



16 June 2011

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

To Mr A Saunders
Saunders & Staniforth Valuers
C/- Effem Foods Pty Ltd
16 Adrienne Street
RAGLAN NSW 2795

being the applicant in respect of **Development Application No 2011/0171**.

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 2011/0171, relating to the land described as follows:

LOT 20, DP 806168, LOT 3, DP 593197, 16 ADRIENNE STREET, RAGLAN

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

1. **NEW FACTORY BUILDING;**
2. **INSTALLATION OF NEW PLANT AND MACHINERY WITHIN NEW FACTORY BUILDING;**
3. **INTEGRATION OF NEW FACTORY BUILDING INTO EXISTING BIO-FILTER;**
4. **REMOVAL OF PLANT WITHIN EXISTING FACTORY WITHIN BAYS 1 AND 2**

Building Code of Australia building classification **7b & 8**.

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:

Reference: DD:KJD:DA/2011/0171
Enquiries: Mr D Dwyer 02 6333 6212
2011-0171-da.doc

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

1. **The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to**

- a) **drainage infrastructure;**
- b) **accesses;**
- c) **paving and line marking;**
- d) **entrance/exit signage.**

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.

2. **The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed so that a B-double 25 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.

3. **The payment to Council of \$66.00 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.

4. 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).

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

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.

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).

5. 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 1: The compliance certificate is to be issued prior to any building work commencing on the site.

NOTE 2: The landscape plan need only relate to the new driveway and carpark areas.

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.

6. Prior to the issue of a construction certificate, the applicant is to satisfy Council that the amount of the long service levy payable under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 in respect of the erection of the building has been duly paid or, if the levy is to be paid by instalments pursuant to section 43 of that Act, the first instalment of that long service levy has been duly paid.

REASON: To comply with the relevant provision of the Building and Construction Industry Long Service Payments Act 1986. Section 79C(1)(e) 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 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.

PRIOR TO ANY WORK ON SITE

8. **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.

9. 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.

10. 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.

11. **The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, notification of the details of the Principal Certifying Authority appointed by the owner for the development.**

NOTE: If Bathurst Regional Council is to be appointed as the Principal Certifying Authority, attached is the appropriate form to submit to Council.

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

12. **The provisions of Council's Tree Preservation Order (adopted at the ordinary meeting of 20 November 1991) are to be observed.**

NOTE: A copy of the Tree Preservation Order is enclosed with this notice.

REASON: To ensure that any trees, on or near to the subject land, are not damaged or removed unnecessarily. Section 79C(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

13. **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.

14. **Submission by a practising Structural Engineer approved by Council, of Engineers details of all structural concrete and structural steelwork before such work commences.**

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.

15. **The developer is to submit to the Royal Australian Air Force (RAAF) the attached "Tall Structure Report Form" as the proposed building will have an overall height in excess of 30 metres and as the subject site is within 30 kilometres of an aerodrome.**

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

DURING CONSTRUCTION

16. **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.

17. **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 plumbing work identified in column 1 has been installed in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. For the purposes of obtaining the compliance certificates the plumbing works must be inspected by the accredited certifying authority at the times specified in column 2.**

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.
Stack Work	When all 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.

18. **The development shall be carried out in accordance with the approved plans.**

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

19. **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.

20. **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.

21. **Adequate fire precautions shall be undertaken during construction. This will mean the provision of at least one fire extinguisher to suit Class A, B and C fires and electrical fires at all times in the construction area.**

REASON: To ensure that adequate fire protection services are provided in the building to restrict fire growth, to facilitate the fighting of fire to minimise damage to the building and its contents and to prevent the spread of fire to adjoining properties. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

22. **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.

23. **Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with 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.

24. **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.

25. **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.

26. 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.

27. 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.

28. All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to the existing stormwater disposal system located on the subject land, 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.

29. **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.

30. **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.**

NOTE: In particular, the developer is to ensure that no stormwater from the site enters the adjoining rail corridor.

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.

31. **A minimum 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.

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.

32. **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.**

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: 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.

33. **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.

34. **All existing house sewerage drainage pipelines affected by the proposed additions and alterations to factory are to be re-laid to clear the new building alignment.**

REASON: To ensure the house sewerage drainage is accessible at all times for maintenance purposes. Section 79C(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

35. **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.

36. **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.

37. **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.

38. **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.

39. **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.

40. **The overflow for the rainwater tank is to be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with AS/NZS 3500.**

NOTE 1: The rainwater tank should be maintained and protected against mosquito infestation.

NOTE 2: Council does not recommend the use of tank rainwater for drinking, showering and/or eating utensils.

NOTE 3: If a pump is required it must be located and operated so as not to cause a noise nuisance to adjoining properties.

REASON: To ensure that no nuisance is created by the disposal of the stormwater. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

41. **The developer is to provide secure fencing along the common boundary between the subject site and the adjoining rail corridor.**

REASON: Because of representations to that effect made by the Australian Rail Track Corporation Ltd (ARTC). Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

42. **Should it be necessary to penetrate ground to a depth of 2 metres or more below existing ground level on land within 25 metres of the rail corridor, the developer is to notify the Australian Rail Track Corporation Ltd (ARTC).**

REASON: Because of representations to that effect made by the Australian Rail Track Corporation Ltd (ARTC). Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

43. **Submission of details of the proposed method of protecting the building from a fire by the installation of a fire hydrant and fire hose reel system. These details are to be submitted to Council before such work commences.**

NOTE: A fire hydrant and fire hose reel system is required to be installed to protect the proposed building. The details of such a system are to be compiled by a suitably qualified person and must be sufficient enough to demonstrate that the installation of the fire hydrant and fire hose reel system has been thoroughly investigated. These details may include the results of flow rate and pressure tests, any assumptions made or concessions applied from Australian Standard 2419.1 – 1994 and a scaled drawing of the proposed system. The drawing may include the type and diameter/s of all pipes, the location of the proposed system on the site and the type of water meter installed or to be installed.

REASON: Because it is in the public interest that the building provide an adequate level of fire protection. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

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

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.

45. **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.

46. **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.

47. **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.

48. **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.

49. **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 occupation of the building(s).

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.

50. **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.

51. **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.

USE OF THE SITE

52. **All exterior lighting associated with the development 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 prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

53. **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.

54. **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.

55. **The Applicant shall establish a Complaints Management and Reporting Protocol in consultation with the Council and the EPA. The Complaints Management and Reporting Protocol shall be made publicly available.**

The Complaints Management and Reporting Protocol shall include:

- (i) details of a telephone complaints line;
- (ii) details of an emergency contact no;
- (iii) measures to record all complaints received; and
- (iv) measures to ensure that an initial response to complaints are provided within agreed timeframes; and
- (v) protocols to trigger an investigation.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) 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.

56. **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.

57. **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.

58. 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.

59. **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.

60. **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: 11 May 2011

Endorsement of date of determination: 16 June 2011

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. Such a request must be accompanied by the fee prescribed in Council's Revenue Policy.

For Development Applications lodged prior to 28 February 2011 the review must be undertaken within 12 months of the date endorsed on this notice.

For Development Applications lodged after 28 February 2011 the review must be undertaken within 6 months of the date endorsed on this notice.

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.

For Development Applications lodged prior to 28 February 2011 the appeal must be lodged within 12 months of the date endorsed on this notice.

For Development Applications lodged after 28 February 2011 the appeal must be lodged within 6 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

