

31 May 2018

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

Mr RT McPhillamy
103 Gormans Hill Road
GORMANS HILL NSW 2795

being the applicant in respect of **Development Application No 2018/55**.

Pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979, as amended, notice is hereby given of the determination by Council of Development Application No 2018/55, relating to the land described as follows:

LOT: 13 DP: 1081768, 103 GORMANS HILL ROAD GORMANS HILL

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

CONTINUED USE OF EXTRACTIVE INDUSTRY

Building Code of Australia building classification N/A.

IMPORTANT NOTICE TO APPLICANT

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

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

GENERAL

1. **Compliance with NSW Environmental Protection Authority General Terms of Approval**
 - a) Except as expressly provided by these General Terms of Approval (GTAs) or by any conditions of consent granted by the JRPP/Bathurst

Regional Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority, works and activities must be carried out in accordance with the proposal contained in:

- the Development Application 2018/55 submitted to Bathurst Regional Council; and
- any additional information provided to Council.

b) Should any conflict exist between the abovementioned documents, the most recent document or revision supersedes the conflict, except where superseded by any conditions of approval issued by Council or the conditions of an in-force environment protection licence issued by the Environment Protection Authority.

c) Management Plans:

The following management plans must be prepared and implemented within three (3) months of development consent being granted and prior to the commencement of any quarrying activities:

- (i) **Erosion and Sediment Control Plan** - to capture the mitigation measures outlined in section 4.6.2 of the Environmental Impact Statement prepared for the project. This plan must include details of sediment control structures designed to capture a 5 day 95th percentile rainfall event of 44 mm in accordance with the document Managing Urban Stormwater: Soils and Construction (Landcom, 2004).
- (ii) **Noise Management Plan** - to capture the mitigation measures outlined in section 4.1.4 of the EIS.
- (iii) **Traffic Management Plan** - to capture the mitigation measures outlined in section 4.2.2 of the EIS.
- (iv) **Air Quality Management Plan** - to capture the mitigation measures outlined in section 4.8.3 of the EIS.
- (v) **Construction Management Plan** - to capture the protocols to be put in place when soil stripping (or other surface construction activities) is undertaken at the premises. This plan must include a protocol to notify residential neighbours of the intention to commence surficial operations at the premises.

Copies of these plans must be provided to Bathurst Regional Council and the EPA prior to the commencement of operations at the premises.

d) Hours of Operation:

Construction Activities:

Construction activities (e.g soil stripping) must only be undertaken on a maximum of three (3) days per year during the following hours:

9am to 3 pm, Monday to Friday, and

At no times on Saturdays, Sundays or Public Holidays.

Operational Activities :

8am to 5 pm, Monday to Friday; and

At no times on Saturdays, Sundays or Public Holidays.

NOTE: Hours of Operation may be extended in case of emergency such as flood subject to notice being provided to NSW EPA and Bathurst Regional Council.

- e) **A water truck must be present on site when quarrying activities (including construction activities) are being undertaken at the premises.**
- d) **Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.**
- e) **The internal quarry access haulage road must be sealed up until the entrance to the extraction area.**
- f) **All trucks and mobile plant operating within the premises must be fitted (where there is a requirement for such devices to be fitted under the work health and safety legislation) with broad-spectrum reversing alarms.**
- g) **All existing and proposed soil bunds and stockpiles must be treated (grassed, spray emulsion or covered) such that they will not be a continual source of air pollution.**
- h) **The proponent must apply for and hold an in-force environment protection licence issued by the Environment Protection Authority prior to the proponent carrying out any scheduled activities under the Protection of the Environment Operations Act 1997 as proposed.**

REASON: Because of the representations made by that body to that effect. Section 4.15(1)(b), (c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

2. **The payment to Council of \$150.80 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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

3. **The payment to Council of an annual contribution for the maintenance of roads in the vicinity of the proposed development in accordance with Council's Section 94 Contributions Plan "Bathurst Regional Traffic Generating Development". The contribution will be calculated using the following formula:**

Contribution = \$0.022 x [loose tonnes hauled] x [typical ESA] x [haul route length]

Loose tonnes hauled	Total annual extraction volume (in cubic metres) divided by 30%
Typical ESA	Equivalence Standard Axle multiplier (as per Austroads classification)
Haul route length	Distance from a classified road to the property boundary (in this case 1.3 kilometres from Great Western Highway to property boundary)

The Section 94 contribution will be calculated from true certified copies of weighbridge dockets, log books, diary entries and/or other returns or records that show the true quantities of extracted and/or processed material transported from the extraction site.

The applicant is to supply to Council on or before the fourteenth day of September annually for the duration of the development consent for the development's operation, the records of the transported material, certified by a Company Officer.

Council, upon receipt of such records will, as soon as it can conveniently do so, issue to the applicant an invoice for the Section 94 or 7.11 contribution amount to be paid to Council. Council has, by this condition of consent, the right to inspect and audit the original records relating to the transport of material to or from the development.

NOTE 1: Copies of all Council's Section 94 or 7.11 Contribution Plans may be inspected at Council's offices.

REASON: Because, having considered the matter in accordance with Section 94 or 7.11 of the Environmental Planning and Assessment Act 1979, as amended, the Council is satisfied that the development will require the provision of, or increase the demand for, these public amenities or services within the area.

Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended.

4. **The applicant is to submit one (1) hard copy and one (1) electronic copy of engineering plans, specifications and calculations in relation to intersection and road design and construction, access design and drainage 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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

5. **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 developer is to include the provision of truck warning signs.

REASON: So that the entrance and exit function in the proper manner and to minimise the likelihood of accidents occurring. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

6. **The applicant is to obtain a Flood Level Certificate detailing the predicted 1% Annual Exceedance Probability flood level on this property, prior to any construction works. This certificate is available from Council's Engineering Department at a current fee of \$110.00. Alternatively it may be calculated by a private consultant with appropriate engineering qualifications and demonstrated hydraulic modelling expertise to undertake a study in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To assist in the construction of the proposed development above the 1% AEP flood level. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

7. **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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

8. **The reconstruction of the intersection of Gormans Hill Road and the site entry road including Basix Auxiliary Left and Basic Auxiliary Right lanes, in accordance with the provisions of Bathurst Regional Council's Guidelines for Engineering Works.**

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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

9. **The construction of an all-weather vehicular access to the allotment. Such access shall include:**
- a) **a gate or stock grid set back a minimum distance of sixteen (16) metres from the boundary of the land with the public road.**
 - b) **a minimum 9.0 metre wide footway crossing, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.**
 - c) **a 200 mm thick 9.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.**

NOTE: Any new vehicular access points are to be located such that all RTA stopping sight distances are achieved.

REASON: To provide an all-weather vehicular access clear of the public roadway. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

10. **Except where modified by the condition imposed upon this consent, the development is to be carried out in accordance with the Environmental Impact Statement prepared by RW Corkery & Co Pty Ltd dated February 2018 and the Response to Submissions prepared by RW Corkery & Co Pty Ltd dated May 2018.**

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

11. **Compliance with any requirements of the NSW Roads and Maritime Services including:**

- **Safe Intersection Sight Distance** in accordance with Part 4A of Austroads Guide to Road Design is to be provided and maintained at the intersection of the site access and Gormans Hill Road.
- **Haulage operations** coinciding with local student school bus pick up/drop off times are to be avoided.
- In accordance with clause 16(1) of State Environmental Planning Policy (Mining, Petroleum Production and
- **Extractive Industries) 2007**, the applicant is to prepare and implement a driver code of conduct, including driver training, for the task of transporting materials on public roads.

REASON: Because of representations to that effect made by that body (those bodies). Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

12. **The access road into the quarry is to be paved in two coats of bitumen seal, a minimum of 4 metres wide from the intersection up to the proposed extraction area, in accordance with Bathurst Regional Council's Guidelines for Engineering Works. The access road is to be completed prior to any extraction activities.**

NOTE 1: The bitumen seal shall conform with the Roads and Maritime Services sprayed sealing guide.

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.

13. **The external boundary of the extraction areas are to be clearly identified by way of readily identifiable survey markers within 3 months of the date of this consent.**

NOTE: The survey markers may be offset by up to 10m to avoid damage through movement of equipment and placement of stockpiles beyond the extraction area.

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

14. **The applicant is to plant a vegetative screen along the property boundary to the north, south and west within three (3) months of the date of this consent. The vegetative screen should be of native plant species of a height, density and width to facilitate a visual screen on all sides of the development. Species are to be approved by Council. Plants should be irrigated for the first five years and maintained for the life of the quarry. Plants should reach a height on the northern boundary of 3m within 2 years and on the eastern boundary of 5m within 5 years.**

REASON: So that the development does not reduce the amenity of the area. Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

15. Annual extraction is not to exceed 80,000 cubic metres.

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

16. The site shall be managed so that:

- a) No additional filling shall be placed on the land which may impede the flow of the 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) Any actions shall be taken upon the site which will minimise the effect of the property on the flood waters.

REASON: The allotment is within a recognised flood zone. Development is to reduce adverse environmental impacts. Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

17. Within the 14 days of the receipt of a written complaint received from an adjoining owner, the applicant is to provide a written response to the complainant. A copy of the complaint and response is to be provided to Council.

REASON: To ensure the impacts on adjoining properties are appropriately mitigated. Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

18. 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 or other facility that can lawfully be used as a waste facility for that type of waste. 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 without Council approval.

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 without Council approval.

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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

19. **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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

20. **During the carrying out of the proposed works, if any archaeological remains are discovered, the developer is to stop works immediately and notify the Heritage Division, NSW Office of Environment & Heritage. Any such find is to be dealt with appropriately and in accordance with the Heritage Act 1977, recorded, and details given to Council prior to the continuing of works.**

NOTE 1: A Section 140 Permit will need to be obtained to disturb archaeological relics. This permit is to be obtained from the Heritage Division, NSW Office of Environment & Heritage, prior to the disturbance of the archaeological relics.

REASON: To record and preserve historic details of previous uses of the site. Section 4.15 of the Environmental Planning and Assessment Act 1979.

21. **By the end of August each year the applicant shall review the environmental performance of the development for the preceding financial year (reporting period) and provide a copy of the report to Council. This review must:**
- a) **describe the development carried out in the reporting period inclusive of the volume of material extracted;**
 - b) **demonstrate compliance with each condition imposed upon the development consent;**
 - c) **review and report on progress against the active ERP, confirming areas of active extraction, rehabilitation under maintenance and completed rehabilitation during the reporting period;**

- d) include a comprehensive review of the monitoring results and complaints records of the development over the reporting period, which includes a comparison of these results against the:
 - (i) the relevant statutory requirements, limits or performance measures/criteria;
 - (ii) the monitoring results of previous years; and
 - (iii) the relevant predictions in the EIS;
- e) identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
- f) identify any trends in the monitoring data over the life of the development;
- g) identify any discrepancies between the predicted and actual impacts of the development, and analyse the potential cause of any significant discrepancies; and
- h) describe what measures will be implemented over the next year to improve the environmental performance of the development; and
- i) provide a record of any complaints received inclusive of the time and date of the complaint, details of the complainant and complaint and any action taken to rectify the complaint.

The review is to be conducted, or audited by a suitably qualified, experienced and environmental consultant.

As part of the environmental performance review the applicant and/or consultant is to consult with all adjoining properties.

REASON: Because it is within the public interest that work is carried out in accordance with the approved plans. Section 4.15 (1)(b)(e) of the Environmental Planning and Assessment Act 1979, as amended.

22. 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;

COLUMN 1	COLUMN 2
	<ul style="list-style-type: none"> * 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.
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.

Quarry operations shall not commence until these works are completed to Council's satisfaction.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

23. **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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

24. **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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

25. **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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

26. **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 and AHD levels, 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, intersection and road design and vehicular accessway.**

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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

USE OF THE SITE

27. **Compliance with any requirements of the NSW Department of Primary Industries – Agricultural Land Use Planning Unit.**

- a) **That a final landform allocated to pasture lands seeks to achieve a land and soil capability of Class 4. This can be done through identified soil physical and chemical parameters measured on approval for a basis to future monitoring. DPI Agriculture is seeking adequate planning to ensure the rehabilitated land to be returned for agricultural land use can be achieved through the rehabilitation process.**
- b) **That a biosecurity (pests and weeds) risk assessment outlining the likely plant, animal and community risks is undertaken on approval, and a response plan to deal with identified risks as well as contingency plans for any failures. This should include monitoring and mitigation measures in weed and pest management plans. This**

includes soil stockpiles, access areas, road sides and adjoining lands to the proposed quarry.

REASON: Because of the representations made by that body to that effect. Section 4.15 (1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

28. **The applicant is to submit to NSW Planning and Environment Resources and Geoscience on or before 31st of August annually an Annual Report that includes total extraction volume for the preceding year.**

REASON: For accurate collection of quality and value of construction materials. Section 4.15(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

29. **Compliance with any requirements of NSW Department of Industries – Water. Specifically, consultation should water collection for dust suppression be inadequate or potential groundwater interception. Consultation is required for site decommissioning.**

REASON: Because of the representations made by that body to that effect. Section 4.15(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

30. **All heavy vehicles associated with the extractive industry are to enter and exit the site via Lloyds Road and Vale Road. No heavy vehicles associated with the extractive industry are to use Gormans Hill Road to the north through the residential area.**

REASON: To prevent unsafe access to the adjoining road and to minimise the number of accesses through that road. Section 4.15 (1)(b)(c), (e) of the Environmental Planning and Assessment Act 1979, as amended.

31. **The mitigation measures recommended by Muller Acoustic Consulting, prepared August 2017 are to be adhered to during the life of the development, excluding the amenity bunds.**

REASON: To ensure the proposed development does not have an adverse impact on the amenity. Section 4.15(1)(c) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

32. **Clearing of native vegetation is prohibited unless it is in accordance with the provisions of the Biodiversity Conservation Act 2016, as amended and the Local Land Services Act 2013, as amended.**

REASON: To ensure that the impact of the proposed development on identified and potentially threatened species is minimal or negligible. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

33. **Harvesting of firewood for commercial purposes and removal of bush rock is not permitted.**

REASON: To minimise the impacts of the proposal on the environment. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

34. **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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

35. **The development is to cease at, or before, midnight twenty-four (24) years after the date of this consent.**

REASON: Because Council is of the opinion that this consent should be so limited. Section 4.17 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.

36. **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 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

37. 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 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

38. 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 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

39. **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 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

40. **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 4.15(1) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

Endorsement date of determination and operative date:

31 May 2018

NOTES:

1. **Lapsing of consent.** Unless a shorter period is specified in this notice, this consent will lapse if the development is not physically commenced within five years of the date endorsed on this notice.
2. **Right of Review:** If you are dissatisfied with this determination, section 8.2 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.

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 8.7 of the Environmental Planning and Assessment Act 1979, as amended, gives you the right of appeal to the Land and Environment Court.

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.

Neil Southorn
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.