

9 June 2016

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

Ms B Little
Opal Aged Care
Level 27 135 King Street
SYDNEY NSW 2000

being the applicant in respect of **Development Application No 2016/0030**.

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 2016/0030, relating to the land described as follows:

LOT: 3 DP: 503840, LOT: 3 DP: 1089380, LOT: 4 DP: 1089380, LOT: 5 DP: 1089380, LOT: 2 DP: 1089380, 50 HOPE STREET BATHURST, 93 STANLEY STREET BATHURST, PEEL STREET BATHURST

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

RESIDENTIAL AGED CARE FACILITY INCLUDING EARTHWORKS AND OTHER ASSOCIATED WORKS

Building Code of Australia building classification .

IMPORTANT NOTICE TO APPLICANT

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

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

Reference: LCL:MM:DA/2016/0030

Enquiries: Ms C L Clifton 02 6333 6215

2016 30 ~ associated works at Lot 3 DP 503840, Lot 3 DP 1089380, Lot 4 DP 1089380, Lot 5 DP 1089380, Lot 2 DP 1089380, 50 Hope Street BATH.DOC

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

1. **The applicant is to submit three copies of engineering plans, specifications and calculations in relation to paving and linemarking, concrete footpath, ponding to neighbours, stormwater runoff collection, minimum floor level and sewer extension.**

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 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 will have to contribute the sum of \$252,288.00 water headworks plus \$245,472.00 sewer headworks before the Certificate of Compliance will be issued.

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

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

3. **The payment to Council of \$2,152.00 for the inspection of plumbing and drainage work, and \$251.00 for the issuing of access levels.**

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 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 \$101.00. Alternatively it may be calculated by a private consultant with appropriate engineering qualifications and**

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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.

5. **The applicant is to submit to Council, for endorsement, a landscape plan prepared in accordance with Chapter 13 of the Bathurst Regional Development Control Plan 2014.**

Council is to certify that the landscape plan is in accordance with Council's Development Control Plan prior to any work occurring 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.

6. **The applicant is to submit a plan indicating the location of an emergency vehicle parking area.**

REASON: Because it is in the public interest that emergency vehicles parking areas are provided. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

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

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

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

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

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

8. **Subject to the results of the site validation report, the applicant is to submit to Council a Remediation Action Plan where the results exceed accepted standards for residential use.**

REASON: To ensure that the site is suitable for continued residential use. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

9. **Where remediation is required, prior to issue of any Construction Certificates for the proposed development, the applicant is to submit to Council results of validation tests and a Site Audit Statement certifying that the land is suitable for residential use.**

REASON: To ensure that the site is suitable for residential use. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

10. **Prior to the issue of the Construction Certificate the developer is to submit to Council the Construction Management Plan which includes (but is not limited to) the following:**

- a) Noise;
- b) Dust;
- c) **Proposed methods of communication, including:**
 - i) Communication with adjoining property owners;
 - ii) Communication with the general public; and
 - iii) Complaints management.

Note: The applicant is to provide the Director of the child care centre located at 81 Stanley Street the Construction Supervisors phone number.

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

PRIOR TO ANY WORK ON SITE

11. **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, the attached Agreement for the performance of certification work is to be completed.

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

12. **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.

13. **The developer is to submit a soil and water management plan for the site in accordance with Bathurst Regional Council's Guidelines for Engineering Works. 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 approval has been granted by Council. 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. Section 79C(1)(b) and (d) of the Environmental Planning and Assessment Act 1979, as amended.

14. **If a vehicular crossing over the footway is to be constructed, access levels are to be obtained from Council's Engineering Department. The vehicular crossing is to be constructed in accordance with Bathurst Regional Council's Guidelines for Engineering Works. Further the applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended PRIOR TO THE CONSTRUCTION of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council's Guidelines for Engineering Works and that the levels are in accordance with those issued.**

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

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 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.

17. **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.

DURING CONSTRUCTION

18. **The construction of a concrete footpath 1.2 metres wide and 100 mm thick and for the full frontage of the subject land to Stanley Street in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To increase the capacity of the road system by increasing the capacity of the footway in order to cater for pedestrian traffic generated by the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

19. **All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to the open drain located Peel Street or the Storm water system in Stanley Street, 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.

20. **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	* 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	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
Water	* After laying of mains and prior to backfill; * After laying of services and prior to backfill; * Pressure testing.
Sewerage	* After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration.
Concrete footway crossings	* After placing of formwork and reinforcement, and prior to concrete placement;
Erosion and sediment control	* Prior to the installation of erosion measures.
All development and/or subdivision works	* Practical completion.

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

21. **The plumbing and drainage must be inspected by Council at the times specified in Column 2.**

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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 The Plumbing Code of Australia. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

22. **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 1979, as amended from Council or an accredited certifying authority certifying that the finished floor level are 500 mm above the 1:100 year flood level.**

Note: This condition relates to the drainage channel in Peel Street.

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

23. **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 The Plumbing Code of Australia. 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.

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

Further, the applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended at the completion of construction of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council's Guidelines for Engineering Works and that the levels are in accordance with those issued by Council.

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

25. **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.

26. **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.

27. **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.

28. **All stormwater runoff from the proposed development is to be collected on site and conveyed to the open drain in Peel Street or the piped system in Stanley Street 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.

29. **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 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.

30. **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.

31. **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.**

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.

32. **The construction of a sewer extension to serve the development.**

NOTE 1: This work will be carried out by the developer at full cost to the developer.

NOTE 2: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.

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

33. **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 45°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.

34. **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.

35. **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.

36. **The redundant kerb layback in Stanley Street is to be replaced with conventional barrier kerbing, and Council's footway rehabilitated, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

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

37. **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.

38. **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.

39. **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.

40. **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.

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

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

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

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

42. 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.

43. 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.

NOTE 2: Landscaping is to incorporate mature vegetation. Such types as to reduce concealment around walkways and entrance points to buildings, shrubs generally less than 900mm and clear 3-5m of any pathways to enhance Crime Prevention Through Environmental Design Principles.

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.

44. All landscaping areas are to be separated from adjoining driveways, manoeuvring areas and parking areas to prevent damage by vehicles in accordance with Chapter 13 of the Bathurst Regional Development Control Plan 2014.

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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.

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 drainage infrastructure to Peel Street, stormwater and sewer 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.

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

NOTE: The site will be known as 93 Stanley Street, Bathurst.

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.

48. **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.

49. **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 Fire and Rescue NSW 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.

50. **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.**

NOTE: The car park area is to provide speed limit signage, ordinance crime prevention signage and speed humps.

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.

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

NOTE 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

52. 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 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. A restriction pursuant to Section 88E of the Conveyancing Act is to be placed on the property to the effect that "The building may only be occupied by:

- a) seniors or people who have a disability; or**
- b) people who live within the same household with seniors or people who have a disability; or**
- c) staff employed to assist in the administration of an provision of services to housing provided within the development in accordance with Clause 18 of the State Environmental Planning Policy (Housing for Seniors of People with a Disability) 2004".**

REASON: Permanent occupation by persons other than those mentioned above is prohibited by State Environmental Planning Policy (Housing for Seniors or

People with a Disability) 2004, Section 18(1). Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, as amended.

54. The building approved under this Development Application may only be occupied by:

- a) seniors or people who have a disability; or**
- b) people who live within the same household with seniors or people who have a disability; or**
- c) staff employed to assist in the administration of and provision of services to housing provided within the development in accordance with Clause 18 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.**

REASON: Permanent occupation by persons other than those mentioned above is prohibited by the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, Section 18(1). Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, as amended.

55. Deliveries and waste collection is only to occur between the hours of 7am and 10pm.

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

56. Noise associated with the plant equipment is not to cause offensive noise as defined under the Protection of the Environment Operations Act 1997.

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

57. 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: 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.

58. A bus with a minimum 12 seats is to be made available to residents of the premises.

REASON: To comply with Clause 26 of the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004. Section 79C(1)(a) of the Environmental Planning and Assessment Act 1979, as amended.

59. **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 provides an Annual Fire Safety Statement. Section 79C (1)(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.

60. **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.

61. **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**

Reference: LCL:MM:DA/2016/0030

Enquiries: Ms C L Clifton 02 6333 6215

2016 30 ~ associated works at Lot 3 DP 503840, Lot 3 DP 1089380, Lot 4 DP 1089380, Lot 5 DP 1089380, Lot 2 DP 1089380, 50 Hope Street
BATH.DOC

- 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.

62. For development that involves any building work, subdivision work or demolition works:

- a) A sign must be erected in a prominent position:
 - i) showing the name, address and telephone number of the principal certifying authority for the work, and
 - ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - iii) stating that unauthorised entry to the work site is prohibited.
- b) Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.
- c) This condition does not apply in relation to work that is carried out inside an existing building that does not affect the external walls of the building.
- d) This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

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.

63. **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.

64. **If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**

- a) **protect and support the building, structure or work from possible damage from the excavation; and**
- b) **where necessary, underpin the building, structure or work to prevent any such damage.**

The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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:

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.

J E Bingham
ACTING 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.