



17 October 2023

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

Mr L Luck  
St Stanislaus College  
c/- DFP Planning Pty Ltd  
11 Dartford Road  
THORNLEIGH NSW 2120

being the applicant in respect of **Development Application No 2023/38**.

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 2023/38, relating to the land described as follows:

**LOT: 161 DP: 750357, LOT: 2 SEC: 118 DP: 758065, LOT: 1 SEC: 118 DP: 758065, LOT: 11 SEC: 117 DP: 758065, LOT: 12 SEC: 117 DP: 758065, LOT: 13 SEC: 117 DP: 758065, LOT: 14 SEC: 117 DP: 758065, LOT: 15 SEC: 117 DP: 758065, LOT: 16 SEC: 117 DP: 758065, LOT: 17 SEC: 117 DP: 758065, POR: 226 DP: 750357, LOT: 249 DP: 750357, LOT: 1 DP: 132171, LOT: 2 DP: 132171, LOT: 3 DP: 132171, LOT: 4 DP: 132171, LOT: 100 DP: 1163597, 220 BENTINCK STREET BATHURST & SEYMOUR STREET BATHURST**

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

**PARTIAL DEMOLITION, ADDITIONS AND ALTERATIONS TO AN EXISTING EDUCATIONAL ESTABLISHMENT (ST STANISLAUS COLLEGE)**

Building Code of Australia building classification **N/A**.

***IMPORTANT NOTICE TO APPLICANT***

If this consent relates to a subdivision or to the erection of a building, one of the conditions listed below will require you to obtain a construction certificate prior to carrying out any work. **YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE**, even if you made an application for a construction certificate at the same time as you lodged this development application. The Development Consent may contain conditions that need to be satisfied prior to issuing of any Construction Certificates.

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

**GENERAL**

**Reference:** DDWY:DA/2023/38

**Enquiries:** Mr D J Dwyer 02 6333 6212

St ~ College) at Lot 161 DP 750357, Lot 2 Sec 118 DP 758065, 220 Bentinck Street BATHURST,.DOCX

1. **Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.**

<b>Approved Plans</b>				
<b>Plan No.</b>	<b>Revision No.</b>	<b>Plan Title</b>	<b>Drawn by</b>	<b>Date of plan</b>
DA00	01	Cover Sheet	Stanton Dahl Architects	6 February 2023
DA01	01	Site Plan Existing	Stanton Dahl Architects	6 February 2023
DA02	01	Site Analysis Plan	Stanton Dahl Architects	6 February 2023
DA03	01	Basement Floor Plan - Existing	Stanton Dahl Architects	6 February 2023
DA04	01	Ground Floor Plan - Existing	Stanton Dahl Architects	6 February 2023
DA05	01	Upper Ground Floor Plan - Existing	Stanton Dahl Architects	6 February 2023
DA06	01	First Floor Plan - Existing	Stanton Dahl Architects	6 February 2023
DA07	01	Second Floor Plan - Existing	Stanton Dahl Architects	6 February 2023
DA08	01	Detailed Site Plan	Stanton Dahl Architects	6 February 2023
DA09	01	Basement Floor Plan - Proposed New Works	Stanton Dahl Architects	6 February 2023
DA10	01	Detailed Basement Floor Plan - Sheet 1	Stanton Dahl Architects	6 February 2023
DA11	01	Ground Floor Plan - Proposed New Works	Stanton Dahl Architects	6 February 2023
DA12	01	Detailed Ground Floor Plan - Sheet 1	Stanton Dahl Architects	6 February 2023
DA13	01	Detailed Ground Floor	Stanton Dahl Architects	6 February 2023

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		Plan - Sheet 2		
DA14	01	Detailed Ground Floor Plan - Sheet 3	Stanton Dahl Architects	6 February 2023
DA15	01	Detailed Ground Floor Plan - Sheet 4	Stanton Dahl Architects	6 February 2023
DA16	01	Detailed Ground Floor Plan - Sheet 5	Stanton Dahl Architects	6 February 2023
DA17	01	Detailed Ground Floor Plan - Sheet 6	Stanton Dahl Architects	6 February 2023
DA18	01	Upper Ground Fl. Plan - Proposed New Works	Stanton Dahl Architects	6 February 2023
DA19	01	Detailed Upper Ground Floor Plan	Stanton Dahl Architects	6 February 2023
DA20	01	First Floor Plan - Proposed New Works	Stanton Dahl Architects	6 February 2023
DA21	01	Detailed First Floor Plan - Sheet 1	Stanton Dahl Architects	6 February 2023
DA22	01	Detailed First Floor Plan - Sheet 2	Stanton Dahl Architects	6 February 2023
DA23	01	Detailed First Floor Plan - Sheet 3	Stanton Dahl Architects	6 February 2023
DA24	01	Second Floor Plan - Proposed New Works	Stanton Dahl Architects	6 February 2023
DA25	01	Detailed Second Floor Plan - Sheet 1	Stanton Dahl Architects	6 February 2023

DA26	01	Detailed Second Floor Plan - Sheet 2	Stanton Dahl Architects	6 February 2023
DA27	01	Detailed Second Floor Plan - Sheet 3	Stanton Dahl Architects	6 February 2023
DA28	01	Elevation - Courtyard To McAuliffe O'Reilly Wing	Stanton Dahl Architects	6 February 2023
DA29	01	Elevation - Courtyard To John Hall Wing	Stanton Dahl Architects	6 February 2023
DA30	01	Internal Elevations - Sheet 2	Stanton Dahl Architects	6 February 2023
DA31	01	Elevation - Courtyard Elevation	Stanton Dahl Architects	6 February 2023
DA32	01	Elevation - Courtyard Elevation	Stanton Dahl Architects	6 February 2023
DA33	01	Elevation - Towards Horan and Gallagher	Stanton Dahl Architects	6 February 2023
DA34	01	Elevation - Towards McMahon	Stanton Dahl Architects	6 February 2023
DA35	01	New Covered Outdoor Area	Stanton Dahl Architects	6 February 2023
DA900	01	External Finishes Selections	Stanton Dahl Architects	6 February 2023
DA901	01	Internal Finishes Selections	Stanton Dahl Architects	6 February 2023
DA801	01	Basement Floor Plan – Demolition Plan	Stanton Dahl Architects	24 March 2023
DA802	01	Ground Floor Plan – Demolition Plan	Stanton Dahl Architects	24 March 2023

DA803	01	Upper Ground Floor Plan – Demolition Plan	Stanton Dahl Architects	24 March 2023
DA804	01	First Floor Plan - Demolition Plan	Stanton Dahl Architects	24 March 2023
DA805	01	Second Floor Plan – Demolition Plan	Stanton Dahl Architects	24 March 2023

Approved documents			
Document title	Version No.	Prepared by	Date of Document
Statement of Environmental Effects	Revision 3	H Burnett DFP Planning Pty Ltd	9 February 2023
Heritage Impact Statement	Revision 5	Tim Adams Umwelt (Australia) Pty Ltd	21 December 2022
Fire Safety Upgrade Strategy Report	Revision 02	Davis Group Pty Ltd	11 August 2023

**In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.**

REASON: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **The main building, incorporating the Slattery, McMahon, McAuliffe, O'Reilly, John Hall, Gallagher and Horan wings, are to be upgraded to comply with National Construction Code Performance Requirements and listed below:**

NCC2022 Reference	Title
C1P2	Spread of Fire
C1P4	Safe Conditions for Evacuation
C1P6	Fire protection of service equipment
C1P8	Fire protection of openings and penetrations
D1P2	Safe movement to and within a building
D1P3	Fall prevention barriers
D1P4	Exits
D1P6	Paths of travel to exits

E1P1	Hose Reels
E1P3	Hydrants
E2P1	Automatic warning for sleeping occupants
E4P1	Visibility in an emergency
E4P2	Identification of exits

**The abovementioned upgrades are to be undertaken generally in accordance with the Fire Safety Upgrade Strategy Report, Revision 02, prepared by Davis Group Pty Ltd, dated 11 August 2023.**

REASON: Because it is in the public interest that the building provide an adequate level of fire protection.

3. **A full archival recording of the works prior, during and at the completion of the works is to be undertaken to the satisfaction of Council. The recording should include measured drawings of the works areas, and any elevations so as to understand the impacts and change.**

**The archival recording is to incorporate a photographic record prepared in accordance with the Photographic Recording of Sites Guidelines, copy attached, for the site for which approval has been granted.**

**NOTE: Council will forward a copy of the photographic record to the Bathurst District Historical Society for their records.**

REASON: To ensure that an adequate record of the building is kept.

4. **Where works are occurring in the vicinity of significant fabric that is to be retained, adequate protection should be put in place to ensure that they do not incur any damage.**

REASON: To ensure that the original heritage fabric of the building is protected and retained.

5. **Where any accidental damage to significant features, fabric or items occurs, the area must be reinstated as original by qualified trades people.**

REASON: To ensure that the original heritage fabric of the building is protected and retained.

6. **Heritage inductions for all workers on the site should be undertaken as part of the site's induction process.**

REASON: To ensure that the original heritage fabric of the building is protected and retained.

7. **During works, monthly inspections by Council's Heritage Advisor and Staff must be undertaken, regardless of progress, to provide adequate information to ascertain that all heritage requirements are being met.**

REASON: To ensure that the original heritage fabric of the building is protected and retained.

8. **No consent is given to install or affix a new handrail onto the original fabric of the timber handrail that rises toward the chapel in the original McAuliffe O'Reilly wing. If a new metal handrail or alternative accessibility solution is required for compliance with the NCC, it must be installed in a non-intrusive manner in consultation with Council and with the appropriate approvals in place.**

REASON: To ensure that the original heritage fabric of the building is protected and retained.

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

9. **Prior to the issue of the Construction Certificate, a construction site management plan must be prepared, and provided to Council. The plan must include the following matters:**
- a) **The location and materials for protective fencing and hoardings on the perimeter of the site;**
  - b) **Provisions for public safety;**
  - c) **Pedestrian and vehicular site access points and construction activity zones;**
  - d) **Details of construction traffic management including:**
    - i. **Proposed truck movements to and from the site;**
    - ii. **Estimated frequency of truck movements; and**
    - iii. **Measures to ensure pedestrian safety near the site;**
  - e) **Details of bulk earthworks to be carried out;**
  - f) **The location of site storage areas and sheds;**
  - g) **The equipment used to carry out works;**
  - h) **The location of a garbage container with a tight-fitting lid;**
  - i) **Dust, noise and vibration control measures;**
  - j) **The location of temporary toilets;**
  - k) **The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with:**
    - i. **AS 4970 – Protection of trees on development sites;**
    - ii. **An applicable Development Control Plan;**
    - iii. **An arborist's report approved as part of this consent>**

**A copy of the construction site management plan must be kept on-site at all times while work is being carried out.**

**REASON:** To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

10. **Any development involving non-friable asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Part 8.10 of the Work Health and Safety Regulation 2017.**

**The applicant/owner having the benefit of the Complying Development Certificate or Development Application must provide Bathurst Regional Council with a copy of a signed contract with such a person before any development pursuant to the consent commences.**

**Any such contract must indicate whether any non-friable asbestos material or Friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the non-friable asbestos material or friable asbestos material is to be delivered.**

**All asbestos sheeting or asbestos waste must be taken to a landfill that can lawfully receive this waste. Transporters of asbestos waste must now use WasteLocate to provide information to the Environment Protection Authority (EPA) regarding the movement of any load over 100kg of asbestos waste, or 10 square metres or more of asbestos sheeting within NSW.**

**Persons paying for an asbestos removal service (e.g. from a household or construction site) should request the WasteLocate consignment number from the transporter. Load tracking can be completed at <https://wastelocate.epa.nsw.gov.au/>. Undelivered loads are to be reported to the EPA.**

**Generators and owners of waste have a legal obligation under Section 143 of the Protection of the Environment Operations Act 1997 to ensure the waste is transported to and disposed of at a facility that can lawfully be used as waste facility for that waste.**

**REASON:** So that the development complies with the requirements of Section 143 of the Protection of the Environment Operations Act 1997, Clause 136E of the Environmental Planning and Assessment Regulation 2000.

11. **Before issue of a construction certificate, detailed plans of all food and beverage preparation, serving and storage areas demonstrating location, construction method and finished material of floors, walls, ceilings, fixtures and fittings must be prepared.**

**The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to Bathurst Regional Council:**

- a) **Food Standards Code (Australia) and Food Safety Standards - 3.2.3 – Food Premises and Equipment**
- b) **Australian Standard 4674-2004 – Design construction and fit out food premises.**
- c) ***Food Act 2003* and Food Regulation 2015**

REASON: To aid in the storage, preparation and display of food that is safe to be consumed by the public.

12. **Before the issue of the construction certificate the developer is to submit to Council for approval an Erosion and Sediment Control Plan, which shows at least the following:**

- a) **Barrier fencing and exclusion zones**
- b) **Sediment fencing**
- c) **Stabilised access point/s**
- d) **Stockpile sites**
- e) **Wash down location**
- f) **Waste bins**
- g) **Maintenance and inspection regime**
- h) **Standard design drawings as per the Landcom Soils and Construction Volume 1 – “The Blue Book” OR the International Erosion Control Association**
- i) **Site plan/s detailing the above**

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

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised.

13. **Before any demolition the developer is to complete and submit to Council for approval a completed Council Waste Management Plan (attached). The Plan shall include, but not be limited to, the following:**

- **The types of waste to be handled;**
- **Volume of each waste;**
- **Management and storage of waste:**
- **Method of waste disposal;**
- **Method of waste transport; and**
- **Disposal location.**

REASON: To ensure that the waste is transported to, and disposed of at, a facility that can lawfully receive the specific type of waste involved.

14. **Recommendations made in the Heritage Impact Statement prepared by Umwelt (Australia) Pty Limited dated December 2022 (repeated below) and addendum**

dated 8 August 2023 should be identified in the Construction Certificate plans and approved by Council.

**Recommendations:**

- **R1 – It is preferable to move original doors and original door frames with architraves within the walls of the same level in preference to moving the door to storage.**
- **R2 - All steel-framed pointed windows to be removed must be labelled with their place of origin and stored securely on the school site. The storage site needs to be inside where rain is kept out.**
- **R3 – All original joinery items from the nineteenth century to be removed must be labelled with their place of origin, and stored securely on the school site. The storage site needs to be inside where rain is kept out, but enables enough ventilation (whether natural or mechanical) to ensure that the stored joinery items do not rot or grow mould. This includes original nineteenth-century timber door frames, architraves, door leaves, skirtings and windows. It also includes steel-framed windows.**
- **R4 – The marble mantelpiece and hearth in the Vincentian Library on the first floor of the Horan Building (proposed Year 11 Boarding Dormitory 2 lounge room) should be retained in situ.**
- **R5 – One original timber mantelpiece would be moved to storage from the first floor of the McAuliffe / O'Reilly building to allow for the remodelling of the boarding facilities.**
- **R6 – The proposed ramp up to the marble hall should be constructed with red brick facing to the side walls, matching the adjacent bricks as closely as possible. The masonry of the ramp should not extend any higher than 250mm above the floor level of the marble hall. The handrail should be a selected steel of simple minimal design to ensure that the new ramp has minimal visual impact on the setting of the building.**
- **R7 – The two sets of original doors being stored in the basement should be restored to the Boarding Circulation 2 space on the second floor of the McAuliffe / O'Reilly building.**
- **R8 – Ensure that the new steps and walkway at first floor level on the north-west side of the John Hall wing does not cut into or damage the sandstone portal around the ground-floor doorway to the quadrangle.**
- **R9 – Retain face bricks taken from nineteenth-century school buildings. These may be stored anywhere on the school site under a cover. These bricks may be used for the conservation of the early buildings of the school site.**
- **R10 – Investigate if the senior refectory Annex 2 can be retained past Phase 5. This appears to be an early phase of construction with matching brickwork in English bond.**

REASON: To ensure that the original heritage fabric of the building is protected and retained.

15. **Construction Certificate plans must demonstrate that the new principal public entrance to the building where the new ramp is proposed demonstrates grandeur expected of a formal entrance to a building of its heritage significance. Its detailing should be consistent with recommendation R6 of the Heritage Impact Statement prepared by Umwelt (Australia) Pty Limited dated December 2022 and must be complementary to the existing building. Its overall design must be approved by Council prior to any Construction Certificates being issued.**

REASON: To ensure that the original heritage fabric of the building is protected and retained.

16. **Prior to the issue of the issue of a Construction Certificate the applicant is to submit to Council detailed plans of each intervention into original building fabric (e.g. removal of walls, widening of existing openings, creation of new openings) to ensure that such interventions have as little impact as possible and to ensure that contractors are aware of their obligations to retain original fabric.**

REASON: To ensure that the original heritage fabric of the building is protected and retained.

17. **The applicant is to obtain a CONSTRUCTION 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 the Building Code of Australia Before any works commencing.**

**NOTE 1: No building, engineering, excavation work or food premises fitout is to be carried out in relation to this development until the necessary Construction Certificate has been obtained.**

**NOTE 2: 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.**

**NOTE 3: It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.**

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards.

## **PRIOR TO ANY WORK ON SITE**

**18. If the work involved in the approved development:**

- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or**
- b) building involves the enclosure of a public place,**

**a hoarding or fence must be erected between the work and the public place.**

**If necessary, an awning is to be erected, sufficient to prevent any substance, from or in connection with the work, falling into the public place. Further the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.**

**NOTE 1: If the approved development requires the erection of temporary scaffolding, fencing or hoardings on the road or the footpath adjacent to the site, the applicant is to obtain further approval under the Local Government Act 1993 and/or the Roads Act 1993 from Council before work commences.**

**NOTE 2: Any such scaffolding, fencing, hoardings or awnings are to be removed when the work has been completed.**

**NOTE 3: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.**

**REASON:** Because it is in the public interest that adequate safety measures are provided.

**19. Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:**

- a) a standard flushing toilet connected to a public sewer, or**
- b) if that is not practicable, an accredited sewage management facility approved by the Council, or**
- c) if that is not practicable, any other sewage management facility approved by the Council.**

**NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced.**

**REASON:** To provide adequate sanitary facilities during the construction phase.

20. **Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a “Notice of Works” under the Plumbing and Drainage Act 2011.**

REASON: To ensure that the plumbing and drainage works is in accordance with the Plumbing and Drainage Act 2011.

#### **DURING CONSTRUCTION**

21. **The plumbing and drainage must be inspected by Council at the times specified in Column 2.**

<b>COLUMN 1</b>	<b>COLUMN 2</b>
<b>Internal house drainage</b>	<b>When all internal plumbing work is installed and prior to concealment.</b>
<b>External house drainage</b>	<b>When all external plumbing work is installed and prior to concealment.</b>
<b>Stack work</b>	<b>When all work is installed and prior to concealment.</b>
<b>Final</b>	<b>Prior to occupation of the building.</b>

REASON: Because it is in the public interest that plumbing work is certifying as complying with AS/NZS 3500 and The Plumbing Code of Australia.

22. **The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.**

REASON: Because it is in the public interest that a copy of the construction certificate plans are available.

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

REASON: So that building works do not have adverse effect on the amenity of the area.

24. **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 before 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 before work commencing.**

**Materials and sheds or machinery to be used in association with the construction of the building shall not be stored or stacked on Council's footpath, nature strip, reserve or roadway without Council approval.**

**NOTE 1: No building rubbish or debris shall be placed or be permitted to be placed on any adjoining public reserve, footway, road or private land without Council approval.**

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area.

25. **Erosion and sediment control measures are to be established before 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 Erosion and Sediment Control Plan.**

**NOTE 1: All erosion and sediment control measures must be in place before earthworks commencing and implemented for the duration of the construction. Copies of the above guidelines are available from Council's Environmental, Planning & Building Services Department.**

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised.

26. **The demolition is to be carried out in accordance with the provisions of Australian Standard AS2601-2001: The Demolition of Structures and Council's Code for the Demolition of Buildings.**

REASON: Because it is in the public interest that the demolition be carried out in a safe manner and that the utilities be protected from damage.

27. **All roofed and paved areas are to be drained and the water from those areas and from any other drainage conveyed to the existing roofwater drainage system, in accordance with AS/NZS 3500.**

**Storm water disposal drains shall be connected to all roof gutter down pipes within 14 days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roofwater to the approved method of disposal.**

**Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.**

**NOTE 1: 'Pump-out' stormwater drainage systems are not acceptable.**

REASON: Because the character of the development is such that storm water run off will be increased and must be safely conveyed to the storm water drainage system.

28. **The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out within 14 days of the installation of the roof gutter down pipes.**

REASON: To prevent the proposed development having a detrimental effect on the developments existing on the adjoining lands.

29. **Demolition is to be undertaken whereby the materials can be salvaged and cleaned for reuse whether on or off site. The material is to be stored in a safe and secure location with limited exposure to weather, vandalism and stealing.**

REASON: To ensure that any salvageable material can be re-used within the community.

30. **During the carrying out of the proposed works, should any unexpected finds such as unidentified material, suspected Aboriginal objects or places or suspected non-Aboriginal (European) archaeological relics not previously identified as part of an investigation be discovered, 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.**

**Any such find is to be dealt with appropriately and in accordance with the relevant legislation, recorded, and details given to Council prior to the continuing of works. Depending upon the nature and the significance of the finds, further assessment may be required before approval can be granted for the works to continue. 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 objects and places not previously identified; or**
- c) **Suspected non-Aboriginal (European) archaeological relics not previously identified.**

**NOTE 1: An Aboriginal Heritage Impact Permit (under the National Parks and Wildlife Act 1974) is required to disturb, destroy or remove an Aboriginal Object or Place. This permit is required to be obtained from NSW Heritage and accompanied by an Aboriginal Cultural Heritage Assessment.**

**NOTE 2: A Section 140 Permit (under the Heritage Act 1977) may need to be obtained prior to any works or activities that may impact or disturb any archaeological relics. This permit is to be obtained from Heritage NSW, prior to any works or disturbance of the archaeological relics.**

REASON: To ensure that the impact of the proposed development on identified and potentially threatened species is minimal or negligible.

31. **No demolition shall cause damage to, or adversely affect, the structural integrity of a building or those portions that are to be retained (clause 1.7.3.1 – AS2001-2001). The applicant is to ensure that when undertaking the proposed partial demolition every precaution is taken to protect the structural integrity of the remaining walls and roof. This may necessitate the removal of materials by hand, particularly where materials are bonded in or ‘toothed’ in (such as brickwork) or have a shared foundation or shared timber plate.**

**The use of heavy machinery is strongly discouraged because of the damage it can cause to the subject building and surrounding buildings. Heavy machinery must not be used within three metres of those portions that are to be retained.**

**NOTE: A description of the method of demolition proposed to be used and the type of equipment proposed for implementing those methods is to be lodged with Council before the commencement of work.**

REASON: To ensure that those components of the existing building being retained remain structurally sound.

32. **Any new cement slab/s are to be constructed so as not to impede the ventilation or detrimentally affect the existing building. Air vents placed below the ground floor level are not to be blocked.**

REASON: To ensure adequate underfloor ventilation.

33. **The building is to be designed and constructed so that all floor levels have sufficient height to enable the house drainage line to fall at a permissible grade to the connection to Council's sewer main, and the earthworks on the site are to be such that there is the required minimum cover over the house drainage line, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.**

REASON: To ensure that the design, siting and height of the building is such that the house drainage operates correctly and because it is in the public interest to comply with the Local Government (General) Regulation 2021 made under the Local Government Act, 1993.

34. **All existing house sewerage drainage pipelines affected by the proposed works are to be re-laid to clear the new building alignment.**

REASON: To ensure the house sewerage drainage is accessible at all times for maintenance purposes.

35. **All redundant plumbing and drainage is to be capped off in accordance with AS/NZS 3500 and the Plumbing Code of Australia.**

**Further, the works are to be inspected by Council's Plumbing and Drainage Inspectors before the capped off works have been concealed.**

REASON: To protect the plumbing and drainage systems and to prevent unhealthy conditions on site.

36. **The water service is to be of adequate size and of a design adequate to serve the development in accordance with the requirements of AS/NZS 3500 and The Plumbing Code of Australia. Any necessary upgrading of the existing service is to be at full cost to the applicant.**

**NOTE 1: Application form for water is attached. This form is to be returned to Council with payment.**

REASON: So that the development will have an adequate water service having regard to the character of the development.

37. **The applicant is to install back flow prevention, devices throughout the water supply system, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.**

REASON: To prevent harmful contamination of the public water supply (and because the type of business proposed will increase the risk of such contamination).

38. **All plumbing and drainage work shall be carried out by a licensed plumber and drainer and in accordance with AS/NZS 3500 and the Plumbing Code of Australia.**

**NOTE 1: It will be necessary to install a temperature control device (eg 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 (General) Regulation 2021.

39. **Pre-treatment equipment must be installed to treat liquid trade waste before it can be discharged to Council's sewer system.**

REASON: To prevent damage to the Bathurst Sewage Treatment System and subsequent pollution of the Macquarie River and comply with the Local Government (General) Regulation 2005.

40. **The developer is to relocate, if necessary, at the developer's cost any utility services.**

REASON: Because the circumstances are such that the services be relocated.

41. **The development is to be conducted, and the site managed, in such a manner that sediment is not tracked onto the public road or discharged to the environment via stormwater or site runoff.**

REASON: So that the development does not impact upon the environment by the movement of sediment into local waterways.

#### **PRIOR TO OCCUPATION/SUBDIVISION CERTIFICATE**

42. **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 months of the date on which the final Fire Safety Certificate was issued. The owner of the building shall forward a copy of the certificate to the Fire and Rescue NSW and shall prominently display a copy in the building.

**NOTE 1: 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 Section 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation.

43. **Prior to the issuance of any occupation certificate, a report from a suitably qualified fire engineer is to be submitted to Council for consideration on the impact of upgrading works in relation to the adjacent parts of the building that are yet to be upgraded.**

REASON: Because it is in the public interest that the building provide an adequate level of fire protection. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

44. **Trade waste material is not to be discharged into Council's sewerage system and/or stormwater system, without first obtaining written approval under Section 68 of the Local Government Act 1993 from Council.**

**The completed approval must be obtained before the occupation of the building(s).**

**The conditions of the approval are to be complied with in all respects.**

REASON: To prevent damage to the Bathurst Sewage Treatment System and subsequent pollution of the Macquarie River and comply with the Local Government (General) Regulation 2005.

45. **Prior to the issue of any Occupation Certificate the responsible plumbing contractor is to submit to Council a copy of the Certificate of Compliance issued for the works.**

REASON: To ensure that the plumbing and drainage works is in accordance with the Plumbing and Drainage Act 2011.

46. **Upon completion of demolition work the developer is to submit to Council a finalised Waste Management Plan and proof of appropriate waste disposal at a licensed facility.**

REASON: To ensure that the waste is transported to, and disposed of at, a facility that can lawfully receive the specific type of waste involved.

47. **The applicant is to obtain an Occupation Certificate pursuant to Section 6.4 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority before occupation of the building.**

**NOTE 1: 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.**

**NOTE 2: Before the issuing of the Occupation Certificate, an Application for an Occupation Certificate is to be lodged via the NSW Planning Portal at:**

**<https://www.planningportal.nsw.gov.au/certificates/occupation-certificate>**

REASON: Because it is in the public interest that an Occupation Certificate be issued before occupation of the building.

## **USE OF THE SITE**

48. **All exterior lighting associated with the development shall have LED luminaires, be designed and installed so that no obtrusive light will be cast onto any adjoining property or in an upward manner.**

**NOTE 1: 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 or the dark night sky.

49. **The owner shall submit to Council and Fire & Rescue New South Wales an Annual Fire Safety Statement, each 12 months after the final Fire Safety Certificate was issued. The Statement shall be on the prescribed form and can be accessed on the website of NSW Planning & Environment ([www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)).**

REASON: Because it is in the public interest that the development provides an Annual Fire Safety Statement.

### **PRESCRIBED CONDITIONS**

*The following conditions are known as “Prescribed Conditions” and are required to be imposed as part of any development consent whether or not they are relevant to the development approved under this consent. Please do not hesitate to contact staff in Council’s Environmental, Planning & Building Services Department who will be happy to advise you as to whether or not the conditions are relevant.*

50. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the relevant date).**

**NOTE: Relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.**

REASON: So that the development complies with the requirements imposed under Clause 69 of the Environmental Planning and Assessment Regulations 2000, as amended.

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

- a) **in the case of work done by a licensee under the Act:**
  - i) **has been informed in writing of the licensee’s name and contractor license number, and**
  - ii) **is satisfied that the licensee has complied with the requirements of Part 6 of that Act, OR**
- b) **in the case of work to be done by any other person:**
  - i) **has been informed in writing of the person’s name and owner-builder permit number, or**

- ii) has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of the Act,

and is given appropriate information and declarations under paragraphs a) and b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either a) or b).

**NOTE 1:** A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that the person is the holder of an insurance policy is sufficient evidence to satisfy this condition.

**REASON:** So that the development complies with the requirements of clause 98 of the Environmental Planning and Assessment Act Regulations 2000.

**52. For development that involves any building work, subdivision work or demolition works:**

- a) A sign must be erected in a prominent position:
  - i) showing the name, address and telephone number of the principal certifying authority for the work, and
  - ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - iii) stating that unauthorised entry to the work site is prohibited.
- b) Any such sign is to be maintained while the work is being carried out, but must be removed when the work has been completed.
- c) This condition does not apply in relation to work that is carried out inside an existing building that does not affect the external walls of the building.
- d) This condition does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

**REASON:** Because it is in the public interest that the persons responsible for the site can be contacted.

**53. The commitments listed in any relevant BASIX Certificate for this development are to be fulfilled in accordance with the BASIX Certificate Report, Development Consent and the approved plans and specifications.**

REASON: So that the development complies with the requirements imposed under Clause 97A of the Environmental Planning and Assessment Regulations 2000, as amended.

54. **If the development involves an excavation that extends below the level of the base of the footings of a building, structure or work (including any structure or work within a road or rail corridor) on adjoining land, the person having the benefit of the development consent must, at the person's own expense:**

- a) **protect and support the building, structure or work from possible damage from the excavation; and**
- b) **where necessary, underpin the building, structure or work to prevent any such damage.**

**The condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected.

**Endorsement date of determination and operative date:** 4 October 2023

**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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