



## NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

<b>Application number</b>	DA2023/336 PAN-402003
<b>Applicant</b>	Newington College Newington College 200 Stanmore Road Stanmore NSW 2048
<b>Description of development</b>	Educational establishment, including dining hall and accommodation
<b>Property</b>	387 TAMBAN ROAD TAMBAN 2441 25/-/DP755559 24/-/DP755559 43/-/DP755559 41/-/DP755559 22/-/DP755559 42/-/DP755559 23/-/DP755559 26/-/DP755559
	327 TAMBAN ROAD EUNGAI CREEK 2441 21/-/DP755559
<b>Determination</b>	Approved Consent Authority - Council

**Date of determination** 2/04/24

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**Date from which the consent operates** 2/04/24

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**Date on which the consent lapses** 2/04/29

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**Approval bodies that have given general terms of approval** NSW Rural Fire Service

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Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

#### **Reasons for approval**

Compliant with relevant legislation.

#### **Right of appeal / review of determination**

If you are dissatisfied with this determination:

#### **Request a review**

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

#### **Rights to appeal**

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.



Charles Watts  
Development Assessment Officer  
Person on behalf of the consent authority

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## Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

### General Conditions

1	<b>Approved plans and supporting documentation</b>			
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.			
	Approved plans			
	Plan number	Revision number	Plan title	Drawn by Date of plan
	DA0001	2	Cover Sheet	20/12/23
	DA0002	2	Site Photographs	20/12/23
	DA1101	5	Existing Site Context Plan	20/12/23
	DA1102	2	Site Analysis	20/12/23
	DA1103	5	Proposed Site Context Plan	20/12/23
	DA1104	5	Proposed Site Plan	20/12/23
	DA2101	3	Typical Cabins	20/12/23
	DA2102	3	Typical Cabins Accessible	20/12/23
	DA2105	3	Reception and Dining Hall	20/12/23
	DA3301	2	Materials Board	20/12/23
	Approved document			
	Document title	Version	Prepared by	Date of

		number		document
	Stage 1 Desktop Site Contamination Assessment		Regional Geotechnical Solutions	22 February 2024
	<p>In the event of any inconsistency between the approved plans and document, the approved <b>Document</b> prevails.</p> <p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p><b>Condition reason:</b> To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>			
2	<p><b>Site Drainage</b></p> <p>Do not re-direct surface water onto adjoining private land. Alterations to the surface contours must not impede or divert natural surface water run-off, so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.</p> <p><b>Condition reason:</b> To avoid creating stormwater impacts on surrounding land</p>			

## Building Work

### Before issue of a construction certificate

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### Section 7.12 Contributions

Pursuant to Section 7.12 of the *Environmental Planning and Assessment Act 1979*, the monetary contribution set out in the following table is to be paid to Council prior to the issue of a Construction Certificate. The contribution is levied in accordance with the Nambucca Valley Council Section 7.12 Contributions Plan 2019, which may be viewed during office hours at Council’s Administration Centre, 44 Princess Street, Macksville or on Council’s website: [www.nambucca.nsw.gov.au](http://www.nambucca.nsw.gov.au).

Contribution Plan	Proposed Cost of Development	Contribution Rate	Contribution Levied
Section 7.12 Development Contribution Plan	\$12,118,000	1% of value of works	\$121,180

**Condition reason:** To ensure contributions are paid in accordance with section 7.12 of the

	Act.
4	<p><b>System of Sewage Management</b></p> <p>Prior to the issue of a Construction Certificate, an approval under section 68 of the <i>Local Government Act 1993</i> to install a system of sewage management to service the development shall be obtained from Council.</p> <p><b>Condition reason:</b> To ensure compliance with the Local Government Act 1993 and to mitigate environmental impact.</p>
5	<p><b>Site Contamination Assessment Recommendations</b></p> <p>Prior to the issue of a construction certificate, a detailed investigation as referred to in the contaminated land planning guidelines must be prepared for the site. The investigation must address the following recommendations outlined in the stamped Desktop Site Contamination:</p> <ul style="list-style-type: none"> <li>. Sampling and testing should be undertaken in the following areas: <ul style="list-style-type: none"> <li>o Within AEC-2 around existing structures in the central and eastern portion of the site;</li> <li>o Within the former plantation areas (AEC-3) that are located in the central north, central portion, central south and southwest portions of the site;</li> <li>o Within the two stockpiles and structures identified as AEC-4 in the central portion and northwest portion of the site;</li> </ul> </li> <li>. The site history assessment presented herein indicates that there is a low potential for residual contamination at the site and therefore it is recommended that limited judgemental sampling be undertaken rather than systematic grid sampling as defined by the NSW EPA (2022) 'Sampling Design Guidelines'; and</li> <li>. Confirm that any imported fill that may be placed on the site for the proposed structures has been classified as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) in accordance with the Resource Recovery Exemption under Part 9, Clauses 91 and 92 of the Protection of the Environment Operations (Waste) Regulation 2014 in accordance with the Resource Recovery Order under Part 9, Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 - the Excavated Natural Material (ENM) Order 2014).</li> </ul> <p><b>Condition reason:</b></p>
6	<p><b>Contaminated Land Remediation Action Plan</b></p> <p>Prior to the issue of a Construction Certificate, a Remediation Action Plan (RAP) is to be prepared that addresses the contamination identified in <b>the investigation recommended in Condition 5 of this Notice of Determination</b> and sets out how site can be made suitable for its intended use including methodology, clean-up criteria and validation procedures. The RAP must be prepared in accordance with Council's Contaminated Land Policy, the Managing Land Contamination Planning Guideline (1998), relevant EPA Guidelines and the</p>

	<p>Assessment of Site Contamination NEPM (1999 as amended 2013). Please note the requirements specified in Council's policy for consultant's reporting and for site audits.</p> <p>A Site Audit statement stating that the land <u>can be made suitable</u> for the proposed development shall be provided to Council. Please note the requirements specified in Council's policy for site audits.</p>
	<p><b>Condition reason:</b> To facilitate the remediation of the land.</p>

### Before building work commences

7	<p><b>Construction Certificate</b></p> <p>The erection of the building the subject of this development consent <b>MUST NOT</b> be commenced until:</p> <p>a Detailed plans/specifications of the building have been endorsed with a Construction Certificate by:</p> <p>i the Council, or</p> <p>ii a registered certifier, <b>and</b></p> <p>b The person having the benefit of the development consent has:</p> <p>i Appointed a principal certifier for the building work, and</p> <p>ii Notified Council of the appointment, and</p> <p>iii Notified the principal certifier that the person will carry out the building work as an owner-builder; or appointed a contractor for the building work who is the holder of a contractor licence if any residential building work is involved, notified the principal certifier of any such appointment, and notified the contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work; <b>and</b></p> <p>c The person having the benefit of the development consent has given Council written notice, at least two days prior to work commencing on site, of the name and details of the principal certifier and the date construction work is proposed to commence.</p> <p><b>Condition reason:</b> To comply with the requirements of the Environmental Planning and Assessment Act 1979.</p>
8	<p><b>Disconnection of services before demolition work</b></p> <p>Before demolition work commences, electricity services must be disconnected in accordance with the relevant authority's requirements.</p> <p><b>Condition reason:</b> To protect life, infrastructure and services.</p>
9	<p><b>Erection of Signs</b></p> <p>A sign must be erected before the commencement of the work in a prominent position within the frontage of the subject land:</p> <p>a Showing the name, address and telephone number of the principal certifying authority for the work, and</p> <p>b 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</p> <p>c Stating that unauthorised entry to the work site is prohibited.</p>

	<p>The sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.</p> <p><b>Condition reason:</b> Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
10	<p><b>Erosion &amp; Sediment Control</b></p> <p>Erosion and sedimentation controls are to be in place in accordance with the NSW Landcom publication 'Managing Urban Stormwater: Soils and Construction – Volume 1, Landcom 2004' and the Nambucca Development Control Plan 2010 prior to the commencement of works.</p> <p><u>Note:</u> Council may impose on-the-spot fines for non-compliance with this condition.</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
11	<p><b>Notice of commencement for demolition</b></p> <p>At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <p>a) name  b) address,  c) contact telephone number,  d) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor,  e) the contact telephone number of council and  f) the contact telephone number of SafeWork NSW (4921 2900).</p> <p><b>Condition reason:</b> To advise neighbours about the commencement of demolition work and provide contact details for enquiries.</p>
12	<p><b>Notice of Plumbing Works</b></p> <p>The licensed plumber must submit a Notice of Works (NoW) to Council prior to any plumbing work being commenced on-site no later than 2 business days before the work is carried.</p> <p><b>Condition reason:</b> To provide Council sufficient notice of the proposed plumbing works.</p>
13	<p><b>Public Liability</b></p> <p>All care is to be taken to ensure the safety of the public in general, road users, pedestrians and adjoining property. A minimum of \$20 million public liability insurance cover is to be maintained for the duration of the construction of the development by the person/company undertaking the works on the public road reserve. Council is to be nominated as an interested party on the policy. Council is not to be held responsible for any negligence caused by the undertaking of the works. A copy of the certificate of currency must be submitted to Council prior to the commencement of works.</p> <p><b>Condition reason:</b> To protect public health and safety.</p>
14	<p><b>Toilet Facilities</b></p> <p>Toilet facilities must be available at or in the vicinity of the work site before works begin at a ratio of one</p>



	<p>toilet plus one additional toilet for every twenty (20) persons employed at the site. Each toilet must be:</p> <p>a A standard flushing toilet connected to a public sewer; or</p> <p>b Connected to an on-site effluent disposal system approved under the <i>Local Government Act 1993</i>; or</p> <p>c Be a portable hire toilet which is regularly serviced by the hire agent. All waste must be disposed of at lawful premises.</p> <p>The availability of each toilet must be maintained until the works are completed.</p> <p><b>Condition reason:</b> To provide adequate facilities on site for workers and mitigate amenity impacts.</p>
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### During building work

15	<p><b>Building Code of Australia</b></p> <p>All building work must be carried out in accordance with the requirements of the <i>Building Code of Australia</i> as in force on the date the application for the relevant Construction Certificate was made.</p> <p><b>Condition reason:</b> Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>
16	<p><b>Construction Times</b></p> <p>Any works involving the generation of noise which extends beyond the boundary of the land, other than works required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm, shall only be carried out between 7:00 am and 6:00 pm Monday to Saturday inclusive. No works shall occur on public holidays.</p> <p>The builder/site manager is responsible to instruct and control sub-contractors regarding the hours of work.</p> <p><b>Condition reason:</b> To minimise amenity impacts on occupants of surrounding properties.</p>
17	<p><b>Construction Waste and Materials</b></p> <p>All construction waste must be contained on the subject land in a suitable waste enclosure and disposed of at a facility that may lawfully accept the waste. Building materials are to be delivered directly onto the subject land. Public roads and reserves are to be maintained clear of rubbish, building materials and all other items.</p> <p><b>Condition reason:</b> To minimise environmental and amenity impacts of waste from the development.</p>
18	<p><b>Demolition Works</b></p> <p>All demolition works are to be undertaken in accordance with the provisions of Australian Standard AS 2601-2001 <i>"The Demolition of Structures"</i>. Prior to the commencement of any demolition works, all services are to be disconnected and capped off.</p> <p><b>Condition reason:</b> To protect the health and safety of people on site and on surrounding properties.</p>
19	<p><b>Discovery of relics and Aboriginal objects</b></p> <p>While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:</p>

	<p>a) the work in the area of the discovery must cease immediately;</p> <p>b) the following must be notified</p> <p>i) for a relic – the Heritage Council; or</p> <p>ii) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.</p> <p>Site work may recommence at a time confirmed in writing by:</p> <p>a) for a relic – the Heritage Council; or</p> <p>b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the National Parks and Wildlife Act 1974, section 85.</p> <p><b>Condition reason:</b> To ensure the protection of objects of potential significance during works.</p>
20	<p><b>Driveway Inspections</b></p> <p>The following inspections are required to be carried out by Council in regard to driveway construction works within the public road reserve:</p> <p>a Pre and reo prior to undertaking concrete or bitumen sealing works; and</p> <p>b Final completion.</p> <p><i>Note: Council requires a minimum 2 working days' notice to undertake each inspection. To make an appointment please call 65680230. You will need to quote your development application number when contacting Council to arrange an inspection and ensure all fees have been paid and a Certificate of Currency for Public Liability in the name of the company and/or person doing the work has been supplied to Council.</i></p> <p><b>Condition reason:</b> To comply with Councils approval under s138 of the Roads Act 1993.</p>
21	<p><b>Driveway Works</b></p> <p>The work is to proceed as quickly as reasonably possible and is to be done in such a manner that the minimum of inconvenience to pedestrian or vehicular traffic is caused. Care must be taken for pedestrian safety both during and after construction.</p> <p>Where any of the work involved in constructing the access is carried out on the roadway, appropriate signage and traffic control is to be provided. Applicants are to be familiar with and conform to the requirements of AS1742.3-2002, Traffic Control Devices for Works on Roads and in particular any traffic controllers are to possess a Traffic Control (Flagman) Certificate.</p> <p>Any works on a Public Road Reserve are classified as High Risk Construction as defined in the <i>Work Health and Safety Act 2011</i>. All works is to be carried out in accordance with this Act and <i>Work Health and Safety Regulation 2011</i> copies of which may be obtained from WorkCover.</p> <p>For the purposes of the <i>Work Health and Safety Act 2011</i> “the applicant” will be the Principal Contractor.</p> <p><b>Condition reason:</b> To comply with Councils approval under s138 of the Roads Act 1993.</p>
22	<p><b>Electricity Infrastructure</b></p> <p>As there is electricity infrastructure located within the property and/or within close proximity of the property, any activities within these locations must be undertaken in accordance with the latest</p>

	<p>industry guideline currently known as <i>ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure</i>. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.</p> <p><b>Condition reason:</b> To minimise safety risks associated with working in proximity to power.</p>
23	<p><b>Maintenance of Erosion and Sediment Control Measures</b></p> <p>Erosion and sediment control measures must be maintained at all times until the site has been stabilised by permanent vegetation cover or hard surface. The measures must ensure that only clean stormwater leaves the site.</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
24	<p><b>Plumbing Standards &amp; Inspections</b></p> <p>All Plumbing, Water Supply and Sewerage Works are to be installed and operated in accordance with the <i>Local Government Act 1993</i>, <i>Plumbing and Drainage Act 2011</i>, the <i>Plumbing Code of Australia</i>, and AS/NZS 3500 Parts 0-5, the approved plans (any notations on those plans) and the approved specifications.</p> <p>Works must only be installed by a licensed person and must be inspected and given final clearance from Council prior to issue of an Interim or Occupation Certificate.</p> <p>The following inspections are required to be carried out by Council in regard to the installation of plumbing and drainage works:</p> <ul style="list-style-type: none"> <li>a All sanitary plumbing and drainage (under slab, connection to Council's sewer and all associated trenches).</li> <li>b All potable water supply plumbing (under slab, connection to Council's water supply and all associated trenches).</li> <li>c Completion of all plumbing and drainage works (Certificate of Compliance and Sewer Service Diagram required).</li> <li>d Rainwater supply.</li> </ul> <p>Council requires a Certificate of Compliance for all rough-ins (pipework enclosed in wall cavities) to be supported by evidence of hydrostatic test of pipework. The Certificate of Compliance must be provided to Council prior to the issue of an Occupation Certificate.</p> <p><i>Note: Council requires a minimum of 48 hours' notice to undertake each inspection. You will need to quote your development application number when you contact Council to arrange your inspection and payment of inspection fee.</i></p> <p><b>Condition reason:</b> To ensure plumbing works are carried out in accordance with the Plumbing and Drainage Act 2011.</p>
25	<p><b>Rainwater Tank Installation</b></p> <p>The rainwater tank(s) must be installed in accordance with the manufacturer's specifications. Overflow from the tank is to be diverted to an approved stormwater system, or disposed of in a manner not to cause nuisance to neighbouring properties or degradation of land.</p> <p><b>Condition reason:</b> To ensure good water quality and mitigate impacts on adjoining</p>

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### Before issue of an occupation certificate

26	<b>Earthworks</b>
	No batter is to have a gradient greater than 1:2. Batters greater than 1:2 must be retained. Suitable plantings must be implemented to stabilise all disturbed areas prior to the issue of an Occupation Certificate.
	<b>Condition reason:</b> To ensure the stability of the site and enable adequate maintenance.
27	<b>Install System of Sewage Management</b>
	Prior to occupation of the development, install a system of sewage management in accordance with an approval obtained from Council under section 68 of the <i>Local Government Act 1993</i> and connect it to the development. The system is not to be used and/or operated until a Council Officer has inspected the system and authorised its use.
	<b>Condition reason:</b> To ensure compliance with the Local Government Act 1993 and to mitigate environmental impact.
28	<b>Occupation Certificate</b>
	The development shall not be used or occupied until an occupation certificate has been issued by the principal certifier. The application for the occupation certificate must be submitted on the NSW Planning Portal.
	Note: A copy of any relevant fire safety certificate and compliance certificates must be provided to Council prior to undertaking the final building inspection. Fire safety certificates are not required for class 1a and class 10 buildings (dwelling houses, ancillary sheds, etc.)
	<b>Condition reason:</b> To ensure the building is fit for occupation.
29	<b>Rural Driveway</b>
	This consent includes an approval for a driveway crossover under section 138 of the Roads Act 1993. Prior to the issue of an Occupation Certificate, the use of the development or any other written agreement with Council (whichever occurs first), construct a driveway in accordance with Council's " <i>Requirements for Rural Driveway Construction</i> " plans, drawing numbers F007.1 and F007.2 (available on Councils website), or in accordance with any other approval granted by Council.
	Where the existing road is sealed, the driveway must also be sealed from the edge of the existing road seal to 3m within the subject land unless otherwise agreed to by Council.
	<b>Condition reason:</b> To ensure appropriate access is provided to the development.
30	<b>Rural Stormwater Disposal</b>
	Stormwater must be collected and disposed of in a controlled manner such that stormwater flows are:
	a Clear of buildings and infrastructure,
	b Clear of effluent disposal areas,

	<p>c Not concentrated so as to cause soil erosion,  d Not directly to a watercourse, and  e Not directly onto adjoining land.</p> <p><b>Condition reason:</b> To minimise the impact of stormwater runoff from the development.</p>
31	<p><b>Works to be Completed</b></p> <p>All of the works required by this development consent, including any other certificates/approvals that are necessary for the completion of this development, are to be completed prior to the issue of an Occupation Certificate or occupation of the development (whichever occurs first).</p> <p><b>Condition reason:</b> To ensure the building is fit for occupation.</p>
32	<p><b>Bushfire Protection (BAL 19 &amp; 12.5)</b></p> <p>The following conditions are required for compliance with Section 4.14 of the <i>Environmental Planning and Assessment Act 1979</i>:</p> <p>Asset Protection Zones</p> <p>The intent of measures is to provide suitable dwelling design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.</p> <p>1. From the commencement of building works, and in perpetuity, the entire 'Development area' ground/activity identified in Figure 5 of the Bush Fire Assessment prepared by Midcoast Building and Environmental dated December 2023 and the surrounding area to a distance of 122 metres must be managed as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:</p> <p>a. tree canopy cover should be less than 15% at maturity;  b. trees at maturity should not touch or overhang the building;  c. lower limbs should be removed up to a height of 2m above the ground;  d. tree canopies should be separated by 2 to 5m;  e. preference should be given to smooth-barked and evergreen trees;  f. create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards dwellings should be provided;  g. shrubs should not be located under trees;  h. shrubs should not form more than 10% ground cover;  i. clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;  j. grass should be kept mowed (as a guide, grass should be kept to no more than 100mm in height);  k. leaves and vegetation debris should be removed.</p>

	<p>Construction Standards</p> <p>The intent of measures is to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p> <p>2. This Bush Fire Safety Authority identifies the requirements for construction to comply with section 4 (BAL Low) Australian Standard AS3959-2018 'Construction of dwellings in bushfire-prone areas'.</p> <p>3. Due to the isolated nature of the proposal. The application proposes to build structures to section 5 (BAL 12.5) and section 6 (BAL 19) Australian Standard AS3959-2018 'Construction of dwellings in bushfire-prone areas'. In this regard the following is to apply; The Accommodation buildings must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 'Construction of dwellings in bushfire-prone areas' or the relevant requirements of the National Association of Steel Framed Housing Standard (2021) - Steel Framed Construction in Bushfire Areas. New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'. The Dining Hall/Health Care Facility must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2018 'Construction of dwellings in bushfire-prone areas' or the relevant requirements of the National Association of Steel Framed Housing Standard (2021) - Steel Framed Construction in Bushfire Areas. New construction must also comply with the construction requirements in Section 7.5 of 'Planning for Bush Fire Protection 2019'.</p> <p>4. At the issue of the subdivision certificate, the existing dwellings must be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any subfloor areas, openable windows, vents, weep holes and eaves. External doors are to be fitted with draft excluders.</p> <p>Access - Internal Roads</p> <p>The intent of measures is to provide safe operational access for emergency services personnel in suppressing a bush fire while residents are accessing or egressing an area.</p> <p>5. Internal access roads for the development must comply with the plan titled '387 &amp; 327 (Lot 21) Tambar Road, Eungai Creek Civil Infrastructure Plans", prepared by Barker Ryan Stewart, plan number 230999-01-101, revision</p> <p>A dated 20 December 2023 and the following:</p> <p>a. property access roads are two-wheel drive, all-weather roads;</p> <p>b. the capacity of road surfaces and any bridges/causeways is sufficient to carry fully</p>
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	<p>loaded vehicles (up to 23 tonnes);</p> <p>c. bridges and causeways are to clearly indicate load rating;</p> <p>d. there is suitable access for a Category 1 fire appliance to within 4m of the static water supply;</p> <p>e. minimum 4m carriageway width;</p> <p>f. property roads have passing bays every 200m that are 20m long by 2m wide, making a minimum</p> <p>trafficable width of 6m, at the passing bay;</p> <p>g. a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;</p> <p>h. property access must provide a suitable turning area in accordance with Appendix 3;</p> <p>i. curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;</p> <p>j. the minimum distance between inner and outer curves is 6m;</p> <p>k. the cross fall is not more than 10 degrees; and</p> <p>l. maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.</p> <p>m. a 15 metre Asset Protection Zone on either side of the property accesses that are affected by grassland vegetation adjacent to be managed in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:</p> <p>i. tree canopy cover should be less than 15% at maturity;</p> <p>ii. trees at maturity should not touch or overhang the building;</p> <p>iii. lower limbs should be removed up to a height of 2m above the ground;</p> <p>iv. tree canopies should be separated by 2 to 5m;</p> <p>v. preference should be given to smooth-barked and evergreen trees;</p> <p>vi. create large discontinuities or gaps in the vegetation to slow down or break the progress of fire towards dwellings should be provided;</p> <p>vii. shrubs should not be located under trees;</p> <p>viii. shrubs should not form more than 10% ground cover;</p> <p>ix. clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;</p> <p>x. grass should be kept mowed (as a guide, grass should be kept to no more than 100mm in height); and</p> <p>xi. leaves and vegetation debris should be removed.</p> <p>Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed.</p> <p>Water and Utility Services</p>
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	<p>Intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush (fire, and to locate gas and electricity so as not to contribute to the risk of (fire to a building.</p> <p>6. The provision of new water services must comply with the following:</p> <p>a. a 10,000 litre minimum static water supply for firefighting purposes is provided for each accommodation building and dwelling;</p> <p>b. a 20,000 litre minimum static water supply for firefighting purposes is provided for the Dining Hall/Health Care Facility building;</p> <p>c. a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure;</p> <p>d. a connection of a 65mm 5torz fitting with a ball valve fitted to the outlet of the tank;</p> <p>e. the ball valve and pipes have the same bore size as the Storz fitting to ensure flow volume and are metal;</p> <p>f. underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank;</p> <p>g. a hardened ground surface for truck access is supplied within 4m of the access;</p> <p>h. above-ground tanks are manufactured from concrete or metal;</p> <p>i. raised tanks have their stands constructed from non-combustible material or bush fire-resisting timber (see Appendix F AS 3959);</p> <p>j. unobstructed access is provided at all times;</p> <p>k. tanks on the hazard side of a dwelling are provided with adequate shielding for the protection of firefighters;</p> <p>l. underground tanks are clearly marked;</p> <p>m. all exposed water pipes external to the building are metal, including any fittings;</p> <p>n. a hose and reel for firefighting connected to a pump at each accommodation building and the Dining Hall/Health Care Facility building shall be 19mm internal diameter;</p> <p>o. fire hose reels are constructed in accordance with AS/NZS 1221:1997 Fire hose reels and installed in accordance with the relevant clauses of AS 2441:2005 Installation of fire hose reels; and</p> <p>p. a Static Water Supply (SWS) sign shall be obtained from the local NSW Rural Fire Service (RFS) and positioned for ease of identification by RFS personnel and other users of the SWS. In this regard:</p> <p>i. Markers must be fixed in a suitable location to be highly visible; and</p> <p>ii. Markers should be positioned adjacent to the most appropriate access for the water supply.</p> <p>7. The provision of new electrical services must comply with the following:</p> <p>a. where practicable, electrical transmission lines are underground;</p> <p>b. a backup petrol or diesel-powered generator sufficient power the entire development, and</p>
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	<p>shielded against bush fire attack;</p> <p>c. where overhead, electrical transmission lines are proposed as follows:</p> <p>i. lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas;</p> <p>ii. no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power lines.</p> <p>8. The provision of gas services must comply with the following in accordance with Table 6.8c of Planning for Bush Fire Protection 2019:</p> <p>a. reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;</p> <p>b. all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;</p> <p>c. connections to and from gas cylinders are metal;</p> <p>d. if gas cylinders need to be kept close to the dwelling, safety valves are directed away from the dwelling and at least 2m away from any combustible material, so they do not act as a catalyst to combustion;</p> <p>e. polymer-sheathed flexible gas supply lines to gas meters adjacent to dwellings are not to be used;</p> <p>f. above-ground gas service pipes external to the dwelling are metal, including and up to any outlets.</p> <p>Landscaping Assessment</p> <p>The intent of measures is to provide suitable dwelling design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.</p> <p>9. Landscaping is to be designed and managed to minimise flame contact and radiant heat to dwellings, and the potential for wind-driven embers to cause ignitions by complying with the acceptable solutions in Table 6.8a of 'Planning for Bush Fire Protection 2019'.</p> <p>10. Fences and gates must comply with Section 7.6 of Planning for Bush Fire Protection 2019. New fences and gates are to be made of either hardwood or non-combustible material. Where a fence or gate is constructed within 6m of a dwelling or in areas of BAL-29 or greater, they must be made of non-combustible material only.</p> <p>Emergency and Evacuation Planning Assessment</p> <p>The intent of measures is to provide suitable emergency and evacuation arrangements for occupants of Special Fire Protection Purpose developments.</p>
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	<p>11. A Bush Fire Emergency Management and Evacuation Plan must comply with the following requirements of Table 6.8d of 'Planning for Bush Fire Protection 2019';</p> <p>a. Bush Fire Emergency Management and Evacuation Plan is prepared consistent with the applicable document(s) as follows:</p> <p>i. The NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan;</p> <p>ii. Australian Standard AS 3745:2010 Planning for emergencies in facilities; or          III. Australian Standard AS 4083:2010 Planning for emergencies - Health care facilities.</p> <p>b. the Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants;</p> <p>c. an Emergency Planning Committee is established to consult with residents (and their families in the case of aged care accommodation and schools) and staff in developing and implementing an Emergency Procedures Manual; and</p> <p>d. detailed plans of all emergency assembly areas including on-site and off-site arrangements as stated in AS 3745:2010 are clearly displayed, and an annual emergency evacuation is conducted.</p> <p>Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.</p>
	<p><b>Condition reason:</b> To comply with Planning for Bushfire Protection 2019.</p>
33	<p><b>Essential Energy Requirements</b></p> <ul style="list-style-type: none"> <li>As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 10m (measured either side of the centre line of the 11kv conductors, 20m easement) from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk. Ensure 5m clearance around ground stay behind Sub Pole 77678 and maintain awareness of service line feeding into 'Building D' whilst demolition is undertaken.</li> <li>It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a Request for Safety Advice if works cannot maintain the safe working clearances set out in the Working Near Overhead Powerlines Code of Practice, or CEOP8041 - Work Near Essential Energy's Underground Assets.</li> </ul> <p><b>Condition reason:</b></p>

34	<b>Rainwater Tanks</b>
	<p>The following rainwater tanks must be installed prior to the issue of an Occupation Certificate:</p> <p>Student Cabin &amp; Amenity - 20kL rainwater storage capacity with water treatment plant (per block)  Supervisor Cabin &amp; Amenity - 20kL rainwater storage capacity with water treatment plant (per block)  Reception &amp; Dinning Block - 40kL rainwater storage capacity with water treatment plant  Health Care Facility - 20kL rainwater storage capacity with water treatment plant</p> <p>These rainwater tanks are to be separate to rainwater tanks required for bush fire purposes.</p> <p><b>Condition reason:</b> To ensure adequate water supply for the development.</p>
35	<p><b>Electricity and Telecommunication Provision</b></p> <p>Written evidence must be provided to the Principal Certifying Authority that satisfactory arrangements have been made with an electricity supply authority for the provision of an electricity supply from the existing electricity to the development.</p> <p>Written evidence must be provided to the Principal Certifying Authority that satisfactory arrangements have been made with a telecommunications provider for the provision of a telecommunications service to the development (e.g. Starlink).</p> <p><b>Condition reason:</b> To ensure adequate connectivity to electricity and telecommunication services.</p>
36	<p><b>Car Parking Design requirements</b></p> <p>Prior to the issue of a construction certificate, all parking is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off-street Car Parking", Australian Standard AS 2890.2 -1993 "Off-street Parking – Commercial Vehicle Facilities" and the Roads and Maritime Services of New South Wales "Guide to Traffic Generating Developments" – December 1993.</p> <p><b>Condition reason:</b> TO ensure car parking is built to relevant standards.</p>
37	<p><b>Property Access</b></p> <p>Prior to the issue of an occupation certificate, either:</p> <ul style="list-style-type: none"> <li>• a right of carriageway is to be made over the access from Tamban Road and secondary access from Tamban Road to the proposed development; OR</li> <li>• consolidate Lots 21, 22, 25, 26, 41, 42, 43 DP755559.</li> </ul> <p>Evidence of the registration of the required Right of Carriageway or Consolidation is to be</p>

	<p>provided to the Principal Certifying Authority.</p> <p><b>Condition reason:</b> To ensure access to the proposed development is able to be utilised indefinitely.</p>
38	<p><b>Fire Safety Certificate</b></p> <p>A Fire Safety Certificate shall be furnished to the Principal Certifying Authority (PCA) for all the “Essential Fire or Other Safety Measures” forming part of this approval prior to issue of an Occupation Certificate. A copy of the Fire Safety Certificate must be submitted to Council by the PCA with the Occupation Certificate.</p> <p>In accordance with the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>:</p> <p>a A final Fire Safety Certificate shall state that each essential fire safety measure specified in the current Fire Safety Schedule for the building to which the Certificate relates:</p> <ul style="list-style-type: none"> <li>i has been assessed by a properly qualified person; and</li> <li>ii 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 for which the Certificate is issued.</li> </ul> <p>b The assessment must have been carried out within the period of three (3) months prior to the date on which the final Fire Safety Certificate is issued.</p> <p>c The choice of person to carry out the assessment is up to the owner of the building.</p> <p>d The person who carries out the assessment:</p> <ul style="list-style-type: none"> <li>i must inspect and verify the performance of each fire safety measure being assessed; and</li> <li>ii must test the operation of each new item of equipment installed in the building premises that is included in the current Fire Safety Schedule for the building.</li> </ul> <p>e As soon as practicable after a final Fire Safety Certificate is issued, the owner of the building to which it relates:</p> <ul style="list-style-type: none"> <li>i must cause a copy of the Certificate (together with a copy of the current Fire Safety Schedule) to be given to the Commissioner of New South Wales Fire Brigades; and</li> <li>ii must cause a further copy of the Certificate (together with a copy of the current Fire Safety Schedule) to be prominently displayed in the building</li> </ul> <p><b>Condition reason:</b> To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
39	<p><b>Contaminated Land Site Audit Statement</b></p> <p>Prior to the issue of an occupation certificate, a Site Audit Statement in accordance with Part 4 of the <i>Contaminated Land Management Act 1997</i> stating that the land is suitable for the proposed development shall be provided to Council. Please note the requirements specified in Council’s policy for Site Audits. The Site Audit Statement is to be consistent with the NSW Environment Protection Authority template</p> <p><b>Condition reason:</b> To ensure the land is remediated.</p>

### Occupation and ongoing use

40	<b>Annual Fire Safety Statement</b>
	<p>The owner of the property must provide an annual fire safety statement to Council and the Fire Commissioner. An annual fire safety statement is a statement issued by or on behalf of the owner of a building to the effect that:</p> <p>a each essential fire safety measure specified in the statement has been assessed by a properly qualified person and was found, when it was assessed, to be capable of performing to a standard no less than that specified in the current fire safety schedule,</p> <p>b the building has been inspected by a properly qualified person and was found, when it was inspected, to be in a condition that did not disclose any grounds for a prosecution under Part 15 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021</i>.</p>
	<p><b>Condition reason:</b> To comply with the requirements of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>

### General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means NAMBUCCA VALLEY COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Sydney district or regional planning panel** means Northern Regional Planning Panel.