the exclusive use of people with disabilities in accordance with the Building Code of Australia.**

NOTE: The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

158. A building number shall be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm (3 inches). The number must be in a contrasting colour to the background on which it is placed.

REASON: Because it is in the public interest that the building/property be easily identifiable. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

159. The provision of at least 36 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS 2890.1 - 2004 Car Parking and Council's Offstreet Car Parking Code.

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

160. The application provides turning paths for a 12.5 m rigid as the largest class of vehicle to service the McDonalds development, therefore access by vehicles larger than 12.5m will not be permitted.

REASON: To ensure that loading and unloading of goods does not impact on the surrounding road network. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended

161. **Any proposed landscaping, signage and fencing are not to impede sight lines of traffic and/or pedestrians within the development, or when entering or leaving the development.**

REASON: To ensure ongoing safety and security associated with the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

162. **All activities associated with the loading and unloading of goods associated with the development must be carried out on site. All vehicles including delivery vehicles are to enter and exit the site in a forward direction.**

REASON: To ensure that loading and unloading of goods does not impact on the surrounding road network. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended

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PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

163. **The applicant is to obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

NOTE 1: No building, engineering, excavation work or food premises fitout is to be carried out in relation to this development until the necessary construction certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a construction certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

164. **The food premises fitout is to be constructed in strict accordance with Australian Standard AS4674-2004 – Design, construction and fitout of food premises.**

NOTE: Detailed plans and specifications of food premises are to be submitted detailing the construction method of floors, walls and ceilings in all areas. The finishes to walls, floors and ceilings are to be included. The Plan is also to include the location of items such as appliances, equipment and wash hand basin.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

165. **No work is to commence until such time as the subdivision approved under Development Application 2010/0286 has been registered with the Land Titles Office. In this regard, a construction certificate will not be issued to erect the buildings until appropriate evidence has been received to indicate that the subdivision has been registered.**

REASON: Because it is in the public interest that these buildings cannot be constructed until such time as the land has been subdivided. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

166. **The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to stormwater drainage, paving and manoeuvring areas and access.**

Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: Because it is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

167. **The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed so that a prime mover and semi trailer 19.0 metres in length may perform a left turn into the site, turn around, and exit the site in a forward direction without crossing the road centreline. A plan drawn to scale showing all parking and manoeuvring areas is to be submitted to Council for approval prior to this consent becoming active.**

NOTE: All vehicle turning movements are to be based on the Austroads design vehicle.

REASON: So that the means of entrance to and exit from the subject land are adequate and so that adequate provision has been made for the manoeuvring of those types of vehicles likely to serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

168. **The applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code (copy attached). The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority certifying that the landscape plan is in accordance with Council's Landscape Code.**

NOTE: The compliance certificate is to be issued prior to any building work commencing on the site.

REASON: To ensure that landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

169. **Prior to the commencement of construction, arrangements, satisfactory to Country Energy and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, are to be made.**

REASON: So that electrical power and telephone lines are available, it being necessary that these utilities serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

170. **The payment to Council of:**

- (a) \$231.80 for plumbing and drainage work; and**
- (b) \$187.00 for the issuing of access levels.**

These fees must be paid at the time of lodgement of any Construction Certificate.

NOTE: All monetary conditions are reviewed annually, and may change as of 1 July each year.

REASON: Because it is in the public interest that such fees be paid in accordance with Council's Management Plan. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

171. **The developer is to apply to Council for a Certificate of Compliance pursuant to Section 305 of the Water Management Act, 2000 (application form enclosed).**

NOTE 1: The developer should apply for a Certificate as a matter of urgency because the construction certificate cannot be issued until a certificate has been issued by Council and all monetary conditions have been satisfied.

NOTE 2: The developer will have to contribute the sum of \$417.30 water headworks plus \$380.05 sewer headworks before the Certificate of Compliance will be issued.

REASON: Because it is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

172. **Trade waste material is not to be discharged into Council's sewerage system and/or stormwater system, without first obtaining written approval under section 68 of the Local Government Act 1993 from Council.**

The completed approval must be obtained prior to the issuing of any construction certificates.

The conditions of the approval are to be complied with in all respects.

REASON: To prevent damage to the Bathurst Sewage Treatment System and subsequent pollution of the Macquarie River and comply with the Local Government (General) Regulation 2005 and Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

173. **The payment to Council of a contribution pursuant to Section 94 of the Environmental Planning and Assessment Act for stormwater drainage management in accordance with Council's Section 94 Contribution Plan "Raglan Creek Stormwater Drainage Management".**

In order to determine the Section 94 Contribution for "Raglan Creek Stormwater Drainage Management" Council will require the submission of survey plan prepared by a registered surveyor clearly indicating the area of the proposed car park and manoeuvring areas (Impervious Area). The amount of the contribution will be based on the amount per hectare of additional impervious area contained in Council's Management Plan (currently \$17,553.20 per hectare for the 2009/2010 financial year).

NOTE: Copies of all Council's Section 94 Contribution Plans may be inspected at Council's offices.

REASON: Because, having considered the matter in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, as amended, the Council is satisfied that the development will require the provision of , or increase the demand for, these public amenities or services within the area. Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

174. **The developer is to submit a soil and water management plan for the site in accordance with Bathurst Regional Council's Guidelines for Engineering Work. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended has been issued by Council or an accredited certifying authority certifying that the plan is in accordance with Council's Guidelines for Engineering Works. Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.**

REASON: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Department of Environment and Conservation. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

175. **If a vehicular crossing over the footway is to be constructed, access levels are to be obtained from Council's Engineering Department. The vehicular crossing is to be constructed in accordance with Bathurst Regional Council's Guidelines for Engineering Works. Further the applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act PRIOR TO THE CONSTRUCTION of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council's Guidelines for Engineering Works and that the levels are in accordance with those issued.**

NOTE: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

176. **Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**

- a) **a standard flushing toilet connected to a public sewer, or**
- b) **if that is not practicable, an accredited sewage management facility approved by the Council, or**
- c) **if that is not practicable, any other sewage management facility approved by the Council.**

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

NOTE 2: Refer to Council's Guidelines for the provision of builders temporary closet accommodation attached for additional information.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

178. **The building is to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible grade to the connection to Council's sewer main, and the earthworks on the site are to be such that there is the required minimum cover over the house drainage line, all in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To ensure that the design, siting and height of the building is such that the house drainage operates correctly and because it is in the public interest to comply with the Local Government (Approvals) Regulation, 1999 made under the Local Government Act, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

179. **All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

NOTE: It will be necessary to install a temperature control device (eg. tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

180. **The applicant is to arrange for inspections by Council's Plumbing and Drainage Inspectors at the stages identified in the table below.**

COLUMN 1	COLUMN 2
Internal House Drainage	When all internal plumbing work is installed and prior to concealment.
External House Drainage	When all external plumbing work is installed and prior to concealment.
Final	Prior to occupation of the building.

REASON: Because it is in the public interest that plumbing work is certifying as complying with AS/NZS 3500 and New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

181. **The applicant is to install back flow prevention devices throughout the water supply system, all in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To prevent harmful contamination of the public water supply (and because the type of business proposed will increase the risk of such contamination). Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

182. **The water service is to be of adequate size and of a design adequate to serve the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. Any necessary upgrading of the existing service is to be at full cost to the applicant.**

NOTE 1: Application form for water is attached. This form is to be returned to Council with payment.

NOTE 2: The water service cost will be determined once the water service size is determined.

REASON: So that the development will have an adequate water service having regard to the character of the development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

183. **All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to) the interallotment drainage system to be constructed as part of the subdivision works in accordance with AS/NZS 3500.**

Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

NOTE: 'Pump-out' stormwater drainage systems are not acceptable.

REASON: Because the character of the development is such that storm water run off will be increased and must be safely conveyed to the storm water drainage system. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

184. **The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out within fourteen (14) days of the installation of the roof gutter down pipes.**

REASON: A drainage system for the disposal of stormwater must convey the water to an appropriate outfall, avoid the entry of water into a building, avoid water damaging the building and avoid the likelihood of damage or nuisance to any other property. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

185. **All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

186. **All storm water runoff from the proposed development is to be collected on site and conveyed to the new interallotment drainage system, in a manner consistent with AS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

187. **The developer is to relocate, if necessary, at the developer's cost any utility services.**

REASON: Because the circumstances are such that the services be relocated. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

188. **During and after construction, minimum distances from powerlines are to be maintained.**

REASON: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Country Energy. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

189. **The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.**

COLUMN 1	COLUMN 2
Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;
Erosion and Sediment Control	* Prior to the installation of erosion measures.
All Development & or Subdivision Works	* Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

190. **A 6 metre wide reinforced concrete vehicular crossing over the footway adjacent to the proposed ingress/egress point including splays measuring 500 mm to the street and 1000 mm perpendicular to the street and along both sides of the crossing, is to be designed and constructed in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

Further, the applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act at the completion of construction of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council's Guidelines for Engineering Works and that the levels are in accordance with those issued by Council.

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

191. **The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

192. **The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the construction certificate.**

REASON: Because it is in the public interest that a copy of the construction certificate plans are available. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

193. **Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.**

REASON: So that building works do not have adverse effect on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

194. **All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.**

Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

195. **Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's Erosion and Sediment Control Guidelines for Building Sites.**

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above guidelines are available from Council's Environmental Planning and Building Services Department.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

196. **The sheet metal cladding proposed to be used on the external surfaces of the roof of the building is to be of factory prefinished, non glare materials.**

REASON: So that the external appearance of the development is of a standard acceptable within the community, and because it is in the public interest to minimise hazards and nuisances caused by sunlight reflecting from the development. Section 79C (1)(b) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

197. **If soil conditions require it:**

- a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and**
- b) adequate provision must be made for drainage.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

198. **If the work involved in the erection or demolition of a building:**

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place,
- a hoarding or fence must be erected between the work and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

REASON: Because it is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

199. All excavation and backfilling associated with the erection/demolition of the building must:

- a) be executed safely and in accordance with appropriate professional standards, and
- b) be properly guarded and protected to prevent them from being dangerous to life or property.

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

200. The applicant is to submit to Council one set of transparent film copies of the works as executed plans for the stormwater drainage.

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

201. **The erection of signs that clearly indicate to the drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.**

REASON: So that the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

202. **The erection of signs that clearly indicate to the drivers of vehicles both on and off the subject land the location and means of access to the car parking area(s).**

REASON: So that the car parking functions in the proper manner and to increase the likelihood of people parking on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

203. **The installation of exterior lighting to all vehicular manoeuvring and parking areas. The exterior lighting shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.**

NOTE: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.

204. **Landscaping (including installation of an adequate watering system) is to be carried out and maintained in accordance with the certified landscape plan.**

NOTE: The landscaping is to be completed prior to the occupation of the building.

REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

205. **All landscaping areas are to be separated from adjoining driveways, manoeuvring areas and parking areas to prevent damage by vehicles in accordance with Council's Landscape Code (copy attached).**

REASON: To ensure that the landscaping is not damaged by vehicles driving onto the landscaped areas Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

206. **The applicant is to obtain an occupation certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority prior to occupation of the building.**

NOTE: The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

REASON: Because it is in the public interest that an occupation certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

207. **The owner shall submit to Council a final fire safety certificate stating that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:**

- a) **has been assessed by a properly qualified person; and**
- b) **was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building.**

Further, the assessment is to be carried out within a period of three (3) months of the date on which the final safety certificate was issued. The owner of the building shall forward a copy of the certificate to the New South Wales Fire Brigades and shall prominently display a copy in the building.

NOTE: A final fire safety certificate must be provided before a final occupation certificate can be issued for the building and must be provided if a fire safety order is made in relation to the building premises.

REASON: So that the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

208. **Submission of a certificate from a practising Structural Engineer approved by the Council certifying that the completed building has been constructed in accordance with the Engineer's details and is structurally sound.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

209. **The applicant is to prepare and implement a Plan of Management for the site detailing the following:**

- a) **installation of CCTV facilities in the areas recommended in the Barker Ryan and Stewart Report.**

- b) installation of lighting in the areas recommended in the Barker Ryan Stewart Report.
- c) installation of pedestrian and vehicle controls in accordance with the recommendations in the Barker Ryan report.
- d) protocols for the use and management of CCTV.
- e) installation of intruder alarms and monitoring protocols.
- f) risk assessments to determine the need for security personnel.
- g) cleaning and maintenance protocols.
- h) operational procedures relating to incident reporting.
- i) noise management associated with patrons.

REASON: To ensure that adequate measures are in place to deal with crime risks associated with the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

ONGOING MANAGEMENT

210. **The owner shall submit to Council an Annual Fire Safety Statement, each 12 months after the final safety certificate was issued. The certificate shall be on, or to the effect of, Council's Fire Safety Statement (copy attached).**

REASON: Because it is in the public interest that the development provide an Annual Fire Safety Statement. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

211. **Provision is to be made in the building and on the site for:**

- a) **access to the building for people with disabilities in accordance with the Building Code of Australia;**
- b) **toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities shall be accessible to all persons working in, or using, the building; and**
- c) **one motor vehicle parking space on the site for the exclusive use of people with disabilities in accordance with the Building Code of Australia.**

NOTE: The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

212. **A building number shall be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm (3 inches). The number must be in a contrasting colour to the background on which it is placed.**

REASON: Because it is in the public interest that the building/property be easily identifiable. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

213. **The provision of at least 29 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS 2890.1 - 2004 Car Parking and Council's Offstreet Car Parking Code.**

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

214. **Any proposed landscaping, signage and fencing are not to impede sight lines of traffic and/or pedestrians within the development, or when entering or leaving the development.**

REASON: To ensure ongoing safety and security associated with the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

215. **All activities associated with the loading and unloading of goods associated with the development must be carried out on site. All vehicles including delivery vehicles are to enter and exit the site in a forward direction.**

REASON: To ensure that loading and unloading of goods does not impact on the surrounding road network. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

BUILDINGS A, B, C & D

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

216. **The applicant is to obtain a CONSTRUCTION CERTIFICATE pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia PRIOR to any works commencing.**

NOTE 1: No building, engineering, excavation work or food premises fitout is to be carried out in relation to this development until the necessary construction certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a construction certificate at the same time as you lodged this development application.

NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

217. **The food premises fitout is to be constructed in strict accordance with Australian Standard AS4674-2004 – Design, construction and fitout of food premises.**

NOTE: Detailed plans and specifications of food premises are to be submitted detailing the construction method of floors, walls and ceilings in all areas. The finishes to walls, floors and ceilings are to be included. The Plan is also to include the location of items such as appliances, equipment and wash hand basin.

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

218. **No work is to commence until such time as the subdivision approved under Development Application 2010/0286 has been registered with the Land Titles Office. In this regard, a construction certificate will not be issued to erect the buildings until appropriate evidence has been received to indicate that the subdivision has been registered.**

REASON: Because it is in the public interest that these buildings cannot be constructed until such time as the land has been subdivided. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

219. **The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to stormwater drainage, paving and manoeuvring areas and access.**

Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: Because it is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

220. **The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed so that a prime mover and semi trailer 19.0 metres in length may perform a left turn into the site, turn around, and exit the site in a forward direction without crossing the road centreline. A plan drawn to scale showing all parking and manoeuvring areas is to be submitted to Council for approval prior to this consent becoming active.**

NOTE: All vehicle turning movements are to be based on the Austroads design vehicle.

REASON: So that the means of entrance to and exit from the subject land are adequate and so that adequate provision has been made for the manoeuvring of those types of vehicles likely to serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

221. **The applicant is to prepare a landscape plan, in accordance with Bathurst Regional Council's Landscape Code (copy attached). The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council or an accredited certifying authority certifying that the landscape plan is in accordance with Council's Landscape Code.**

NOTE: The compliance certificate is to be issued prior to any building work commencing on the site.

REASON: To ensure that landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

222. **The applicant is to obtain a Flood Level Certificate detailing the predicted 1% Annual Exceedance Probability flood level on this property, prior to any construction works. This certificate is available from Council's Engineering Department at a current fee of \$77.00. Alternatively it may be calculated by a private consultant with appropriate engineering qualifications and demonstrated hydraulic modelling expertise to undertake a study in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To assist in the construction of the proposed development above the 1% AEP flood level. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

223. **Prior to the commencement of construction, arrangements, satisfactory to Country Energy and the relevant telecommunications authority, for the provision of electrical power and telephone lines, respectively, to fully serve the development, are to be made.**

REASON: So that electrical power and telephone lines are available, it being necessary that these utilities serve the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

224. The payment to Council of:

- (a) inspection fees for the inspection of plumbing and drainage work, to be determined once final number of plumbing fixtures is determined; and**
- (b) \$561.00 for the issuing of access levels.**

These fees must be paid at the time of lodgement of any Construction Certificate.

NOTE: All monetary conditions are reviewed annually, and may change as of 1 July each year.

REASON: Because it is in the public interest that such fees be paid in accordance with Council's Management Plan. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

225. The developer is to apply to Council for a Certificate of Compliance pursuant to Section 305 of the Water Management Act, 2000 (application form enclosed).

NOTE 1: The developer should apply for a Certificate as a matter of urgency because the construction certificate cannot be issued until a certificate has been issued by Council and all monetary conditions have been satisfied.

NOTE 2: The developer may have to make a financial contribution in respect of water and sewer headworks. The amount of such a contribution, if any, will be determined by Council upon receipt of the construction certificate plans which are to be accompanied by a schedule of plumbing fixtures.

NOTE 3: All monetary conditions are reviewed annually, and may change as of 1 July each year.

REASON: Because it is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended).

226. Trade waste material is not to be discharged into Council's sewerage system and/or stormwater system, without first obtaining written approval under section 68 of the Local Government Act 1993 from Council.

The completed approval must be obtained prior to the issuing of any construction certificates.

The conditions of the approval are to be complied with in all respects.

REASON: To prevent damage to the Bathurst Sewage Treatment System and subsequent pollution of the Macquarie River and comply with the Local Government (General) Regulation 2005 and Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

227. **A copy of construction plans for the proposed Stage 2 roadworks are to be submitted to the RTA for approval prior to commencement. As the works are located on the highway, the developer is required to enter into a Works Authorisation Deed (WAD) with the RTA in order to carry out the proposed work. Any new pavement forming part of or joining the highway is subject to RTA approval which will form part of the WAD.**

The developer is to enter into the Works Authorisation Deed prior to the commencement of construction of any of the buildings identified in Stage 2 of the development (i.e Buildings A, B, C or D). Documentary evidence of the WAD is to be provided prior to any Construction Certificate authorising the construction of Buildings A, B, C or D.

The intersection treatments for the proposed Stage 2 roadworks are to cater for the turning paths of the largest vehicle anticipated to access the site. This is to be demonstrated on the design plans submitted to the RTA.

The intersection treatment for the proposed Stage 2 roadworks is to retain a minimum width of 6.5m on the Highway for traffic to manoeuvre around a vehicle waiting to turn right into property accesses.

REASON: To comply with the requirements of the RTA. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

228. **The payment to Council of a contribution pursuant to Section 94 of the Environmental Planning and Assessment Act for stormwater drainage management in accordance with Council's Section 94 Contribution Plan "Raglan Creek Stormwater Drainage Management".**

In order to determine the Section 94 Contribution for "Raglan Creek Stormwater Drainage Management" Council will require the submission of survey plan prepared by a registered surveyor clearly indicating the area of the proposed car park and manoeuvring areas (Impervious Area). The amount of the contribution will be based on the amount per hectare of additional impervious area contained in Council's Management Plan (currently \$17,553.20 per hectare for the 2009/2010 financial year).

NOTE: Copies of all Council's Section 94 Contribution Plans may be inspected at Council's offices.

REASON: Because, having considered the matter in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, as amended, the Council is satisfied that the development will require the provision of, or increase the demand for, these public amenities or services within the area. Section 80A(1)(h) of the Environmental Planning and Assessment Act 1979, as amended.

229. **An acoustic assessment is to be submitted to Council prior to the issue of any Construction Certificate for any building within 60 metres of the Great Western Railway line demonstrating how the proposed development will comply with ARTC Interim Guidelines for Applicants in the consideration of rail noise and vibration from the adjacent rail corridor.**

REASON: To comply with the requirements of the ARTC. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

230. **The applicant is to provide documentary evidence that it has obtained a Controlled Activity Approval under the Water Management Act from the NSW Office of Water for any works on “waterfront land”. Waterfront land is land and material in or within 40 metres of the top of the bank or shore of the river identified.**

REASON: To comply with the requirements of the NSW Office of Water. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

231. **The developer is to submit a soil and water management plan for the site in accordance with Bathurst Regional Council’s Guidelines for Engineering Work. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended has been issued by Council or an accredited certifying authority certifying that the plan is in accordance with Council’s Guidelines for Engineering Works. Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.**

REASON: To minimise the risk of soil erosion and water pollution, and because of representations about these matters from the Soil Conservation Service and the Department of Environment and Conservation. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

232. **If a vehicular crossing over the footway is to be constructed, access levels are to be obtained from Council’s Engineering Department. The vehicular crossing is to be constructed in accordance with Bathurst Regional Council’s Guidelines for Engineering Works. Further the applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act PRIOR TO THE CONSTRUCTION of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council’s Guidelines for Engineering Works and that the levels are in accordance with those issued.**

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

233. **Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**

- a) a standard flushing toilet connected to a public sewer, or
- b) if that is not practicable, an accredited sewage management facility approved by the Council, or
- c) if that is not practicable, any other sewage management facility approved by the Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.

NOTE 2: Refer to Council's Guidelines for the provision of builders temporary closet accommodation attached for additional information.

REASON: To provide adequate sanitary facilities during the construction phase. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

234. **The applicant is to ensure the proposed buildings are clear of Council's sewer main by a minimum of 2 metres, and the footings are clear of the zone of influence of the sewer main, in accordance with Bathurst Regional Council's Guidelines for Engineering Works and Bathurst Regional Council's standard drawing EN7902. If the footings are not clear of the zone of influence of the sewer main, it will necessitate the construction of steel reinforced concrete piers, to support the structure and protect the sewer main. The piers need to be designed and certified by a structural engineer.**

REASON: Because these works require adequate clearance for maintenance. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

235. **All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

NOTE: It will be necessary to install a temperature control device (eg. tempering valve) to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

236. **The applicant is to arrange for inspections by Council's Plumbing and Drainage Inspectors at the stages identified in the table below.**

COLUMN 1	COLUMN 2
Internal House Drainage	When all internal plumbing work is installed and prior to concealment.
External House Drainage	When all external plumbing work is installed and prior to concealment.
Final	Prior to occupation of the building.

REASON: Because it is in the public interest that plumbing work is certifying as complying with AS/NZS 3500 and New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

237. **The water service is to be of adequate size and of a design adequate to serve the development in accordance with the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. Any necessary upgrading of the existing service is to be at full cost to the applicant.**

NOTE: Application form for water is attached. This form is to be returned to Council with payment.

REASON: So that the development will have an adequate water service having regard to the character of the development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

238. **The applicant is to install back flow prevention devices throughout the water supply system, all in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To prevent harmful contamination of the public water supply (and because the type of business proposed will increase the risk of such contamination). Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

239. **The building is to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible grade to the connection to Council's sewer main, and the earthworks on the site are to be such that there is the required minimum cover over the house drainage line, all in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To ensure that the design, siting and height of the building is such that the house drainage operates correctly and because it is in the public interest to comply with the Local Government (Approvals) Regulation, 1999 made under the Local Government Act, 1993. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

240. **The development is to be constructed so that all floor levels are at least 500 mm above the 1:100 year flood level. The applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act from Council or an accredited certifying authority certifying that the finished floor level are 500mm above the 1:100 year flood level.**

REASON: To reduce the likelihood of damage from floodwaters. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

241. **The developer is to relocate, if necessary, at the developer's cost any utility services.**

REASON: Because the circumstances are such that the services be relocated. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

242. **During and after construction, minimum distances from powerlines are to be maintained.**

REASON: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Country Energy. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

243. **The applicant is to arrange an inspection of the development subdivision works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.**

COLUMN 1	COLUMN 2
Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;
Erosion and Sediment Control	* Prior to the installation of erosion measures.
All Development & or Subdivision Works	* Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

244. **The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

245. **Compliance with any requirements of the:**

(a) NSW Office of Water;

- (b) Roads and Traffic Authority;
- (c) ARTC.

REASON: Because of representations to that effect made by that body (those bodies). Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

246. **All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to the interallotment drainage system to be constructed as part of the subdivision works, in accordance with AS/NZS 3500.**

Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

NOTE: 'Pump-out' stormwater drainage systems are not acceptable.

REASON: Because the character of the development is such that storm water run off will be increased and must be safely conveyed to the storm water drainage system. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

247. **The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out within fourteen (14) days of the installation of the roof gutter down pipes.**

REASON: A drainage system for the disposal of stormwater must convey the water to an appropriate outfall, avoid the entry of water into a building, avoid water damaging the building and avoid the likelihood of damage or nuisance to any other property. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

248. **All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

249. **All storm water runoff from the proposed development is to be collected on site and conveyed to the new interallotment drainage system, in a manner consistent with AS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

250. **The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the construction certificate.**

REASON: Because it is in the public interest that a copy of the construction certificate plans are available. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

251. **Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on weekends and public holidays.**

REASON: So that building works do not have adverse effect on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

252. **All building rubbish and debris, including that which can be wind blown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.**

Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

253. **Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's Erosion and Sediment Control Guidelines for Building Sites.**

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above guidelines are available from Council's Environmental Planning and Building Services Department.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

254. The sheet metal cladding proposed to be used on the external surfaces of the walls and roof of the building is to be of factory prefinished, non glare materials.

REASON: So that the external appearance of the development is of a standard acceptable within the community, and because it is in the public interest to minimise hazards and nuisances caused by sunlight reflecting from the development. Section 79C (1)(b) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

255. If soil conditions require it:

- a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and**
- b) adequate provision must be made for drainage.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

256. If the work involved in the erection or demolition of a building:

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

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

If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

NOTE 1: Any such hoarding, fence or awning is to be removed when the work has been completed.

NOTE 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

REASON: Because it is in the public interest that adequate safety measures are provided. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

257. **All excavation and backfilling associated with the erection/demolition of the building must:**

- a) **be executed safely and in accordance with appropriate professional standards, and**
- b) **be properly guarded and protected to prevent them from being dangerous to life or property.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

258. **The applicant is to upgrade the intersection of Pat O'Leary Drive and the Great Western Highway to provide a signalised intersection for Stage 2 of the development. The intersection design is to be in accordance with the RTA Traffic Signal Design Manual and RTA Road Design Guide.**

A Road Occupancy Licence is required prior to any works commencing within 3m of the travel lanes of the Great Western Highway.

REASON: To comply with the requirements of the RTA. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

259. **Given the sites location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the rail corridor unless prior approval has been obtained from the ARTC.**

REASON: To comply with the requirements of the ARTC. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

260. **During excavation the applicant is to observe extreme care to prevent water from collecting on or near ARTC infrastructure. It is possible that if water were to pond adjacent to the infrastructure, services could be interrupted. If this were to be the case, the applicant/contractor would be liable for the ARTC expenditure involved with restoring or maintaining alternative services.**

REASON: To comply with the requirements of the ARTC. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

261. **The boundary fence must be of a sufficient standard that it does not allow unauthorised entry into the rail corridor by any stock or persons, and the applicant must ensure that adequate safety measures are taken whilst work is carried out.**

REASON: To comply with the requirements of the RTA. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

262. **The applicant is to submit to Council one set of transparent film copies of the works as executed plans for the stormwater drainage.**

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

263. **The erection of signs that clearly indicate to the drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.**

REASON: So that the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

264. **The erection of signs that clearly indicate to the drivers of vehicles both on and off the subject land the location and means of access to the car parking area(s).**

REASON: So that the car parking functions in the proper manner and to increase the likelihood of people parking on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

265. **The installation of exterior lighting to all vehicular manoeuvring and parking areas. The exterior lighting shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.**

NOTE: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

REASON: To provide opportunities for natural surveillance and reduce the likelihood of crime on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979.

266. **Landscaping (including installation of an adequate watering system) is to be carried out and maintained in accordance with the certified landscape plan.**

NOTE: The landscaping is to be completed prior to the occupation of the building.

REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

267. **All landscaping areas are to be separated from adjoining driveways, manoeuvring areas and parking areas to prevent damage by vehicles in accordance with Council's Landscape Code (copy attached).**

REASON: To ensure that the landscaping is not damaged by vehicles driving onto the landscaped areas Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

268. **The applicant is to obtain an occupation certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority prior to occupation of the building.**

NOTE: The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

REASON: Because it is in the public interest that an occupation certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

269. **The owner shall submit to Council a final fire safety certificate stating that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:**

- a) **has been assessed by a properly qualified person; and**
- b) **was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building.**

Further, the assessment is to be carried out within a period of three (3) months of the date on which the final safety certificate was issued. The owner of the building shall forward a copy of the certificate to the New South Wales Fire Brigades and shall prominently display a copy in the building.

NOTE: A final fire safety certificate must be provided before a final occupation certificate can be issued for the building and must be provided if a fire safety order is made in relation to the building premises.

REASON: So that the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

270. **Submission of a certificate from a practising Structural Engineer approved by the Council certifying that the completed building has been constructed in accordance with the Engineer's details and is structurally sound.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

271. **All works associated with the upgrading of the Highway under this consent are to be completed prior to the issue of any Occupation Certificates (including any Interim Occupation Certificate) authorising the occupation of Buildings A, B, C or D.**

REASON: To comply with the requirements of the RTA. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

272. **The applicant is to prepare and implement a Plan of Management for the site detailing the following:**

- a) **installation of CCTV facilities in the areas recommended in the Barker Ryan and Stewart Report**
- b) **installation of lighting in the areas recommended in the Barker Ryan Stewart Report**
- c) **installation of pedestrian and vehicle controls in accordance with the recommendations in the Barker Ryan report.**
- d) **protocols for the use and management of CCTV**
- e) **installation of intruder alarms and monitoring protocols.**
- f) **risk assessments to determine the need for security personnel.**
- g) **cleaning and maintenance protocols.**
- h) **operational procedures relating to incident reporting.**
- i) **noise management associated with patrons.**
- j) **Heavy vehicle access to the site when access to the central carpark and loading areas are restricted by the barriers recommended in point c).**

REASON: To ensure that adequate measures are in place to deal with crime risks associated with the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

ONGOING MANAGEMENT

273. **The owner shall submit to Council an Annual Fire Safety Statement, each 12 months after the final safety certificate was issued. The certificate shall be on, or to the effect of, Council's Fire Safety Statement (copy attached).**

REASON: Because it is in the public interest that the development provide an Annual Fire Safety Statement. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

274. Provision is to be made in the building and on the site for:

- a) access to the building for people with disabilities in accordance with the Building Code of Australia;**
- b) toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities shall be accessible to all persons working in, or using, the building; and**
- c) one motor vehicle parking space on the site for the exclusive use of people with disabilities in accordance with the Building Code of Australia.**

NOTE: The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

275. A building number shall be displayed in a position clearly visible from the street in letters having a height of not less than 75 mm (3 inches). The number must be in a contrasting colour to the background on which it is placed..

REASON: Because it is in the public interest that the building/property be easily identifiable. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

276. The provision of at least 64 car parking spaces for lot 4 and 274 car parking spaces for Lot 5 in a manner that is in accordance with Australian Standard AS 2890.1 - 2004 Car Parking and Council's Offstreet Car Parking Code.

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

277. Road Safety Audits are to be conducted at the design and pre-opening stages of the roadworks in accordance with *Austroads (2009) Guide to Road Safety Part 6: Road Safety Audit*. The developer is responsible for mitigating deficiencies identified within the audit report.

REASON: To comply with the requirements of the RTA. Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

278. Any proposed landscaping, signage and fencing are not to impede sight lines of traffic and/or pedestrians within the development, or when entering or leaving the development.

REASON: To ensure ongoing safety and security associated with the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 279. All activities associated with the loading and unloading of goods associated with the development must be carried out on site. All vehicles including delivery vehicles are to enter and exit the site in a forward direction.**

REASON: To ensure that loading and unloading of goods does not impact on the surrounding road network. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

PRESCRIBED CONDITIONS

The following conditions are known as “Prescribed Conditions” and are required to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Planning and Development Department who will be happy to advise you as to whether or not the conditions are relevant.

- 280. All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant construction certificate or complying development certificate was made).**

REASON: So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 281. Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:**

- a) in the case of work done by a licensee under the Act:**
 - (i) has been informed in writing of the licensee’s name and contractor license number, and**
 - (ii) is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
- b) in the case of work to be done by any other person:**
 - (i) has been informed in writing of the person’s name and owner-builder permit number, or**
 - (ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the**

purposes of the definition of owner-builder work in section 29 of the Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either (a) or (b).

NOTE: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

REASON: So that the development complies with the requirements of clause 98 of the Environmental Planning and Assessment Act Regulations 2000. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

282. A sign must be erected in a prominent position on any work site on which building work, subdivision work or demolition work is being carried out:

- a) stating that unauthorised entry to the site is prohibited,**
- b) showing the name of the principal contractor (if any) for the building work, and a telephone number on which that person may be contacted outside work hours, and**
- c) showing the name, address and telephone number of the principal certifying authority for the work.**

Any sign is to be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or**
- b) building work carried out on premises that are to be occupied continuously (both during and outside work hours) while the work is being carried out.**

REASON: Because it is in the public interest that the persons responsible for the site can be contacted. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

283. The commitments listed in any relevant BASIX Certificate for this development are to be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.

REASON: So that the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended. Section 80A (11) of the Environmental Planning and Assessment Act 1979, as amended.

284. If an excavation associated with the erection/demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- a) must preserve and protect the building from damage, and
 - b) if necessary, must underpin and support the building in an approved method, and
 - c) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars to the owner of the building being erected/demolished.

NOTE 1: The owner of the adjoining allotment of land is not liable for any part of the cost of the work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

NOTE 2: For the purposes of this condition allotment of land includes a public road or any other public place.

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

Date application submitted: 6 November 2009

Endorsement of date of determination:

NOTES:

1. **Lapsing of consent.** Unless a shorter period is specified in this notice, this consent will lapse if the development is not substantially commenced within five years of the date endorsed on this notice.
2. **Right of Review:** If you are dissatisfied with this determination, section 82A of the Environmental Planning and Assessment Act 1979, as amended, gives you the right to request the Council to review its determination, within 12 months of the date endorsed on this notice. Such a request must be accompanied by the fee prescribed in Council's Revenue Policy.
3. **Right of appeal:** If you are dissatisfied with this determination, section 97 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right of appeal to the Land and Environment Court within 12 months of the date endorsed on this notice.
4. See **attached** sheet for explanatory notes.

5. All monetary conditions are reviewed annually, and may change as of 1 July each year.

D R Shaw
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES