

17 March 2021

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

Bathurst Regional Council
158 Russell Street
BATHURST NSW 2795

being the applicant in respect of **Development Application No 2018/395**.

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 2018/395, relating to the land described as follows:

LOT: 1126 DP: 1215618, COLVILLE STREET WINDRADYNE

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

205 LOT RESIDENTIAL SUBDIVISION AND ASSOCIATED ROADS

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. The Development Consent may contain conditions that need to be satisfied prior to issuing of any Construction Certificates.

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

GENERAL

1. **Compliance with any requirements of Transport for NSW (TfNSW), including the following:**
 - **A sealed (bitumen or concrete) off-road shared cycleway path is to be provided along the Mitchell Highway, connecting the existing paths at Bradwardine Road and Dean Street, prior to any Subdivision Certificate. The detailed design is to be in accordance with Austroads**

Reference: DDWY:DA/2018/395

Enquiries: Mr D J Dwyer 02 6333 6212

Bathurst ~ subdivision at Lot 1126 DP1215618, Colville Street, Windradynne subject to conditions.DOCX

standards and concurrence to the detailed design obtained from TfNSW prior to the commencement of construction.

Advice: The developer proposed a cycleway link along Dean Street between Suttor Street and the Mitchell Highway, however TfNSW supports a route that uses the arterial road network as it would ultimately serve a wider urban catchment and have high legibility and so is likely to take more vehicle trips off the network.

- **Prior to any Subdivision Works Certificate, the developer shall obtain approval in writing from TfNSW as to the extent of Mitchell Highway road reserve widening (if any) required for purposes such as:**
 - **Planned highway safety program improvements adjacent to the site,**
 - **Adequate roadside area including recovery area for errant vehicles, and/or**
 - **Strategic planning initiatives, such as (but not limited to) future intersection locations on the highway for a potential southern town centre bypass or access between the highway and adjoining subdividable land.**
- **The design and minimum setback distance of residential lots from the highway is to be modified to suit. The road widening land required by TfNSW shall be dedicated as public road reserve prior to any Subdivision Certificate release for the adjacent lots, at no cost to TfNSW.**

REASON: Because of representation made by that body. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

2. **Compliance with any requirements of Essential Energy, including the following:**

- **If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.**
- **Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above properties should be complied with.**
- **As part of the subdivision/s, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan/s of subdivision. Essential Energy has existing overhead powerlines located on the property. The proposed subdivision plan/s provided indicate that proposed residential lots will be in the location**

of these existing powerlines. It is Essential Energy's preference that its electrical infrastructure is located in road reserves or public reserves (with easements) and not within residential lots. Refer to Essential Energy's Contestable Works team for requirements via contestableworks@essentialenergy.com.au.

- Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision/s, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision/s, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
- In addition, Essential Energy's records indicate there is electricity infrastructure located within the properties and within close proximity to the properties. Any activities within these locations must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

REASON: Because of representation made by that body. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

3. **Except where modified by the conditions imposed on this consent, the development is to be carried out in accordance with the plans of the proposed subdivision prepared by AT&L (Drawings 17-465-DA001 to DA031) dated 16 June 2020.**

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

4. **The proposed “low flow” drainage pipes from the proposed drainage adjoining the western boundary of Richardson Street and the northern boundary of “Road 01” are to be altered to an open grass lined channel.**

REASON: To improve the environmental performance of these drainage lines. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

5. **The payment to Council of:**
- a) **\$1,318,355.00 for the provision of community facilities in accordance with Council’s Section 94 or 7.11 Contributions Plan “Bathurst Regional Community Facilities”.**
 - b) **\$349,730.00 for stormwater drainage management in accordance with Council’s Section 94 or 7.11 Contributions Plan “Sawpit Creek (East) Stormwater Drainage Management”.**
 - c) **\$516,846.00 for the purchase of open space within Windradyne, Llanarth, Perthville and Kelso in accordance with Council’s Section 94 or 7.11 Contributions Plan “Bathurst Regional Open Space”.**
 - d) **\$652,310.00 for the upgrading of roads in the Windradyne, Llanarth, Abercrombie, Eglinton and Kelso areas in accordance with Council’s Section 94 or 7.11 Contributions Plan “Roadworks - New Residential Subdivisions”.**

All monetary conditions are to be paid prior to the issuing of any Construction Certificates.

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

NOTE 2: 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.

6. **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).**

The developer will have to contribute the sum of \$1,249,680.00 water headworks plus \$1,215,855.00 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.

NOTE 1: The developer should apply for a certificate as a matter of urgency because the Construction Certificate cannot be issued until a certificate has been issued by Council and all monetary conditions have been satisfied.

REASON: Because it is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

7. **The Developer is to plant (or contribute the sum of \$391.90 per lot created for the planting of) advanced street trees in the footway in the front of each lot. This monetary contribution is to be paid to Council prior to the issuing of any Construction Certificates.**

REASON: It is in the public interest to improve the visual amenity of the area by planting street trees. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

8. **The developer is to make a payment to Council of \$200.00 for the provision of each street sign.**

NOTE: Eighteen (18) street signs are required.

REASON: Because it is in the public interest that street signs be erected. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

9. **The payment of \$16.30 per lineal metre for the inspection of the road during construction being a total of \$53,138.00 (based on 3260 metres of road construction). This monetary contribution is to be paid to Council prior to the issuing of any Construction Certificates.**

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

REASON: So that the construction of this aspect of the development may be checked during construction. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

10. **The applicant is to submit one (1) hard copy and one (1) electronic copy of engineering plans, specifications and calculations in relation to:**

- **Water infrastructure**
- **Sewer infrastructure**
- **Drainage infrastructure**
- **Road construction**
- **Footpath/cycleway construction**
- **Site filling**

Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

NOTE: Plans and documentation for drainage infrastructure are to include the following:

- **Detailed design of stormwater discharge structures with specific reference to soil type and conditions.**
- **Stormwater discharge flows (peak volumes and velocity) at Channels C3 and C5 are to equal pre-development flows.**
- **Detailed design of the Gross Pollutant Traps (GPTs).**
- **Detailed design of dam inlet and outlet.**
- **Detailed design of Road 3 WSUD (Incorporation of WSUD into Road 3 median island to assist with the removal of Gross Pollutants and Coarse Sediments).**
- **Removal of the "low flow" drainage pipes from the proposed drainage adjoining the western boundary of Richardson Street and the northern boundary of "Road 01".**

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.

11. **Prior to the issue of the construction certificate the developer is to submit to Council for approval a staged Soil and Water Management Plan, approved for implementation by a Certified Professional in Erosion and Sediment Control and which includes (but is not limited to) the following:**

- a) **Assessment including:**
- i. **Constraints analysis**
 - ii. **Erosion Hazard Assessment**

- iii. **RUSLE Calculation and Soil Loss Class identification**
- iv. **Sediment Basin Test**
- v. **Identification of Sediment Type**
- b) **Erosion controls including:**
 - i. **Access limitations**
 - ii. **Staging and ordering of works**
 - iii. **Exclusion zones**
 - iv. **Stockpile location and management**
 - v. **Access and road locations**
 - vi. **Dust management**
 - vii. **Site office**
 - viii. **Water diversion**
 - ix. **Velocity dissipator including outlet velocity in m/s**
- c) **Sediment controls including**
 - i. **Diversion drains and sediment basins, including calculations (to determine dimensions, storage zones, settling zones, flow rates etc)* and appropriate discharge points and controls. Type C sediment basins are not to be used.**
 - ii. **Sediment fences**
 - iii. **Stabilised access points**
- d) **Maintenance instructions:**
 - i. **Record keeping, inspection regimes and checklists**
 - ii. **Flocculation and/or discharge treatments that meet 50mg/L total suspended solids at neutral pH.**
 - iii. **Cleaning and maintenance measures**
 - iv. **Waste management**
- e) **Stabilisation instructions**
 - i. **C-factor[^] or percentage ground cover requirements for works and post-construction**
 - ii. **Stabilisation for diversion drains and discharge points**
 - iii. **Topsoil recovery and replacement**
 - iv. **Staged site stabilisation**
- f) **Standard design drawings as per the Landcom Soils and Construction Volume 1 – “The Blue Book” OR the International Erosion Control Association requirements**
- g) **Site plan/s detailing the above.**

* **For sites where disturbance is likely to be less than six months, the 75th percentile storm depth is to be used. For sites where disturbance is likely to be more than six months, the 80th percentile storm depth is to be used. If the discharge location is deemed to be sensitive locations (i.e. residential land, waterway, offsite water course) the 80th percentile storm depth is to be used. For land that is to be disturbed for more than six months AND discharges to sensitive locations, the 85th percentile storm depth is to be used.**

- ^ As a minimum, progressive stabilisation of site is to achieve a C-factor of 0.10 or about 60% ground cover within 20 days and a C-factor of 0.05 or about 70% within 2 months/at completion of works.**

NOTE 1: All erosion and sediment control measures must be in place prior to earthworks commencing and implemented for the duration of construction.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

12. **Prior to the issue of the Construction Certificate targeted surveys for the Litoria aurea (Green & Golden Bell Frog) and the Litoria castanea (Yellow Spotted Tree Frog) be undertaken.**

REASON: To ensure native fauna is identified, recovered and relocated prior to work commencing on site. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

13. **Prior to the issue of the Construction Certificate a detailed dam dewatering plan, including geotechnical investigation, is to be submitted for approval. The plan is to include, but not be limited to:**

- **Water Quality testing prior to dewatering (test results to be provided to Council's Environment Section);**
- **Erosion and sediment control measures;**
- **Dewatering discharge rate;**
- **Sediment testing prior to desilting (test result to be provided to Council's Environment Section); and**
- **Fauna recovery by suitably qualified person (freshwater turtles and frogs are likely to be present).**

REASON: To ensure that this activity is appropriately manage and mitigated. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

14. **Unless the development is exempt under Council's Local Approvals Policy or Bathurst Regional Local Environmental Plan 2014 – Schedule 2, the applicant is to obtain a Subdivision Works Certificate pursuant to Section 6.4 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 Bathurst Regional Council's Guidelines for Engineering Works prior to any subdivision works commencing.**

NOTE 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary Subdivision Works Certificate or Certificates have been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE SUBDIVISION WORKS CERTIFICATE, even if you made an application for a Subdivision Works 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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

15. **Richardson Street and Governors Parade are to be designed and constructed as collector roadways.**

Road Numbers 1, 2, 4, 5, and 6 are to be designed and constructed as local access roadways.

Road Number 3 is to be designed and constructed as a collector roadway with a divided carriageway in a 30 metre wide road reserve, 2 x 4.5 metre wide footways, 2 x 6.0 metre wide carriageways and a 9.0 metre wide centre median.

All road construction is to be in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: To ensure the proposed road system has the capacity to cater for predicted traffic flows in the locality. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

16. **The applicant is to arrange an inspection of the subdivision works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.**

COLUMN 1	COLUMN 2
Road construction	<ul style="list-style-type: none"> • Following site regrading, and prior to installation of footway services; • Excavation and trimming of subgrade; • After compaction of subbase; • After compaction of base, and prior to sealing; • Establishment of line and level for kerb and gutter placement; • Subsoil Drainage; • Road pavement surfacing; • Pavement test results (compaction, strength).
Drainage	<ul style="list-style-type: none"> • After laying of pipes and prior to backfill; • Pits after rendering openings and installation of step irons.
Water	<ul style="list-style-type: none"> • After laying of mains and prior to backfill; • After laying of services and prior to backfill; • Pressure testing.
Sewerage	<ul style="list-style-type: none"> • After laying of pipes and prior to backfill; • Main - air pressure testing; • Manhole - water test for infiltration, exfiltration.
Concrete footway crossings	<ul style="list-style-type: none"> • After placing of formwork and reinforcement, and prior to concrete placement;
Erosion and sediment control	<ul style="list-style-type: none"> • Prior to the installation of erosion measures.
All development and/or subdivision works	<ul style="list-style-type: none"> • Practical completion.

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

17. **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 4.15 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 and covered 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. **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 an approved Soil and Water Management Plan.**

NOTE 1: All erosion and sediment control measures must be in place prior to earthworks commencing and implemented for the duration of the construction. 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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

20. **The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: Because the character of the subdivision is such as to warrant storm water drainage of this type. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

21. **All road and inter allotment drainage is to be conveyed to a legal point of discharge, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: Because the character of the development is such that storm water will be increased and must be safely conveyed to the storm water drainage system. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

22. **The construction of water and sewerage reticulation to serve each residential lot and, where required, each open space lot in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

NOTE 1: 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 these utilities are necessary to serve the subdivision. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

23. **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 4.12 of the Environmental Planning and Assessment Act 1979, as amended.

24. **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.

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 existing fence encroaching on the public road is to be removed and a new fence erected along the boundary between the subject land and the public road.**

REASON: Because part of the public road should not form part of the area to be occupied by the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

27. The construction of 2.5 metre wide 125 mm thick concrete cycleways

- a) in the open space corridor adjoining Governors Parade and Richardson Street from Colville Street to the end of the existing cycleway adjacent to the Mitchell Highway
- b) in the open space corridor adjoining Road 01

in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: Because the size and density of the subdivision is such as to warrant a concrete cycle way in this (those) location(s). Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

**28. The construction of concrete footpaths 1.5 metres wide and 100 mm thick for all the pathways identified on the approved plan as "proposed local footpath" 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 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

29. The construction of a concrete floodway footpath in accordance with Council's standard drawing EN9161 within the pathway and over the adjacent footway to the back of the kerb and the construction of perambulator layback in that kerb all in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: Because a concrete floodway footpath is required in all overland flow paths and the size and density of the subdivision is such as to warrant a concrete footpath in that location. Section 4.15 of the Environmental Planning and Assessment Act, 1979 as amended.

30. The developer is to improve the drainage channels identified as C2, C3 and C5 in Council's Section 7.11 Contributions Plan for Sawpit Creek (East) Stormwater Drainage Management to accommodate 1 in 100 years storm with 500mm freeboard, prior to overtopping. All work is to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: Because this utility is necessary to serve the development and to provide storm water drainage to the subject land or other land in the locality. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

31. Any proposed site filling is to be Virgin Excavated Natural Material as defined in Division 2 Section 50 of the Protection of the Environment

Operations Act (1997), or Excavated Natural Material as defined in Excavated Natural Materials Order (2014) under the Protection of the Environment (Waste) Regulation (2014) and is 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 AS:1289, will be required prior to the issue of any Construction Certificate for the erection of a building or the issue of a Subdivision Certificate.

REASON: To ensure that any fill is correctly placed and compacted and to ensure that was material is not used for the filling of land. Section 4.15 of the Environmental Planning and Assessment Act 1979, and as amended.

32. **The applicant is to arrange an inspection of Soil and Water Management works after the installation of Soil and Water Management Plan controls and prior to commencement of earthworks. This condition applies notwithstanding any private certification of the works.**

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

33. **Fallen timber and timber from the trees being removed is to be relocated in consultation with Council's Environmental Officers. Hollow bearing trees are to be inspected for fauna prior to removal.**

REASON: To ensure appropriate habitat is retained for native fauna. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

34. **Category P3 street lighting is to be provided for the collector roads. Category P4 street lighting is to be provided for the local access roads.**

REASON: For the safety of all road users. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

35. **If any unidentified material not previously identified as part of an investigation are uncovered during the development, then all works shall stop immediately in that area and Council be contacted. Works are not to recommence until approval has been received from Council. Depending upon the nature and the significance of the material, further assessment may be required before further work can continue in that area. Unexpected finds include but are not limited to:**

- a) **Suspected contamination in the form of ash, staining, discolouration, odours, underground petroleum storage systems or suspected asbestos containing material; or**
- b) **Suspected Aboriginal relics in the form of tools, artwork, bones etc; or**
- c) **Suspected non-Aboriginal heritage relics not previously identified.**

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.

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

36. **The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion to be held by Council for a minimum period of 12 months. The bond must be lodged with Council before a Subdivision Certificate will be issued by Council.**

REASON: In order to cover cost of any works requiring repair. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

37. **The final plan of survey is to show an easement to drain water within all affected lots and in favour of all benefitting lots.**

REASON: Because those works referred to (including access works) and which are sited, or are to be sited, on the subject land should be protected by an easement. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

38. **The final survey plan is to show easements in gross to drain water in favour of Council over all storm water drains conveying road water.**

REASON: Because those drainage works which are sited, or are to be sited, on the subject land should be protected by an easement. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

39. **The developer is to furnish Council with documentary evidence that arrangements, satisfactory to Essential Energy and the appropriate telecommunications authority, for the provision of underground electrical power and telephone lines respectively, to serve each lot, have been made.**

NOTE 1: This information must be submitted before Council will issue the Subdivision Certificate relating to this subdivision.

REASON: So that electrical power and telephone lines are available, it being necessary that these utilities serve the subdivision. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

40. **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:**

- **Water infrastructure**
- **Sewer infrastructure**
- **Drainage infrastructure**
- **Drainage channel improvement works**
- **Road construction**
- **Footpath/cycleway construction**

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.

41. **The final plan of survey is to show an easement for sewer over all lots affected and in favour of Council. For sewer mains of 300 mm or greater diameter, the easement is to be 5 metres wide with the main centrally located.**

REASON: Because those works referred to (including access works) and which are sited, or are to be sited, on the subject land should be protected by an easement. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

42. **The completed work site is to be presented in a 'stable site', that is a site that has the following ground cover to achieve a C-factor of 0.10 (or 60% ground cover) within 20 days of completion or construction works, or a C-factor of 0.05 (or 70% ground cover) within 2 months of completion of construction. Acceptable ground cover at completion includes only:**

- **Grass turf**
- **Top soil cover and established grass**
- **Top soil cover and seeded hydromulch**
- **Straw or woodchip mulch to a depth of 20-40mm outside areas of concentrated flow**

NOTE 1: When Extreme or Critical enforced water restrictions are in place, other methods such as polymer application supported by surface water controls, sediment controls and an ongoing maintenance regime may be used in place of the acceptable controls upon written approval from Council.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

43. **The applicant is to obtain a Subdivision Certificate pursuant to Section 6.4 of the Environmental Planning and Assessment Act 1979, as amended from Council. The final survey plan and two paper copies are to be submitted to Council along with the application for the Subdivision Certificate prior to its lodgement with the Lands Titles Office.**

NOTE 1: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of the development consent have been complied with and the appropriate fee paid.

REASON: Because it is in the public interest that the plan is certified in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended. Section 4.15 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.

44. **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.

45. **Building work (within the meaning of the Home Building Act 1989) must not be carried out unless the principal certifying authority for the development:**

Reference: DDWY:DA/2018/395

Enquiries: Mr D J Dwyer 02 6333 6212

Bathurst - subdivision at Lot 1126 DP1215618, Colville Street, Windradyne subject to conditions.DOCX

- 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.

46. **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.

47. **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.

48. **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: 26 February 2021

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.

Choose a building block.



**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 & 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.

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