



22 May 2013

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

Harness Racing NSW
c/- Geolyse Pty Ltd
PO Box 1963
ORANGE NSW 2800

being the applicant in respect of **Development Application No 2012/0416**.

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 2012/0416, relating to the land described as follows:

**LOT: 14 DP: 787842, LOT: 10 DP: 717095, LOT: 6 DP: 540566, COLLEGE ROAD
SOUTH BATHURST**

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

1. **1040 METRE HARNESS RACING TRACK**
2. **LICENSED CLUB BUILDING (WITH LOUNGE, FUNCTION AREA/MEETING ROOM, BAR AND SERVERY, VIEWING PLATFORM, CONCOURSE WITH SEATING, GRASSED TERRACE, TOILETS, OFFICES, CONTROL ROOM, JUDGES ROOM, STEWARDS ROOM AND RACE CALLER ROOM, TOGETHER WITH AN EXTERNAL CAMERA PLATFORM);**
3. **KIOSK FOR OUTDOOR FOOD SERVICE;**
4. **STABLES BUILDING (WITH ACCOMMODATION FOR UP TO 89 HORSES WITH ONE STALLION BOX, TWO URINALS, FOUR WASH BAYS, TWO SWAB BAYS, A STEWARDS ROOM, A SICK BAY, AN OFFICE, A STOREROOM, AN OWNERS/TRAINERS ROOM AND TOILET FACILITIES);**
5. **SEALED ACCESS ROAD FROM COLLEGE ROAD;**
6. **PUBLIC CAR PARK; AND**
7. **OWNERS/TRAINERS CAR PARK**

Building Code of Australia building classification **9b, 7b, 6 & 5**

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

NOTE 1: 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.

2. **The applicant is to submit three copies of engineering plans, specifications and calculations in relation to:**
 - a) **Drainage infrastructure;**
 - b) **Paving and line marking of parking and manoeuvring areas;**
 - c) **Upgrading the intersection of College Road and the proposed access road;**
 - d) **Physical closure of Ethelton Avenue;**
 - e) **Water infrastructure;**
 - f) **Sewer infrastructure.**

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.

3. **The payment to Council of \$673.20 for the inspection of plumbing and drainage work.**

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

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 attached).**

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 make financial contribution in respect to water and sewer headworks. The amount of such contribution will be determined by Council upon receipt of additional information such as:

- a) Water usage in the stable and wash bay areas;**
- b) Track watering requirements and usage;**
- c) Irrigation requirements; and**
- d) Fire protection requirements (proposed volume and storage as required).**

Further, the developer is to enter into an additional works agreement with Council 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.

5. **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.

6. **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

7. **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 builder's 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.

8. **The applicant is to submit to Council, at least two 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 1: 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.

9. **Submission by a practising Structural Engineer, approved by Council, of Engineer's 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.

10. **Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the Plumbing and Drainage Act 2011.**

REASON: To ensure that the plumbing and drainage works is in accordance with the Plumbing and Drainage Act 2011. Section 79C(1)(e) 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.**

The landscape plan is to include the areas surrounding the Clubhouse, stables and car parking areas and the proposed earth wall adjoining 23 Ethelton Avenue.

NOTE 1: 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 prepare an Operational Management Plan for the site that will be implemented during site operation detailing:**
- a) **installation of CCTV facilities in the areas recommended by NSW Police;**
 - b) **installation of lighting in the areas recommended by NSW Police;**
 - c) **installation of pedestrian and vehicle controls in accordance with the recommendations of NSW Police;**
 - d) **protocols for the use and management of CCTV;**
 - e) **installation of intruder alarms and monitoring protocols;**
 - f) **risk assessments to determine the need for security personnel;**
 - g) **cleaning and maintenance protocols;**
 - h) **operational procedures relating to incident reporting;**
 - i) **fencing to external site boundaries, in particular the boundary with 23 Ethelton Avenue and the boundary with the rail corridor; and**
 - j) **methods to exclude vehicles and spectators from the northern side of the track.**

NOTE: The Operational Management Plan is to be submitted and approved by Council prior to the commencement of development activities.

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

13. **The Applicant is to prepare a Noise Management Plan for the site that will be implemented during site operation detailing:**
- a) **Management Practices (hours of operation, PA system design etc) used to achieve the noise limits established in the consent;**
 - b) **Mitigation measures (including design and landscaping) to be implemented to protect the nearest residential receivers;**
 - c) **Consultation strategy for keeping impacted neighbours informed and hotline for complaints and queries;**
 - d) **The proposed measures to be taken to measure and monitor noise levels at the nearest residential receivers;**
 - e) **An appropriate timetable for the reporting of noise monitoring to Council as required by d); and**
 - f) **An appropriate timetable for responding to complaints and implementing mitigating or adapting actions to limit further impacts.**

NOTE: The Noise Management Plan is to be submitted and approved by Council prior to the commencement of development activities.

REASON: So that the development does not have an adverse impact on the amenity of the area in terms of noise emissions. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

14. **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"> * Following site regrading, and prior to installation of footway services; * Excavation and trimming of subgrade; * After compaction of subbase; * After compaction of base, and prior to sealing; * Establishment of line and level for kerb and gutter placement; * Subsoil Drainage; * Road pavement surfacing; * Pavement test results (compaction, strength). |
| Drainage | <ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons. |
| Water | <ul style="list-style-type: none"> * After laying of mains and prior to backfill; * After laying of services and prior to backfill; * Pressure testing. |
| Sewerage | <ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration. |

| COLUMN 1 | COLUMN 2 |
|--|--|
| New gate – rural crossing | <ul style="list-style-type: none"> * Prior to commencement of excavation works. * After compaction of base and prior to sealing * Road pavement surfacing |
| Erosion and sediment control | <ul style="list-style-type: none"> * Prior to the installation of erosion measures. |
| All development and/or subdivision works | <ul style="list-style-type: none"> * 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.

15. **The plumbing and drainage must be inspected by Council 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.

16. **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.

17. **The construction of the intersection of College Road and the proposed access road including:**
- a) construction of a passing lane;
 - b) construction of a turning lane; and
 - c) installation of street lighting

in accordance with the provisions of Bathurst Regional Council's Guidelines for Engineering Works and the requirements of Roads and Maritime Services.

REASON: To increase the capacity of the intersection so that it may cater for the increased traffic likely to be caused by the development. Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

18. **Ethelton Avenue rail crossing is to be closed. The developer is to liaise with Council, John Holland Rail, Roads and Maritime Services and the affected property owner as to the most appropriate location and means to affect the closure. All costs associated with the closure are the full responsibility of the developer.**

REASON: To prevent public access to the subject site via a substandard roadway. Section 79C(1)(b) and (c) 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. **The Applicant must notify neighbours directly adjoining (including across any road) in writing at least 7 days prior to construction informing them of the impending works and including details of proposed construction dates, construction times and contact details for complaints or other issues.**

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.

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 1: 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 Site.**

NOTE 1: 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 & 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. **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.

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 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 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 1: '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 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.**

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. **All stormwater 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.

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

NOTE 1: Soil density tests from a NATA registered laboratory, and conducted in accordance with Australian Standard 1289, will be required prior to the issue of any Construction Certificate for the erection of a building or the issue of a Subdivision Certificate.

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

33. **The 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 the Plumbing Code of Australia.**

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.

34. **All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.**

NOTE 1: 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.

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

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

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

36. **The applicant is to install**

- a) **cross connection control and/or**
- b) **back flow prevention**

devices throughout the water supply system, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.

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.

37. **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 1: 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.

38. **The vehicular access from the car park to the property boundary is to comply with Part 4.1.3(2) Property Access of the Planning for Bush Fire Protection Guidelines 2006.**

Construction is to achieve the following minimum standards:

- a) **A minimum sealed carriageway width of 6 metres;**
- b) **Minimum vertical clearance of 4 metres to any overhanging obstructions;**
- c) **Curves are to have a minimum inner radius of 6 metres;**
- d) **A cross fall not exceeding 10 degrees; and**
- e) **A maximum grade of not more than 10 degrees.**

REASON: To minimise the impact of the development on the environment, and to provide access for emergency vehicles. Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

39. **Compliance with the requirements of Roads and Maritime Services including the following:**

- a) **Safe Intersection Sight Distance (SISD) as outlined in the Austroads Guide to Road Design and RMS Supplements to Austroads Guide to Road Design is to be maintained in each direction at the property access. For a 60 km/h speed zone the minimum SISD is 114m.**
- b) **RMS agrees in principle to the closure of the eastern end of Ethelton Avenue at the intersection of Vale Road (MR54) under section 34 of the Roads Act 1993. This closure would eliminate the rail level crossing and prevent vehicles travelling to the proposal site via Vale Road (MR54). RMS recommends that Ethelton Avenue be physically separated from Vale Road (MR54) east of the rail level crossing and that a turning area (such as a cul-de-sac head) be provided on the western side of the rail level crossing. This would prevent vehicles from accessing Ethelton Avenue from Vale Road (MR54) and would provide room for vehicles on Ethelton Avenue to turn around. Access from College Road to Ethelton Avenue is to be maintained to provide access for existing residents. Consideration should be made to the removal of the rail level crossing infrastructure and the use of a barrier to prevent future informal access.**
- c) **The site access is to conform to the Austroads Guide to Road Design (2010) Rural Property Access Designed for Articulated Vehicles in Figure 7.4 (copy enclosed). The site access is to be widened to a minimum of six metres to allow for simultaneous vehicle movements into and out of the site.**

- d) The access is to be sealed for a minimum of 20 metres from the edge of the southbound travel lane of College Road and the levels of the proposed access are to match the levels of College Road.
- e) The access is not to interfere with longitudinal drainage adjacent to College Road. If required a suitably sized (minimum 375 mm diameter) reinforced concrete culvert is to be installed under the access. Any culvert within the clear zone is to have sloped headwalls so as not to be a traffic hazard.
- f) A designated left turn lane 'Type AUL' (copy enclosed) is required to allow for left turn movements into the proposal site. A widened sealed area (minimum three metres) is to be provided outside the northbound edge line/edge of seal opposite the property access to allow through traffic on College Road to pass vehicles performing a right turn.
- g) It would be desirable for an intersection treatment in the form of an Austroads Guide to Road Design (2010) Channelized Left-turn Treatment 'Type CHL' and Basic Right-turn Treatment Type BAR' to be provided at the property access point to allow for safe left and right turn movements from College Road into the proposal site.
- h) All vehicles are to enter and exit the site in a forward direction.
- i) As stated in the Traffic Impact Assessment all service and delivery vehicles would access the site on non-race days (typically between 8 am and 5 pm).
- j) All activities including loading and unloading of goods associated with the development are to be carried out onsite.
- k) All parking (including overflow parking) is to be contained on the proposal site.
- l) Landscaping, signage and fencing are not to impede sight lines of traffic within or when passing, entering or departing from the site.
- m) A designated bus and taxi pick up-set down area could be provided onsite to encourage people to travel to the site by public transport.
- n) A Road Occupancy Licence is required prior to any works commencing within three metres of the travel lanes of Vale Road (MR54). This can be obtained by contacting Mr Paul Maloney on (02) 6861 1686. Submission of a traffic control plan is required as part of this licence.
- o) All works associated with the development are to be at no cost to RMS.

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

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

- 40. A 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 applicant is to contact Council to determine the correct rural address after the access has been constructed.

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.

41. **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.

42. **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 months of the date on which the final Fire Safety Certificate was issued. The owner of the building shall forward a copy of the certificate to the New South Wales Fire Brigade and shall prominently display a copy in the building.

NOTE 1: 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.

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 1: 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 provides an adequate level of fire protection. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 44. 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.

- 45. The subject land is to be consolidated into one lot.**

NOTE 1: Evidence of consolidation is to be provided to Council prior to the issue of an Occupation Certificate.

REASON: Because the size and shape of the subject land, and the siting of the proposed buildings and works thereon, are such as to require that the land be consolidated. Section 79C(1)(b) and (c) of the Environmental Planning and Assessment Act 1979, as amended.

- 46. The applicant is to submit to Council one set of electronic files in both Portable Document Format (.pdf) and in CAD Drawing (.dwg) format (MGA co-ordinates, with each of the services on a separate layer eg separate out water, sewer, storm water to their own layers) and one set of paper copies of the works as executed plans for the:**

- a) Drainage infrastructure;**
- b) Intersection of College Road and the proposed access road**
- c) Water infrastructure;**
- d) Sewer infrastrucure.**

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.

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

NOTE 1: 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. **Prior to the issue of any Occupation Certificate the responsible plumbing contractor is to submit to Council a copy of the Certificate of Compliance issued for the works.**

REASON: To ensure that the plumbing and drainage works is in accordance with the Plumbing and Drainage Act 2011. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

50. **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 1: 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

51. The development shall be carried out such that during operations the following noise criteria are satisfied at the times specified at the nearest sensitive receivers (residences).

| NOISE GOAL FOR HARNESS RACING | |
|-------------------------------|-----------------------------------|
| PERIOD | NOISE LEVEL LAeq, 15 minute dB(A) |
| Day (07.00-18.00) | 35 |
| Evening (18.00-22.00) | 35 |
| Night (22.00-07.00) | 35 |

REASON: So that the development does not have an adverse impact on the amenity of the area in terms of noise emissions. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

52. Provision is to be made in the building and on the site for:
- access to the building for people with disabilities in accordance with the Building Code of Australia;
 - 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
 - motor vehicle parking space on the site for the exclusive use of people with disabilities in accordance with the Building Code of Australia.

NOTE 1: 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.

53. The owner shall submit to Council an Annual Fire Safety Statement, each 12 months after the final Fire 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. The site shall be managed so that:

- a) no additional filling shall be placed on the land which may impede the flow of flood waters;
- b) any clearing or drainage activities shall not alter the drainage patterns across the site;
- c) no landscaping or similar type structures shall be installed which will inhibit the flow of flood waters;
- d) any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of the flood waters;
- e) all actions shall be taken upon the site which will minimise the effect of the property upon the flood waters.

REASON: The allotment is within a recognised flood zone. Development in accordance with the Flood Manual is required to reduce adverse environmental impacts. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

55. 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 1: Lighting is to be designed and installed in accordance with the Lighting Assessment Report prepared by AJS Electrical Contracting dated 27 February 2012. Further, lighting is to be designed and installed so that there is no adverse impact on the rail corridor.

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 1: 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 work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the site is prohibited, and**
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours.**

Any sign is to be removed when the work has been completed.

NOTE 1: 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 adequate safety measures are provided. 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.

Endorsement date of determination and operative date: 22 May 2013

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



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.