

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

**To** Mr D Sturgiss  
Bathurst Regional Council  
Private Mail Bag 17  
BATHURST NSW 2795

being the applicant in respect of **Development Application No 2010/0770.**

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 2010/0770, relating to the land described as follows:

**LOT 20, DP 1119593, 378 COLLEGE ROAD, ORTON PARK**

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

1. **333.33 METRE OUTDOOR VELODROME (COMPLETE WITH TRAINING LIGHTING)**
2. **CRITERIUM LONG COURSE**
3. **CRITERIUM SHORT COURSE**
4. **BMX TRACK**
5. **MOUNTAIN BIKE DOWNHILL COURSE**
6. **MOUNTAIN BIKE CROSS COUNTRY COURSE**
7. **JUNIOR EDUCATION COURSE**
8. **CLUB HOUSE AND AMENITIES BUILDING**
9. **SEALED CAR PARK**

Building Code of Australia building classification **9b, 10a & 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:

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

- 1. The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to water infrastructure, sewer infrastructure, drainage infrastructure, access, ground levels, filling, paving and line marking.**

**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 applicant is to submit to Council an overall strategy to control advertising for the development.**

**Unless development consent can be assumed in accordance with Clause 16 of Bathurst Regional (Interim) Local Environmental Plan 2005, a further development application for the erection or display of any advertising structure or sign on the land or any building thereon, shall be lodged and approved.**

**NOTE: The developer should ensure that future tenants are aware of the strategy as it is unlikely that Council will grant approval to advertising signs that are inconsistent with the strategy.**

REASON: So that Council may adequately assess the impact of advertising for the development in line with the goals established in Council's adopted Bathurst Regional (Interim) Development Control Plan 2011. Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, as amended.

- 3. 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 \$84.00. 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.

4. **The payment to Council of \$597.00 for inspection of plumbing and drainage work.**

**These bonds/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.

5. **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 will have to contribute the sum of \$16,807.20 water headworks plus \$16,351.20 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).

6. **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.

7. **The developer is to arrange and finance a Flood Impact Assessment of the property detailing the effect of the proposed development on the 1% and 5% Annual Exceedance Probability flood level at neighbouring properties. No works are to commence until the Flood Impact Assessment has been completed, and has been assessed against guidelines as having a negligible impact on the flood velocity and depth at all other properties within the model extent.**

**NOTE: The Flood Impact Assessment can be carried out by Council's Engineering Department upon payment of the prescribed fee. Alternatively, the developer may elect to engage 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 ensure neighbouring properties will not be adversely affected in a 1% AEP flood event as a consequence of this development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.**

8. **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.**

9. **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.**

10. **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.

11. **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.

12. **The applicant is to submit a land management plan that details how the Box-gum woodland and aquatic environment is to be protected and managed in accordance with the SEE. This land management plan will include how erosion will be managed on gravel or unformed cycle tracks.**

Reason: to ensure that the impact of the development on the environment is considered and appropriately mitigated. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

13. **Prior to the issue of the construction certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:**

a) **Traffic management, including:**

- i) **Loading, unloading area and material storage areas;**
- ii) **Access to adjoining properties; and**

- iii) **Parking areas (for construction workers and surrounding properties);**
- b) **Noise;**
- c) **Dust;**
- d) **Stabilisation and monitoring of adjoining buildings;**
- e) **Vibration; and**
- f) **Proposed methods of communication, including:**
  - i) **Communication with adjoining property owners;**
  - ii) **Communication with the general public; and**
  - iii) **Complaints management.**

Reason: to ensure that the impact of demolition and construction to adjoining and surrounding properties is considered and appropriately mitigated. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

14. **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: WORK MUST NOT COMMENCE WORK UNTIL A CONSTRUCTION CERTIFICATE HAS BEEN ISSUED.**

**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****15. 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.

**16. 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.

17. **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.

18. **The proposed down hill mountain bike track is to be redesigned and relocated clear of the remnant Box Gum Woodland EEC community identified in the Mactaggert Natural Resource Management SEE and Fauna & Flora Assessment.**

Reason: To ensure that the impact of the development on the environment is considered and appropriately mitigated. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

#### DURING CONSTRUCTION

19. **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
Road Construction	<ul style="list-style-type: none"> <li>* Following site regrading, and prior to installation of footway services;</li> <li>* Excavation and trimming of subgrade;</li> <li>* After compaction of subbase;</li> <li>* After compaction of base, and prior to sealing;</li> <li>* Establishment of line and level for kerb and gutter placement;</li> <li>* Subsoil Drainage;</li> <li>* Road pavement surfacing;</li> <li>* Pavement test results (compaction, strength).</li> </ul>
Drainage	<ul style="list-style-type: none"> <li>* After laying of pipes and prior to backfill;</li> <li>* Pits after rendering openings and installation of step irons.</li> </ul>



<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Water</b>	* After laying of mains and prior to backfill; * After laying of services and prior to backfill; * Pressure testing.
<b>Sewerage</b>	* After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration.
<b>Concrete Footway Crossings</b>	* After placing of formwork and reinforcement, and prior to concrete placement;
<b>Erosion and Sediment Control</b>	* Prior to the installation of erosion measures.
<b>All Development &amp; or Subdivision Works</b>	* 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.

20. 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.

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Internal House Drainage</b>	When all internal plumbing work is installed and prior to concealment.
<b>External House Drainage</b>	When all external plumbing work is installed and prior to concealment.
<b>Stack Work</b>	When all work is installed and prior to concealment.
<b>Final</b>	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.

21. 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.

- 22. 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.

- 23. 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.

- 24. 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.

- 25. 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.

**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. Unless otherwise approved by Council, the exterior colours and materials of the building are to be of muted natural tones.**

REASON: So that the exterior colour scheme is compatible with the character of the area. Section 79C(1)(a)(i) and (b) of the Environmental Planning and Assessment Act 1979, as amended.

**28. 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.

**29. 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.

30. **All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to a legal point of discharge, 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.

31. **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.

32. **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.

33. **All storm water runoff from the proposed development is to be collected on site and conveyed to a legal point of discharge, 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.

34. **The construction of water and sewerage reticulation to serve the development in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: Because these utilities are necessary to serve the development. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

35. **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.

36. **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.

37. **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.

38. **The construction of water mains such that there is a separate and distinct water main connection wholly within the boundary of the land, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

**NOTE 1: 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.

39. **The proposed combined entrance and exit is to have a width of 6 metres at the property line.**

REASON: So that the combined entrance and exit is sufficiently wide to enable adequate means of entrance to and exit from the subject land. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

40. **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.

41. **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.

42. **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.

43. **The construction of an energy dissipating structure 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.**

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

44. **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.

45. **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 Essential Energy. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

46. **The development is to be undertaken in compliance with any requirements of the Australian Rail Track Corporation.**

- **Excavation depths are to be limited to a maximum of 2m within 25m of the rail corridor.**
- **Any required upgrades to the level crossing will be at the applicants full cost.**
- **The intersection of the subject land and Vale Road is to be upgraded to increase the available queue space and the installation of additional**



**warning signs in accordance with the recommendations made by the 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.

**47. Compliance with any requirements of the Roads and Traffic Authority including the following:**

- **A right turn treatment of the 'Type CHR' (Channelised Right Turn) is to be constructed adjacent to the southbound lane on Vale Road as per Fig 7.7 in the *Austroads Guide to Road Design: Part 4A*.**
- **Intersection design on Vale Road will need to cater for any additional queuing as a result of level crossing operation. The level crossing will require the installation of a queuing treatment as detailed in Australian Standard AS 1742.7 (2007) in conjunction with the Vale Road intersection works.**
- **The pavement and seal of widened sections is to be consistent with the existing pavement and seal on the highway. In this regard a pavement design is to be forwarded to the RTA for approval. The approved layout and pavement design will form part of the Works Authorisation Deed (WAD).**
- **A copy of construction plans for the proposed road works associated with the access are to be submitted to the RTA for approval.**
- **As the intersection is located on a State road, the developer will be required to undertake private financing and construction of works on a road in which the RTA has a statutory interest. A formal agreement in the form of a Works Authorisation Deed (WAD) is required between the developer and the RTA.**
- **Any environmental impacts associated with widening for the above intersection works is to be considered in the Part 4 development assessment. Otherwise as part of the WAD a Review of Environmental Factors will be required under Part 5 of the Environmental Planning and Assessment Act 1979.**
- **Landscaping and vegetation is not to interfere with driver or pedestrian sight lines.**
- **Road Safety Audits are to be conducted as per Section 4.4 of the traffic feasibility report.**

- **A Road Occupancy Licence is required prior to any works commencing within three metres of the travel lanes of Vale Road. This can be obtained by contacting Mr Paul Maloney on (02) 6861 1686. Submission of a Traffic Management Plan incorporating a Traffic Control Plan is required as part of this licence.**
- **The intersection treatments are to be completed prior to any other works being undertaken at the site.**
- **All consulting, planning, designing, investigating, reviewing, and works are to be at no cost to the RTA.**
- **Lighting is to be in accordance with Australian Standards and not be a distraction or a nuisance to road users through light spillage onto the road corridor.**
- **Detail of any proposed outdoor advertising signage was not provided. Dependent upon size, the sign could be the subject of a separate Development Application or further information pertaining to overall size, location and structure detail to be provided for assessment. The RTA interest is in the frangibility and location of the structure, and the potential for distraction of road users on Vale Road by sign content and lighting.**

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.

48. **The existing entrance into the site is to be redesigned to physically separate bicycle traffic from the roadway ie the cycleway should be off road so that there are no conflicts with heavy vehicles entering the Omya Minerals site. The intersection design is to occur in conjunction with Omya Minerals' who are to be consulted with during the design process.**

Reason: To ensure that the impact of the development on the surrounding road and cycle network considered and appropriately mitigated. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

49. **Vale Road (from its intersection with Lloyds Road to the entry to the subject land) and College Road (from its intersection with Currawong Street to the entry to the subject land) are to each be provided with a designated on road bicycle lane with a minimum width of 1.5 metres. The bicycle lanes are to be designed in accordance with Section 3 of the Roads & Traffic Authority Guidelines.**

**Prior to the commencement of works the proponent is to undertake an audit of Vale Road and College Road to determine the degree of existing**

**compliance and identify additional works necessary to comply with this requirement.**

**The Vale Road bicycle lane is to be provided prior to the commencement of operations of the 1st stage of the development.**

**The College Road bicycle lane is to be provided prior to the connection of the internal access road between the development and College Road.**

Reason: To ensure that the impact of the development on the surrounding road and cycle network considered and appropriately mitigated. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

50. **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.

#### **PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE**

51. **The applicant is to submit to Council one set of transparent film copies of the works as executed plans for the water infrastructure, sewer infrastructure and 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.

52. **The applicant is to install a fauna friendly fence (4 plain wire) around identified Box Gum Woodlands areas, prior to commencement of the use of the site and issuing of any Occupation Certificate (Interim or Final).**

Reason: to ensure that the impact of the development on the environment is considered and appropriately mitigated. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

53. **The rural address number shall be displayed in a position clearly visible from the road, at the entrance to the property, 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. The correct rural address number is stated on the Notice of Determination.**

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.

54. **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.

55. **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.

56. **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.

- 57. 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**

- 58. Access to the subject land is only to occur via the existing roadway from Vale Road and the proposed new access from College Road, and no other entrance, exit, access, gate, grid or driveway is to be constructed without the prior consent of Council.**

**REASON:** To prevent unsafe access to the adjoining road and to minimise the number of accesses to that road. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

- 59. 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) **motor vehicle parking spaces 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.

60. **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.

61. **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.

62. **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.

63. **The provision of at least 612 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.

64. **The construction of an enclosure designed to screen and contain the garbage and other refuse likely to result from the operation of the development, while enabling access for removal by a garbage truck.**

REASON: So that the development does not reduce the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

65. **Garbage receptacles for the disposal of litter shall be installed, maintained and regularly emptied.**

REASON: So that the development does not reduce the amenity of the area by reason of an accumulation of litter. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

66. **Compliance with any requirements of the APA Group, including the following:**

- **Risk Assessment supplied by Council is followed.**
- **Final plans are sent for review.**
- **Erosion caused by the Facility will not be the responsibility of APA Group and associated repairs will be paid in full by Council.**
- **Sufficient cover must be kept at all times for the protection of the pipeline, this is to be done in consultation with an APA representative.**
- **No vibrating rollers to be used in the vicinity of the pipeline easement and a list of equipment including the equipment weights is to be sent to APA prior to working over the pipeline easement.**
- **Notification of at least 1 week must be provided prior to working over the pipeline easement, APA require that a representative on site at all times during construction in the vicinity of the pipeline easement.**
- **Bathurst Regional Council to bear all cost incurred by the implementation or recommendations required to protect the integrity of the natural gas pipeline.**
- **Council to complete and return Application for Permission to Carry out Work on or in the Vicinity of Pipeline Easement.**

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.



**67. Compliance with any requirements of the NSW Police Force including the following:**

- **Installation of CCTV throughout the development.**
- **Lighting of all pathways, car parks and related areas.**
- **Development of a lighting maintenance policy.**
- **Signage reinforcing public areas, speed zones and general safety.**
- **Establishment of a graffiti management plan.**
- **Landscaping should reduce opportunities for concealment.**
- **Limiting access to the site particularly after hours.**

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.

**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.*

**68. 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.

**69. 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.

**70. 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.

- 71. 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.

- 72. 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:** 3 September 2010

**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. 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**

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

**EXPLANATORY NOTES**

1. Should further explanation of the terms or conditions of the approval be required, please contact Council's Environmental Planning and Building Services Department.
2. Unless otherwise stated in a particular condition, it is the developer's responsibility to obtain any additional permits, approvals, consents, easements, or permission to enter necessary for the satisfaction of any conditions or for the completion of any works to be carried out in connection with the development.
3. Application for modification of this consent must be made on the prescribed form and be accompanied by the prescribed fee.
4. If amended building plans are submitted they must be accompanied by the fee set out in Council's Revenue Policy.