

ADDENDUM TO ASSESSMENT REPORT

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|-----------------------|--|
| PP No | PP Reference Number: PPSWES-11 |
| DA Number | 2018/395 |
| Local Government Area | Bathurst Regional Council |
| Proposed Development | 205 lot residential subdivision and associated new roads |
| Street Address | Colville Street, Windradayne |
| Applicant/Owner | Bathurst Regional Council (applicant) Bathurst Regional Council (owner) |
| Number of Submissions | Zero (0) |
| Recommendation | Approval with Conditions |
| Report by | Daniel Dwyer, Senior Development Control Planner |

Road Traffic Noise

Clause 102 of *State Environmental Planning Policy (Infrastructure) 2007* reads as follows:

102 Impact of road noise or vibration on non-road development

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*
 - (a) residential accommodation,*
 - (b) a place of public worship,*
 - (c) a hospital,*
 - (d) an educational establishment or centre-based child care facility.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Secretary for the purposes of this clause and published in the Gazette.*
- (3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
 - (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10 pm and 7 am,*
 - (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*
- (4) In this clause, freeway, tollway and transitway have the same meanings as they have in the Roads Act 1993.*

The Applicant was requested to consider the provisions of Clause 102 and the potential for future dwellings on the proposed residential lots to be impacted by traffic noise from the Mitchell Highway.

Please find **attached** to this document additional information provided by the Applicant in relation to potential impact of traffic noise for the proposed residential lots adjacent to the Mitchell Highway.

Estimated current traffic volume for the Mitchell High at the development site is 8912 AADT. Projections for five, ten and twenty years remain well below the 20,000 AADT prescribed in Clause 102 of *State Environmental Planning Policy (Infrastructure) 2007*.

Based on the additional information provided by the Applicant, Council is satisfied that the proposed residential lots adjacent to the Mitchell Highway will not be adversely impacted by road noise given the current and projected annual average daily traffic (AADT) is significantly lower than the 20,000 AADT prescribed in Clause 102 of *State Environmental Planning Policy (Infrastructure) 2007*. Council is therefore satisfied that a detail noise impact assessment is not warranted.

Notwithstanding the above, Council considers it appropriate to incorporate some acoustic attenuation into the design of the proposed fence for those lots adjacent to the Mitchell Highway. The following condition has therefore been included in the Draft Notice of Determination:

Prior to the issue of the Subdivision Works Certificate the developer is to submit to Council for approval details (including material, colour, height and acoustic attenuation properties) of fencing along the south-eastern boundary (adjacent to the Mitchell Highway) of proposed Lots 272, 287, 288, 289, 290, 291, 292, 293, 294, 307 and 308. The fencing is to be constructed prior to the issue of a Subdivision Certificate for these lots.

MEMORANDUM

TO: PLANNING – DANIEL DWYER
DIRECTOR ENVIRONMENTAL PLANNING & BUILDING SERVICES
MANAGER DEVELOPMENT ASSESSMENT

CC: DIRECTOR ENGINEERING SERVICES

FROM: MANAGER TECHNICAL SERVICES

DATE: 14 APRIL 2021

SUBJECT: **DA2018/395 – 205 LOT SUBDIVISION (WINDY 1100)**
ADVICE REGARDING ACOUSTIC IMPACT FROM TRAFFIC ON
MITCHELL HIGHWAY

FILE: BD:SMc:2018/395

I refer to advice provided following the review of the proposed 205-lot subdivision under DA2018/395 by the Joint Regional Planning Panel (JRPP).

The advice received was that further consideration be given to the acoustic impact of traffic on the Mitchell Highway for those proposed lots with rear boundaries adjoining the highway corridor (Lots 272, 287, 288, 289, 290, 291, 292, 293, 294, 307, 308).

Background

Advice received from Transport for NSW (TfNSW) on 18 October 2019 (REF: SF2015/120284; WST15/00073) provided the following comment:

'Given the location of the proposed subdivision in close proximity to the highway, consideration for adequate noise mitigating measures, in particular along the bounds of the southern end should be adequately addressed. The possible installation of ATLM within this locality needs also to be considered as part of any noise mitigating measures.'

It is noted that Clause 102 of the *State Environmental Planning Policy (Infrastructure) 2007* (SEPP) requires the following in this regard:

102 Impact of road noise or vibration on non-road development

- (1) *This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 20,000 vehicles (based on the traffic volume data published on the website of TfNSW) and that the consent authority considers is likely to be adversely affected by road noise or vibration—*

- (a) *residential accommodation,*

- (b) a place of public worship,
- (c) a hospital,
- (d) an educational establishment or centre-based child care facility.

It must be noted that prior to August 2018, Clause 102 read ‘... more than 40,000 vehicles...’. The majority of NSW Government Department guidelines and policies, including the current traffic volume data page and documents on the TfNSW website, still make reference to this number. Explanatory notes provided under the NSW Department of Planning’s ‘*Development Near Rail Corridors and Busy Roads – Interim Guideline*’ Section 1.2 (Page 2) state that, while intended to apply to roads over 40,000 annual average daily traffic (AADT), application of Clause 102 and the associated principles to developments near roads of 20,000 – 40,000 AADT, while not mandatory, was regarded as best practice. Changes to the SEPP have now mandated 20,000 AADT as the applicable threshold.

Available Traffic Data

TfNSW data for this section of road is not available from the TfNSW website. The TfNSW ‘*Traffic volume maps for Infrastructure SEPP*’ notes no roads to the west of Penrith as requiring regular mandatory assessment under Clause 102, and no ‘best practice’ roads (>20,000 AADT), which would now be mandated, are included in the available data for the Bathurst Region.

TfNSW data is available for the Great Western Highway at Raglan, through the TfNSW Traffic Volume Viewer. This provides a useful approximation of highway background traffic for checking purposes, but cannot be applied to the western side of Bathurst and the Mitchell Highway, as this would require too many assumptions to be made to provide reliable results. The 2021 AADT for the Great Western Highway at Raglan is 9285 vehicles, with a 20% heavy vehicle component. It is expected that the Mitchell Highway would have similar volumes.

While TfNSW data cannot be provided for the Mitchell Highway to address Clause 102, Council’s own classifier data for the section of road near the proposed development provides the following volumes.

| Year | AADT | % Commercial | Applicability |
|------|-------------------------|--------------|---------------|
| 2015 | 8120 | 17.1 | Good |
| 2004 | 4875 (single lane west) | 10.2 | Poor |
| 2004 | 4604 (single lane west) | 11.2 | Poor |
| 2004 | 4595 (single lane west) | 8.4 | Poor |
| 2004 | 4928 (single lane west) | 9.4 | Poor |
| 1999 | 7400 | - | Poor |

The data from 2015 is the most suitable to apply to this assessment, as the location of the counters is directly outside the proposed development. By contrast, all counts available from 2004 and 1999 were taken to the east of the Bradwardine Road intersection, and several of the volumes were only available in one direction (westbound). These results have a lower commercial percentage than the 2015 counts. It would be reasonable to interpret this as being due to a large proportion of heavy vehicle traffic using the Mitchell Highway that passes the proposed development terminating at the ‘Bathurst Trade Centre’ commercial area via the Bradwardine Road intersection. As a result, the 2004 results cannot be used for

assessing the make-up of vehicle volumes passing the site, but they do provide a reasonable confirmation of the 2015 AADT using the Mitchell Highway.

For the purposes of this assessment, the data from 2015 was extrapolated to the current year (2021), the five year horizon (2026), the ten year horizon (2031) and the twenty year horizon (2041), to ensure consideration of short, medium and long term impacts. The background growth rate adopted for this assessment, as per TfNSW standard practices, is 1.5%. The following AADT volumes were yielded.

| Year | AADT |
|------|-------|
| 2021 | 8912 |
| 2026 | 9600 |
| 2031 | 10342 |
| 2041 | 12003 |

Assessment of Data

A review of the available traffic data indicates that the current AADT is less than half of the applicable 20,000 vehicles that would require consideration under Clause 102. Even when the available data is extrapolated to the long-term horizon (2041), the resultant AADT of 12,000 is not likely to trigger any additional noise concerns, given TfNSW states that a 60% increase in traffic is usually required for a noticeable (2dB) increase in background noise.

Having consideration for the fact that the previous threshold for assessment of noise impact was mandated for roads over 40,000 AADT and recommended for roads over 20,000 AADT, the fact that the revised SEPP now mandates assessments for roads over 20,000 AADT does not necessarily mean that roads under 20,000 AADT now require consideration for 'best practice'. This is nowhere stated in any revised NSW Government documentation, and it is more likely that the 20,000 AADT threshold has been mandated to formalise the previous indicator for best practice, with no consideration generally required for volumes under this limit.

Further Considerations

As a matter of due diligence, it is noted that the NSW Department of Planning's '*Development Near Rail Corridors and Busy Roads – Interim Guideline*' Section 1.3 (Page 3) defines busy roads as follows:

- **Roads specified in Clause 102** of the Infrastructure SEPP: a freeway, tollway or a transitway or any other road with an average annual traffic (AADT) volume of more than 40,000 vehicles (based on the traffic volume data provided on the website of the RTA).
- **Any other road** – with an average annual daily traffic (AADT) volume of more than 20,000 vehicles (based on the traffic volume data published on the website of the RTA)
- **Any other road** – with a high level of truck movements or bus traffic.

The classification roads having a '*high level of truck or bus traffic*' is ambiguous. The commercial vehicle component from the 2015 data (extrapolated to 2021), while not a steady flow, could be regarded as being significant, roughly equating to an average of three heavy vehicles every two minutes across the 10pm to 7am period. Based on the parameters stated in Section 3.5 (Page 13) of the same guideline, this does not equate to significant background noise.

Further to this, Section 3.5 recommends undertaking a preliminary acoustic assessment if any uncertainty as to the impact remains. To satisfy this possibility, a preliminary assessment under Section 3.5 was undertaken, based on the following assumptions (for worst-case assessment purposes):

| | |
|---------------------------------------|--|
| Distance of nearest facade from road: | 35 metres |
| Direct line of sight exists: | Yes |
| Is road regarded as busy: | Yes |
| Building type: | Residential single dwelling / dual occupancy |

Based on these assumptions, the development was determined as requiring assessment under Section 3.5.2. The assessment process only allows for roads of 60/70 km/h or 100/110 km/h. The section of the Mitchell Highway in question is 80km/h, so the higher limit was adopted as a worst-case possibility.

Using Figure 3.3(b), the worst-case outcome would require the following minimum (Category 2) building elements on the aligned facade/s for acoustic performance:

- Single-glazed windows with acoustic seals
- Weatherboard (insulated) or brick veneer (uninsulated) facade
- Tile or metal roofing with R2 insulation
- 40mm solid core external doors with acoustic seals
- Concrete slab

Given the orientation of the site, such buildings would be likely to already include these or superior performance features such as double glazing and additional insulation to meet energy efficiency (BASIX) requirements.

In the above assessment, direct line of site from residences to the road was assumed to exist. Based on the topography of the site, and the fact that the adjoining section of road is a bend in fill, the closest houses would be likely to receive some form of topographical shading from the road.

In terms of local history, Council is not aware of any trend of complaints regarding highway noise from existing residents on Richardson Street, which adjoins the proposed development along the same stretch of road and has comparable facade offsets to the road edge of bitumen. Anecdotal advice from residents of the area is that traffic noise is of limited concern at this location.

TfNSW would also be aware that Council has previously approached TfNSW to review the speed zoning for this section of road, with consideration to be given to reducing zoning from 80km/h to 60km/h. TfNSW has advised that this cannot be undertaken until the subdivision is in progress. Such speed changes, however, would further lower the expected impact, as indicated in the above assessment, to the point that even less acoustic attenuation would need to be considered as a part of house design in the vicinity. It is hard to justify noise attenuation barriers or similar when NSW Government guidelines would not require this to be factored into house design.

TfNSW Advice – Installation of ATLM

With respect to the final component of the TfNSW advice, the '*possible installation of ATLM*' by TfNSW in the future is not something the developer could reasonably be expected to address. Attenuation requirements for this component of road noise

generation is nowhere addressed in the available NSW Government policies and guidelines, and the only means of giving consideration to this point would be to follow the same approaches as identified above, being consideration under the relevant guidelines for development near noise-generating roads. As this cannot be clearly assessed without further direction as to how this can be achieved, this point has not been addressed any further.

Conclusion

Given the low traffic volumes for this section of road, it would be reasonable to determine that no further consideration of the impact of road noise on this development is required.



Bernard Drum
MANAGER
TECHNICAL SERVICES



15 April 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 &
LOT: 38 DP: 1055620, RICHARDSON 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 one of the conditions listed below will require you to obtain a Subdivision Works Certificate prior to carrying out any work. **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. The Development Consent may contain conditions that need to be satisfied prior to issuing of any Subdivision Works Certificates.

The reasons for the imposition of the following conditions are:

- a) **To ensure compliance with relevant statutory requirements.**
- b) **To provide adequate public health and safety measures.**
- c) **Because the development will require the provision of, or increase the demand for, public amenities and services.**
- d) **To ensure the utility services are available to the site and adequate for the development.**
- e) **To prevent the proposed development having a detrimental effect on adjoining land uses.**
- f) **To minimise the impact of development on the environment.**

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

This consent is issued subject to the following conditions:

GENERAL

1. **Except where modified by the conditions imposed on this consent, the development is to be carried out in accordance with:**
 - a) **The following plans of the proposed subdivision prepared by AT&L, dated 16 June 2020:**

| Drawing Number | Title | Issue |
|-----------------------|--|--------------|
| 17-465-DA001 | COVER SHEET AND LOCALITY PLAN | J |
| 17-465-DA002 | GENERAL NOTES AND LEGENDS | I |
| 17-465-DA003 | GENERAL ARRANGEMENT PLAN | K |
| 17-465-DA011 | TOTAL SITE GRADING PLAN SHEET 1 | K |
| 17-465-DA012 | TOTAL SITE GRADING PLAN SHEET 2 | K |
| 17-465-DA013 | SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 1 | E |
| 17-465-DA014 | SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 2 | K |
| 17-465-DA015 | SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 3 | K |
| 17-465-DA016 | SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 4 | K |
| 17-465-DA017 | SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 5 | K |
| 17-465-DA018 | SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 6 | F |
| 17-465-DA019 | SITEWORKS AND STORMWATER DRAINAGE PLAN SHEET 7A AND 7B | F |
| 17-465-DA020 | BULK EARTHWORKS PLAN SHEET 1 | G |
| 17-465-DA021 | BULK EARTHWORKS PLAN SHEET 2 | G |
| 17-465-DA025 | SEWERMAIN AND PORTABLE WATERMAIN PLAN SHEET 1 | L |
| 17-465-DA026 | SEWERMAIN AND PORTABLE WATERMAIN PLAN SHEET 2 | F |
| 17-465-DA030 | LOT LAYOUT PLAN SHEET 1 | L |
| 17-465-DA031 | LOT LAYOUT PLAN SHEET 2 | J |

- b) **The Statement of Environmental Effects prepared by Anthony Daintith Town Planning, dated 22 May 2020.**
- c) **The Stormwater Report prepared by AT&L, dated 3 May 2019.**
- d) **The Traffic Impact Assessment prepared by Bitzios Consulting, dated 1 May 2020.**
- e) **The Civil Development Application Report prepared by AT&L, dated May 2020 (Revision 7).**

- f) **The Flora and Fauna Assessment prepared by NGH Consulting, dated July 2020.**
2. **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 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.

3. **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.
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.
 5. Prior to the issue of the Subdivision Works Certificate the developer is to submit to Council for approval details (including material, colour, height and acoustic attenuation properties) of fencing along the south-eastern boundary (adjacent to the Mitchell Highway) of proposed Lots 272, 287, 288, 289, 290, 291, 292, 293, 294, 307 and 308. The fencing is to be constructed prior to the issue of a Subdivision Certificate for these lots.
 6. Prior to the issue of the Subdivision Works Certificate the developer is to submit to Council for approval a landscape plan for the public open space area between the south-eastern boundary of proposed Lots 272, 287, 288, 289, 290, 291, 292, 293, 294, 307, 308 and the Mitchell Highway. The landscape plan is to be generally in accordance with the landscape concept design for the Sawpit Creek Open Space Reserve adopted by Council on 17 February 2021.

PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE

7. 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 Subdivision Works 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.

8. 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 Subdivision Works Certificate cannot be issued until a certificate has been issued by Council and all monetary conditions have been satisfied.

9. 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 Subdivision Works Certificates.

10. **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.

11. **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 Subdivision Works Certificates.**

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

12. **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".**

13. **Prior to the issue of the Subdivision Works 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.

14. Prior to the issue of the Subdivision Works Certificate targeted surveys for the Litoria aurea (Green & Golden Bell Frog) and the Litoria castanea (Yellow Spotted Tree Frog) are to be undertaken.
15. Prior to the issue of the Subdivision Works 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).
16. 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.

PRIOR TO ANY WORK ON SITE

17. **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.

DURING CONSTRUCTION

18. **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. |

| COLUMN 1 | COLUMN 2 |
|---|--|
| 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. |

19. **Construction work shall be carried out only between 7.00 am and 8.00 pm on weekdays and 8.00 am and 8.00 pm on Saturdays. No construction work shall be undertaken on Sundays or public holidays.**
20. **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.

21. **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.

22. **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.**
23. **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.**
24. **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.

25. **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.**
26. **The developer is to relocate, if necessary, at the developer's cost any utility services.**
27. **During and after construction, minimum distances from powerlines are to be maintained.**
28. **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.**
29. **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.

30. **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.**

31. **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.**
32. **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.**
33. **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 a Subdivision Certificate.

34. **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.**
35. **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.**
36. **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.**
37. **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.

PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE

- 38. The developer is to lodge a bond or bank guarantee 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.
- 39. The final plan of survey is to show an easement to drain water within all affected lots and in favour of all benefitting lots.
- 40. 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.
- 41. 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.

- 42. 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.

43. 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.
44. 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.

45. Prior to the issue of the Subdivision Certificate for proposed Lots 272, 287, 288, 289, 290, 291, 292, 293, 294, 307 and 308 the fencing along the south-eastern boundary (adjacent to the Mitchell Highway) of these lots is to be constructed.
46. Prior to the issue of the Subdivision Certificate for proposed Lots 272, 287, 288, 289, 290, 291, 292, 293, 294, 307 and 308 the landscaping of the public open space area between the south-eastern boundary of those lots and the Mitchell Highway is to be planted.
47. 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.

Endorsement date of determination and operative date: 15 April 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.

Neil Southorn
DIRECTOR
ENVIRONMENTAL, PLANNING & BUILDING SERVICES



**DETERMINATION OF A DEVELOPMENT APPLICATION
EXPLANATORY NOTES**

1. Should further explanation of the terms or conditions of the approval be required, please contact Council's Environmental, Planning & 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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