



Report of Development Application

Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979

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APPLICATION DETAILS

Development Application No.:	DA 2008/0063
Subject Land:	Lot 3, DP 858374 Parish Gurangully, County Dowling, Lake Cargelligo NSW
Applicant:	Lloyd Energy Systems Pty Ltd
Proposal:	Class 8 & Class 5.
Environmental Plan:	Lachlan Local Environmental Plan 1991
Zoning:	Rural 1(a)
Development Control Plan (Land Use):	Rural
Integrated Development:	SEPP Infrastructure 2007
Referred To:	Referred to DAU (minutes enclosed), Department Technical Services and RTA
Notification to Neighbours:	Dates: 22.09.08 to 08.10.08
Advertising:	Dates: 17.09.08 to 26.09.08 – submissions to 08.10.08

THE SITE

(Including relevant history, previous uses)

The site is located at Lot 3, DP 858374, Parish Gurangully, County Dowling, Lake Cargelligo. The site is currently used for grazing and cropping purposes by the Skipworth Family, who own the parcel of land where the proposed power station is to be situated.

The land is not serviced by a sewerage system. The applicant is proposing to erect an office and as such a condition of Development Consent will require the applicants to nominate the type of system proposed and the location of the system in relation to the associated structures to be built.

SUMMARY OF MAIN ISSUES

The applicant is proposing to construct a solar thermal power generation facility on the above mentioned land. The proposal involves the erection of 16 towers, each with 140 tracking heliostats (mirrors). Each of these heliostats tracks the sun and transfer sunlight down the towers to a steam turbine which generates electricity. This electricity generated by the proposal will be transferred to the Lake Cargelligo power grid to be utilised by the Lake Cargelligo community.

The proposed site area will be surrounded by a security fence.

The area of the proposed power station is 8 Hectares of a total site area of 217.2 Hectares.

CONSIDERATION OF THE DEVELOPMENT APPLICATION PURSUANT TO SECTION 79C

In considering this development application under the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, the following matters have been taken into account. Specific comments, as detailed, are made when further explanation or clarification is considered needed.

(a)(i) - The provisions of any environmental planning instrument (EPI)

State Environmental Planning Policies

no effect

Is a SEPP 1 variation required?

No SEPP 1 variations required.

The application was referred to the R.T.A under SEPP "Infrastructure" - comments on file.

Regional Environmental Plans

no effect

Is the site or building an item of regional heritage or within a conservation area?

Local Environmental Plan

permissible use

Zoned Rural 1 (a) and is development that is permissible with Council consent.

Zone Objectives

consistent

The proposed development is considered consistent with the following zone objectives 1a(i) & (ii) & f (ii) which states "The objective of this zone are to allow development for the purposes that are, i) appropriate in a rural location; and ii) sympathetic with the environment characteristics of the land and the costs of providing public services and amenities.

Comment

The proposal is considered consistent with the zone objectives and is permissible under Council's LEP. The application is made under clause 3 of the 1 (a) – rural table.

(a)(ii) - The provisions of any draft environmental planning instrument

Draft state environmental planning instruments

none apply

Draft regional environmental plans

none apply

Draft local environmental plans

none apply

Comments

N/A

(a)(iii) - Any development control plan

Is the proposal consistent with any relevant DCP?

Not applicable

(a)(iv) - any matters prescribed by the regulations

Any matters prescribed

Demolition of buildings AS 2601 - CI 66 (b)

Fire Safety Considerations – building change of use CI 66A

Upgrading of Building to comply BCA CI 66B

Considered

(b) - The likely impacts of the development

Context and setting

acceptable impact

Character and amenity of the locality & streetscape

The scale (bulk, height, mass etc), form, density & design in relation to the locality

Previous and existing land uses of the site and locality

Potential impacts in terms of -relationship and compatibility with adjoining uses

-sunlight access & over shadowing

-visual and acoustic privacy

-views, etc.

- edge conditions at the site including boundary fencing, and the like

Comments

The character and amenity of the locality agricultural, predominantly cropping, with some grazing. The area is cleared, gently undulating land with some scattered trees. This proposal will be on approximately 8 hectares of land, to be fenced off out of an existing parcel of some 217 hectares.

The development will consist of 16 steel framed stands (similar to tank stands and windmills) some 17 metres high, space at approximately 40 metres apart. Steel boxes 2.7 x 2.7 containing the solar receiving device and thermal storage system will sit on top of the stands, with the same visual appearance as a rectangular water tank.

The site will present visually as a fence 2.5m high, over which the 16 towers will be seen. It is considered that with a setback of approximately 1 kilometre from the main road that the visual impacts are minimal.

Access, transport and traffic

Potentially acceptable impact

Traffic generation - impact and capacity of local road network

Parking - sufficient parking available on site

Adequate accessibility for pedestrians, vehicles etc. where relevant

Impacts on travel demand, motor vehicle dependency, public transport, etc.

Public transport demands

Traffic conflicts

Suitability of road standard, existing and proposed - need for additional roadworks

Comments

The provisions of State Environmental Planning Policy – Infrastructure 2007, specifically clause 104 and column 1- 3 of Schedule 3 apply to this development. Accordingly the application was referred to the R.T.A on 11th September 2008.

Council received reply correspondence dated 2nd October 2008, stating that the R.T.A had no objections to the proposal and provided a number of General Terms of Approval (GTA's) to be included on the development consent.

The proposal is also deemed to be "integrated development" for the purposes of Section 91 A of the EPA Act 1979. The development proposes access/egress onto a classified road (Denison Street). A copy of the application was forwarded to the R.T.A's Regional Office for concurrence. As mentioned Council subsequently received correspondence from the R.T.A dated 2nd September 2008, stating that the R.T.A had no objection to the proposal.

As part of the site works, the applicants are proposing to construct a new access to the property in which the development will be situated. There will be minimal traffic movement as the construction phase is expected to be over an 18 month period, which will minimize the amount of traffic coming to and from the site.

Once the development is completed there is expected to be only light movement to and from the site, this will be mainly the landowners (skipworths) checking the site and doing maintenance.

Services

acceptable impact

Servicing needs of the development - water reticulation, sewerage, electricity, communications

Availability and capacity of services.

On site and off site works required to augment services and environmental consequences of those works

Comments

The only service available on site at the moment is electricity. The applicants are required to install an onsite sewer management system on the property to accommodate for the proposed office building. There will be a condition placed on the development consent requiring the applicant to submit the type of system proposed.

Water will be provided via the installation of onsite rain water tanks. The applicants are proposing to have a capacity of 200,000 litres available onsite. This is considered adequate for the proposal given the catchment area of the shed (600m²) should maintain the majority of this storage capacity.

Heritage

acceptable impact

Reference to Lachlan LEP

Other relevant listings, documents or advice.

Any heritage or conservation plan.

Heritage significance of the item in terms of the Burra Charter.

Are any additional heritage plans, controls or investigations required?

Aboriginal heritage.

Comments

The land has not been identified for heritage purposes in Council's LEP or any other associated document i.e. – State Heritage Register.

The site is located over 1km from lake Cargelligo. The skipworth family has been farming the land since 1925 and they have advised the applicants that no aboriginal artifacts or relics have been unearthed on the proposed site area from cultivation activity over that period of time.

Natural Hazards

no adverse impact

Risks to the development, people or the environment from flooding, local drainage, slope, slip, wind, subsidence, foundation material, etc.

Bushfire risk - refer to "Planning for Bushfire Protection"

Comments

The site is not considered to be affected by flooding as per the Lachlan LEP Maps – Flood Prone Land nor has been identified as being bushfire prone as per the Lachlan Bushfire Prone Maps.

It is considered that the site presents no natural hazards in terms of local drainage, slip, wind or subsidence.

Man-Made Hazards

no adverse impact

Refer to site history for likely contamination or hazardous situations

Presence of hazardous uses adjoining or nearby sufficient to affect the site &/or development

Remediation issues

Relevant publications published by DUAP or other relevant organisation

- Contaminated Land Manual
- SEPP 33 Guidelines

Need for a risk assessment and management - see "Multi Level Risk Assessment" (DUAP, 1997)?

Comments

The site has been used exclusively as a rural allotment since its inception and as such there is no likely potential of the land having incorporated a contaminated use – The site presents no other man made hazards.

Economic Impact in the Locality

no adverse impact

Employment generation

Economic impacts locally and on the wider economy

Impact on other components/sectors of the local and wider economy

The economic benefits and costs in terms of the above factors.

Comment

The proposed development has the potential to generate positive economic effects in terms of

Utilizing local contractors during the constructing stage

Improvements in local power supply in terms of quality and reduction of outages will have a positive impact on the community

It is anticipated that there will be a large number of visitors coming to inspect the facility, both from Australia and overseas on an ongoing basis. This should bring revenue into the community

There are no perceived negative economic effects as a result of this development.

Social Impact in the Locality

no adverse impact

Social costs and benefits in terms of

- ☐ health and safety of the community
- ☐ community facilities and links
- ☐ social equity, disadvantaged groups, socio-economic groups
- ☐ social displacement
- ☐ sense of community, place, etc.

Need for a social impact assessment

Comment

Potential Social impacts of the development include –

The improvements to the power supply will result in reduced inconvenience to the community

There is the potential to significantly reduce any voltage fluctuations, blackouts and brownouts. With this in mind the overall amenity for the community should be improved

The proposal will create immense interest as it is the first type of development using solar energy along with thermal storage systems in Australia (and the world). This will create a lot of attention, which can only be beneficial to the local community

Other Land Resources

no adverse impact

Any effect on the conserving and using valuable land resources such as

productive or prime agricultural land, mineral and extractive resources, water supply or land in demand for other competing uses

Comments

The allotment in which the proposal is situated is prime agricultural land, however the small amount of land the development will take out of the allotment in its whole (15%) is considered minimal and will not affect the owners in their capacity to maintain a living from the remaining property.

Pollution and off-site environmental effects

no adverse impact

Impact on erosion and sedimentation downstream of the site
Impact on soil and slope instability, subsidence and mass movement
Soil erosion and degradation
Management of acid sulphate soils
Use of fertile or highly productive soils
Treatment and reuse of effluent and suitability of the proposed effluent disposal measures in terms of site characteristics.
Impact on the water cycle - water needs of the development and water minimisation and reuse measures proposed, required
Pollution of water bodies including above ground and groundwater resources and catchments
Air pollution impacts
Mitigation measures in relation to any of the above.

Comments

It is considered that there will be little to no impacts on sediment loss and erosion as a result of this proposal, sediment and erosion control devices will be installed prior to construction works commencing – detailed plan to be submitted prior to construction certificate release.

The development will also be required to utilise trade waste collection devices which will further reduce pollution and off site environmental effects.

Flora and fauna

no adverse impact

Refer to eight part test under Section 5A(annexed at rear of report)
Wildlife corridors, remnant vegetation, disturbance to native fauna and habitats
The amount of vegetation disturbance and clearance
Relationship to any regional vegetation plans, or strategies

Comments

Acceptable the proposed site area is cleared and been cultivated for agricultural purposes for many years. Similarly, as a result of years of continuous cultivation, there are no native fauna habitats present on the site. During operation neither the mirrors nor the block casing become hot enough to create a fauna hazard for the odd bird that may choose to land inside the

Noise and Vibration

no adverse impact

Ambient noise levels in the vicinity and whether the development is likely to have an adverse impact
Are long term noise conflicts likely as a result of the development?
Noise and vibration mitigation measures appropriate.

Comment

It is considered that some noise will be generated during the construction phase; however long-term impacts associated with this proposal are considered minimal..

All plant and equipment operating on the site will be required to meet EPA standards in respect of noise levels. The main sources of noise will come from the steam turbine generators which will be housed in the shed. The applicant will be required to soundproof the shed to ensure noise levels outside the shed are within regulatory levels. Conditions of consent will require the applicant to ensure all such levels are within the guidelines and are maintained post production.

Energy Impacts

no adverse impact

Is the development energy efficient in terms of
☐ the energy needs of the development
☐ measures to save energy (design, passive design, solar access, aspect, etc.)
☐ the use of non-renewable and non polluting materials where appropriate

Comment

It is likely that the development will use its own power from the power generation station to maintain the development. Therefore the energy needs of the development are considered acceptable as it will be using a renewable resource in the form of sunlight.

Site Design and internal design

Is the design of the development sensitive to environmental and site conditions in terms of (but not limited by)

- ☐ size, shape and design of allotments, easements and roads
- ☐ site coverage
- ☐ positioning of buildings
- ☐ size, bulk, mass and appearance of buildings
- ☐ the amount, location and design of open space (private, communal and public where appropriate)
- ☐ landscaping

Health and safety of occupants in terms of

- ☐ lighting, ventilation, insulation, etc
- ☐ building fire risk - prevention and suppression
- ☐ building materials and finishes
- ☐ common wall structure and design
- ☐ access and facilities for the disabled
- ☐ likely compliance with the BCA

Comment

Acceptable Design

Construction

Impacts of the construction activities on any of the planning issues mentioned in this report or on site safety.
Measures to minimise any such impacts.

Comment

Acceptable Design

Cumulative Impacts

Will the development, when considered in conjunction with other developments on the site, adjoining, in the locality, or in the local area generally, whether at the same time or cumulatively over time, result in greater impacts than that likely for this development when considered in isolation?

Comment

Acceptable

The Principles of Ecologically Sustainable Development

Refer to Section 89(1)(c) of the Local Government Act - Councils must take into account the principles of ecologically sustainable development.

Refer also to objectives of the Act - Section 5(a)(vii)

Comment

It is considered that there is little threat of serious or irreversible environmental damage posed by this development, intergenerational equity will not be lost as a result of implementing this development – the land is in an existing rural environment and the proposal involves the erection of a windmill like structures that transfer sunlight to a steam turbine. Biological and ecological diversity will not likely be affected as a result of this proposal.

(c) – The suitability of the site for the development**Suitability of the site in terms of the likely impacts identified under (b)**

Reference should be made to effects on the locality in terms of amenity, streetscape, traffic, hazards, servicing, heritage etc.

Site Attributes in relation to the proposed development

Can the site accommodate the development satisfactorily in terms of the natural and man-made hazards, heritage, soil and foundation characteristics, effect on future uses, natural environmental values and the like.

Comments

Acceptable

(d) - any submissions made in accordance with this Act or the Regulations

Public Submissions and those from public authorities

Relevance to the proposal and heads of consideration mentioned previously

Any general terms of approval from a public authority

Ways that any issues raised can be resolved.

Comment

The application was advertised in the Lachlander, Argus and Lake News Newspapers from 17.09.08 – 26.09.08 with the period for submissions closing on 08.10.08.

Adjoining land owner notification was carried out in accordance with Council's Notification DCP, with letters being sent to surrounding land owners on 22.09.2008 and the period for submissions closing on 13.10.2008.

As a result of both the advertising and neighbour notification there were no submission received by Council

As previously mentioned the proposal was referred to the R.T.A as a SEPP Infrastructure and Integrated Development Section 138 of the Roads Act referral (11th September 2008), reply correspondence stated that there were no objections to the proposal, however GTA's were proposed for inclusion(Correspondence on File).

The proposal was deemed "integrated development" for the purposes of Section 91 A of the Act. Accordingly it was referred to the R.T.A's regional office for concurrence. A reply was received and it is noted that there is no objection to the proposal.

(e) - the public interest**Federal, state and local government interests and general community interests**

Any relevant planning strategies, studies or recommendations.

Any relevant management plans, guidelines, research advisory documents or the like.

Relevant issues raised at public meetings or enquires.

Additional consultation following on from submissions received at (d) above.

Comment

Acceptable

Other Relevant Considerations**Section 5A & Section 79B****Section 5A ("Eight Point Test" - Threatened Species)**

- (a.) in the case of a threatened species, whether the life cycle of the species is likely to be disrupted such that a viable local population of the species is likely to be placed at risk of extinction.
- (b.) in the case of an endangered population, whether the lifecycle of the species that constitutes the endangered population is likely to be disrupted such that the viability of the population is likely to be significantly compromised
- (c.) in relation to the regional distribution of the habitat of a threatened species, population or ecological community, whether a significant area of known habitat is to be modified or removed
- (d.) whether an area of known habitat is likely to become isolated from currently interconnecting or proximate areas of habitat for a threatened species, population or ecological community
- (e.) whether critical habitat will be affected.
- (f.) whether a threatened species, population or ecological community, or their habitats are adequately represented in conservation reserves (or other similar protected areas) in the region
- (g.) whether the development or activity proposed is of a class of development or activity that is recognised as a threatening process
- (h.) whether any threatened species, population or ecological community is at the limit of its known distribution

Section 79B(3)

- (a.) Is the land critical habitat?
 - (b.) Is the development likely to significantly affect a threatened species, population, or ecological community, or its habitat?
- If so, concurrence of the Director General, National Parks and Wildlife Service is required.

Comment

The above points have been considered and the development has been concluded not to have an adverse impact. The site is not critical habitat.

Council Policies

All relevant policies have been considered in conducting an assessment of this proposal.

Developer Contributions - Section 94 & Water Supply Authorities Act, 1987

N/A

Comments by Council's Officers

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures. Relevant comments or requirements are summarised below and full details are available on the file.

Comment

The application has been referred to both Council's Development Assessment Unit and Director Technical Services for review and subsequent comment – comments on file.

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia (Housing Provisions) and Councils Policies.

Recommendation

*That, pursuant to the provisions of Section 80 of the Environmental Planning and Assessment Act, 1979, it is recommended that Development Application No. **2008/0063** be approved subject to standard conditions*

Report by:

Jason Nicholson
Health and Building Surveyor

Date: 5.11.2008

Approved by:

Colby Farmer
Director of Environmental Services and Planning

Date: 5.11.2008

Notice of Determination of a Development Application

Made under the *Environmental Planning and Assessment Act 1979* Section 81(1)(a)

Development Consent No.: DA 2008/0063

Determining Officer: Jason Nicholson

Applicant

Name Lloyds Energy Systems Pty Ltd

Postal Address Level 10, 8-10 Loftus Street Sydney NSW 2000

Land to be Developed Lot 3, DP 858374, Parish Gurangully, County Dowling,
Lake Cargelligo, NSW 2672

Proposed Development Solar Thermal Power Generation Facility

Building Code of Australia Classification

Classification Class 8 & Class 5

Determination

Determination Council Resolution # 55208

Consent to Operate from 19th November 2008

Consent to lapse on: 19th November 2013

Other Approvals

The *Local Government Act 1993* approval granted under s 68 Part B – 1 – Carry out water supply work;
Part B – 4 – Carry out sewage works;
Part B – 5 – Carry out stormwater drainage work

General terms of other approvals integrated as part of this consent. Roads and Traffic Authority of NSW - (See Attachment 1)

Right of Appeal

If you are dissatisfied with this decision section 97 of the *Environmental Planning and Assessment Act 1979* gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

(Note: Section 97 of the *Environmental Planning and Assessment Act 1979* does not apply to the determination of a development application for State Significant Development or Local Designated Development that has been the subject of a Commission of Inquiry.)

Signed on behalf of the consent authority

Colby Farmer
Director
Environmental Services and Planning

Date: 19th November 2008

Attachment 1 - Conditions of Consent

- 1. The conditions of this Development Consent issued under the Environmental Planning and Assessment Act 1979 are to be complied with. These conditions must be given to the builder and contractors to ensure this development is carried out in accordance with the approval.**

REASON: To ensure compliance with this Development Consent.

- 2. All building work must be carried out in accordance with the requirements of the Building Code of Australia as in force on the date the application for the relevant construction certificate or complying development certificate was made.**

REASON: So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 3. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.**

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

- 4. Building work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on weekends and public holidays.**

REASON: So that building works do not have an adverse effect on the amenity of the area. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 5. Adequate fire precautions shall be undertaken during construction. This will mean the provision of at least one fire extinguisher to suit Class A, B and C fires and electrical fires at all times in the construction area.**

REASON: To ensure that adequate fire protection services are provided in the building to restrict fire growth, to facilitate the fighting of fire to minimise damage to the building and its contents, and to prevent the spread of fire to adjoining properties. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 6. The building is to comply with the requirements of the Commonwealth Disability Discrimination Act, 1992 and the NSW Anti-Discrimination Act 1977.**

NOTE 1: The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.

NOTE 2: Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission, are available from the Commission or from Council's Planning and Development Department. The applicant should ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

REASON: Because it is in the public interest that access to the building be provided for persons with disabilities. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

7. Provision is to be made in the building and on the site for:

- a) access to the building for people with disabilities in accordance with the Building Code of Australia;**
- b) toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities shall be accessible to all persons working in, or using, the building; and**
- c) one motor vehicle parking space on the site for the exclusive use of people with disabilities in accordance with the Building Code of Australia.**

NOTE: The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

REASON: To provide for the use of the development by people with disabilities. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

8. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container at all times prior to disposal at Council's Waste Management Centre. The container shall be erected on the building site prior to work commencing.

Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE: No building rubbish or debris shall be placed on any adjoining public reserve, footway or road.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 79C (1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

9. The site shall be protected from erosion and sediment loss during the construction works. The applicant shall provide to Council, a detailed sediment and erosion control plan for assessment and approval, at the time of making construction certificate application.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

REASON: To ensure the impact of the work on the environment, in terms of soil erosion and sedimentation, is minimised. Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

10. If soil conditions require it:

- a) retaining walls associated with the erection/demolition of a building or other approved methods of preventing movement of soil must be provided, and**
- b) adequate provision must be made for drainage.**

NOTE 1: Retaining walls in excess of 1000mm in height require Council approval.

NOTE 2: Retaining walls which exceed 1200 mm in height are to be designed by a practising structural engineer.

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

- 11. All excavation and backfilling associated with the erection/demolition of the building must:**
- a) be executed safely and in accordance with appropriate professional standards, and**
 - b) be properly guarded and protected to prevent them from being dangerous to life or property.**

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

- 12. Before any site works, building or demolition is started; the applicant or builder must carry out the following:**
- i) notify Council of the name, address, phone number and licence number of the builder;**
 - ii) erect a sign at the front of the property with the builder's name licence number, site address and consent number and Principle Certifier's name and contact details;**
 - iii) provide a temporary on site toilet;**
 - iv) protect and support any neighbouring building;**
 - v) protect any public place from obstruction or inconvenience of the carrying out of the consent;**
 - vi) prevent any substance from falling onto a public place.**

REASON: To comply with Schedule 4 of the Development Control Plan for Exempt and Complying Development.

- 13. The building is to comply with the attached fire safety schedule.**
NOTE: The attached fire safety schedule supersedes any earlier fire safety schedules and will cease to have effect when any later fire safety schedule is issued.

REASON: Because it is in the public interest that the building provides an adequate level of fire protection. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 14. The owner shall submit to Council a final fire safety certificate stating that each essential fire safety measure specified in the current fire safety schedule for the building to which the certificate relates:**

- a) has been assessed by a properly qualified person; and**
- b) was found, when it was assessed, to be capable of performing to a standard not less than that required by the current fire safety schedule for the building.**

Further, the assessment is to be carried out within a period of three (3) months of the date on which the final safety certificate was issued. The owner of the building shall forward a copy of the certificate to the New South Wales Fire Brigades and shall prominently display a copy in the building.

NOTE: A final fire safety certificate must be provided before a final occupation certificate can be issued for the building and must be provided if a fire safety order is made in relation to the building premises.

REASON: So that the development complies with the requirements imposed under clause 153 of the Environmental Planning and Assessment Regulation 2000, as amended. Section 80A(11) of the Environmental Planning and Assessment Act 1979, as amended.

- 15. The owner shall submit to Council an Annual Fire Safety Statement, each 12 months after the final safety certificate was issued. The certificate shall be on, or to the effect of, Council's Form (copy attached).**

REASON: Because it is in the public interest that the development provide an Annual Fire Safety Statement. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

16. **All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property.**
NOTE: Compliance with Australian Standard AS4282 "Control of the Obtrusive Effects of Outdoor Lighting" will satisfy this condition.

REASON: To prevent the proposed development having a detrimental effect on the developments existing on adjoining land. Section 79C(1)(b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

17. **It will be necessary to install a Tempering Valve to ensure that hot water to all personal hygiene fixtures is delivered at a temperature not exceeding 50°C.**

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

18. **All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.**

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (Approvals) Regulation, 1999. Section 78A(4) of the Environmental Planning and Assessment Act 1979, as amended.

19. **Trade waste material is not to be discharged into the sewer drainage pipelines or stormwater drainage systems, without first obtaining written approval from Council.**

NOTE: This may necessitate the installation of an approved trade waste system including approved tanks, pits, sumps and arrestors.

REASON: To prevent damage to Council's Waste Water Treatment Works. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

20. **The erection of signs that clearly indicate to the drivers of vehicles, both on and off the subject land, the driveway by which they are to enter or leave the subject land.**

REASON: So that the entrance and exit ways function in a proper manner and to minimise the likelihood of accidents occurring. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

21. **The erection of signs that clearly indicate to the drivers of vehicles both on and off the subject land the location and means of access to the car parking area(s).**

REASON: So that the car parking functions in the proper manner, and increases the likelihood of people parking on the subject land. Section 79C(1)(b) of the

22. **The development is to be conducted in a manner that will not interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, by causing interference to television or radio reception or otherwise.**

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

23. **The premises are to be maintained in a clean and tidy condition at all times.**

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

24. **No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.**

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.

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.

OPTIONAL NOTE: Dangerous Goods

The construction certificate plans and specifications will need to be approved by the Dangerous Goods Branch, Department of Industrial Relations, prior to the commencement of any work.

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 complies with the appropriate construction standards. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

25. **The applicant is to comply with the requirements of the Roads and Traffic Authority, as outlined under the General Terms of Approval listed within this development consent.**

REASON: Because of representations to that effect made by that body (those bodies). Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, as amended.

26. **The applicant is to obtain a compliance certificate(s) pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority at the completion of the works contained in Condition(s) (thirty three (33)) to certify that works have been completed in accordance with the applicable standards and this Development Consent.**

REASON: Because it is in the public interest that this/these component(s) be certified as complying in accordance with the applicable standard and this Development Consent. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

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

NOTE: The issuing of an occupation certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is still responsible for ensuring that all conditions of development consent have been complied with.

REASON: Because it is in the public interest that an occupation certificate be issued prior to occupation of the building. Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

- 28. A separate development application is to be lodged and approved for any future development on the site.**

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

- 29. The applicant is to prepare and submit to Council prior to the issuing of the Construction Certificate, a landscape plan showing all proposed landscaping to be carried out on the site.**

The landscape plan is to incorporate the re-use of all water collected onsite for landscaped areas.

REASON: To ensure that landscaping will be provided on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 30. Landscaping (including installation of an adequate watering system) is to be carried out and maintained in accordance with the certified landscape plan.**

NOTE: The landscaping is to be completed prior to the occupation of the building.

REASON: To ensure that adequate landscaping is provided and maintained on the subject land. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 31. Submission by a practicing Structural Engineer approved by Council, of Engineer's details of all structural concrete and structural steelwork before such work commences.**

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

- 32. The provision of at least 4 car parking spaces on the subject land in a manner that is in accordance with Australian Standard AS 2890.1 - 1993 Car Parking.**

REASON: To adequately provide for the parking of vehicles within the development. Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

- 33. The applicant shall provide to Council for assessment, prior to the release of the required construction certificate, details of proposed noise attenuation measures for the walls and roofing components of the development – the incorporation of such measures shall ensure that the noise level emanating from the premises shall not exceed the background level (La90) by more than 5dB(A) from 7.00am to midnight, and not exceed the background level at all from midnight until 7.00am, when measured at the worst affected residential boundary.**

Any noise attenuation measures proposed and subsequently incorporated into the building shall be subject to a six month trial period. In the event that the attenuation measures (insulation or other) are failing to ensure compliance with the acceptable noise criteria provisions as nominated in the NSW Industrial Noise Policy, the applicant shall ensure that operations cease until such time as new measures are incorporated for the development that ensure compliance with the NSW Industrial Noise Policy

REASON: To prevent the proposed development having a detrimental effect on the residential development existing on adjoining land. Section 79C (1) (b) and (e) of the Environmental Planning and Assessment Act 1979, as amended.

34. The applicant is to obtain a Compliance Certificate from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia, and any other relevant conditions of consent for the stages of construction listed in column 1. For the purpose of obtaining the compliance certificate the work must be inspected by an accredited certifying authority at the time specified in column 2.

	Column 1	Column 2
A	Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
B	Slab	When reinforcement steel has been placed in position in any concrete slab, irrespective of whether the slab is suspended, on the ground, or on fill.
C	Wall Frame	When the wall frame has been constructed, prior to cladding and hot and cold plumbing completed.
D	Roof Frame	When the roof frame has been constructed, prior to sheeting.
E	Wet Areas	When flashing to all wet areas, including the plinth under the bath, the bathroom, laundry, water closet, and shower recess have been completed.
F	Internal drainage	When all internal plumbing work is completed and prior to concealment.
G	External drainage	When all external plumbing work is installed and prior to concealment.
H	Final	Prior to occupation of the building.

REASON: Because it is in the public interest that compliance certificates be issued for these components of the development. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

Roads and Traffic Authority General Terms of Approval

1. The access is to conform to the standard rural property access treatment as detailed in figure 4.9.6 layout 1 (AV) of the RTA Road Design Guide.
2. A right turn treatment of the 'Type BAR (Basic Right Turn) is to be constructed adjacent to the east bound lane as shown in Figure 4.8.23, Rural Conditions of the RTA Road Design Guide. IT SHOULD BE NOTED THAT THE WIDENED SHOULDER IS TO BE SEALED.

3. The access is to be formed so as to accommodate a two way traffic flow to prevent queuing of vehicles onto RR7513.
4. The access is to be sealed for a minimum distance of 10m from the edge of seal RR7513 to prevent the carriage of debris onto the carriageway and provide a suitable surface to maintain traction of a vehicle's wheel under acceleration or braking.
5. The access is to be provided with a suitable drainage structure (min. 375 mm diameter) to facilitate existing drainage flows. The head walls are to be sloped so as not to be traffic hazard.
6. The level of the access is to match the level of RR7513.
7. Grasses within the road reserve are to be maintained at a level to ensure clear sight of approaching vehicles. All current OHS requirements are to be met when carrying out work in the road reserve.
8. The access should be tapered to accommodate the turning paths of heavy vehicles if that class of vehicle is expected to utilize the access.
9. The proposed access gate should be located so as to provide suitable storage capacity of the class of vehicle that require access i.e. single articulated vehicle 20m.
10. A formal agreement in the form of a minor Works Authorisation Dees (WAD) is required between the developer and the RTA as the developer will be required to undertake 'private financing and construction' of the works on a road in which the RTA has a statutory interest. This is relevant to the BAR component of the works.
11. The pavement and seal of the widened sections is to match the existing pavement and seal of RR7513 in terms of thickness and quality of material. In this regard a pavement design, which matches the existing pavements, is to be forwarded to the RTA for approval. The approval layout and pavement design will form part of the WAD.
12. A Road Occupancy Licence is required prior to any works commencing within the road reserve. This can be obtained by contacting Paul Maloney on (02) 6861 1686. Submission of a traffic control plan is required as part of this licence.
13. All works are to be at no cost to the RTA.