

13 November 2023

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

Bathurst Regional Council
PMB 17
BATHURST NSW 2795

being the applicant in respect of **Development Application No 2023/273**.

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 2023/273, relating to the land described as follows:

LOT: 2 DP: 224864, CHIFLEY DAM ROAD THE LAGOON

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

COMMUNITY FACILITY CONSISTING OF PERFORMANCE SPACE AND ANCILLARY ACCOMMODATION

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

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

Approved Plans				
Plan No.	Revision No.	Plan Title	Drawn by	Date of plan

Reference: ECAS:DA/2023/273

Enquiries: Ms E N Castle 02 6333 6130

Bathurst – and accommodation at Lot 2 DP 224864, Chifley Dam Road THE LAGOON, subject to conditions.DOCX

A000	D-A	Title Page & Location Plan	Sibling Architecture	22 August 2023
A001	D-A	Site Plan – Existing	Sibling Architecture	22 August 2023
A002	D-A	Site Plan - Proposed	Sibling Architecture	22 August 2023
A005	D-A	Site Plan - Landscape	Sibling Architecture	22 August 2023
A010	D-A	Site Plan – Cut & Fill	Sibling Architecture	22 August 2023
A100	D-A	Floor Plan – Ground	Sibling Architecture	22 August 2023
A150	D-A	Roof Plan	Sibling Architecture	22 August 2023
A180	D-A	Floor Plan - Cabins	Sibling Architecture	22 August 2023
A181	D-A	Cabin – Typical Drawings	Sibling Architecture	22 August 2023
A200	D-A	Elevations – Building 101	Sibling Architecture	22 August 2023
A201	D-A	Elevations Buildings 02 & 03	Sibling Architecture	22 August 2023
A300	D-A	Sections	Sibling Architecture	22 August 2023
A900	D-A	3D Perspectives	Sibling Architecture	22 August 2023
A901	D-A	Materials & Finishes	Sibling Architecture	22 August 2023

Approved documents			
Document title	Version No.	Prepared by	Date of Document
Statement of Environmental Effects	-	Lockrey Planning & Development	22 August 2023
Aboriginal Cultural Heritage Report	Revision 1	Apex Archaeology	15 August 2023
Crime Prevention Through Environmental Design (CPTED) Report	Issue B	The Design Partnership	11 August 2023
Vegetation Assessment	Version 2	KHS Ecology & Bushfire	15 August 2023

Building Code of Australia Assessment Report	Revision 02	City Plan	17 August 2023
BCA Section J Compliance Report	Revision 1	Marline Newcastle	15 August 2023
Preliminary Arborist Assessment Report	-	Applied Ecology	May 2023
Accessibility Assessment Report	Revision 03	City Plan	22 August 2023
Archaeological Report	Revision 1	Apex Archaeology	15 August 2023
Plan of Management	-	Sibling Architecture	-
Sedimentation & Erosion Control Plan	-	Marline Newcastle	-
Proposed Access Road	Revision D	Bathurst Regional Council	15 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.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

- 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.

2. **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.

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

- a) **Assessment including:**
 - i. **Constraints analysis**
 - ii. **Erosion Hazard Assessment**
 - iii. **RUSLE Calculation and Soil Loss Class identification**

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

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

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

NOTE 1: All erosion and sediment control measures must be in place 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.

4. **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.

5. **The applicant is to submit one (1) hard copy and one (1) electronic copy of engineering plans, specifications and calculations in relation to the access road, paving and linemarking, sewer disposal, storm andwater disposal.**

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

REASON: Because it is in the public interest that the design of that (those) aspect(s) of the development comply with Council's Engineering Guidelines.

PRIOR TO ANY WORK ON SITE

6. **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.

- 7. 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.

- 8. The design and construction of a new 7m wide minimum 2 coat bitumen sealed roadway including stormwater drainage provisions from the development site to the existing sealed Chifley Dam Road network.**

REASON: To ensure the proposed road system has the capacity to cater for predicted traffic flows in the locality.

DURING CONSTRUCTION

9. **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.

10. **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.

11. **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 Soil and Water Management 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.

12. **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.

13. **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.

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

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

- 15. The paving (in concrete) and permanent line marking of all vehicular manoeuvring and parking areas, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

NOTE 1: If other hard standing, dust free and weatherproof surfaces are proposed instead of concrete, a proposed alternative surface control and ongoing site management plan must be submitted to Council for written approval before the alternative being accepted.

REASON: To adequately provide for the safe, all-weather loading, unloading, manoeuvring and parking of vehicles within the development.

16. **All stormwater runoff from the proposed development is to be collected on site and conveyed to a legal point of discharge in a manner consistent with AS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: To provide for the drainage of storm water and minimise the risk of flood damage to adjoining properties.

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

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

REASON Because it is in the public interest that Council inspect the work at these stages of development.

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 the Plumbing Code of Australia.**

REASON: To ensure that all plumbing and drainage work is carried out in accordance with the requirements of the Local Government (General) Regulation 2021.

19. **The following recommendations from the CPTED Report completed for the proposed development are to be implements during construction:**

- a) **Seating, shelving and other internal built elements are encouraged to remain low, transparent or operable to improve views.**
- b) **Sight lines can be impacted by light levels. Lighting within the Welcome Garden, in the carpark, and on the paths to the proposed cabins should be designed to maximise internal sight lines.**
- c) **Design and maintain landscaping to preserve sight lines between building entries and pathways.**
- d) **Landscaping is recommended to be limited to ground covers, shrubs and taller trees. Lower trees limbs should be above average head height and shrubs should not provide concealment opportunities.**
- e) **Shadowy spaces are created where the trees obscure light fall from light poles and internal lighting. Consider the location of lighting and trees so as not to block the fall of light. This is particularly important at building entries and the access path to the proposed cabins.**
- f) **Lights in the ground should be used to reinforce paths of travel within the development, such as the entries to the buildings and the access to the cabins.**
- g) **Select materials that are robust and durable. Materials/elements should not be easily removed. Wall materials should be robust to prevent access by cutting through the wall with a chainsaw.**
- h) **Avoid the use of porous materials that make graffiti difficult to remove.**

REASON: To improve the safety of the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

20. **The following mitigation measures as recommended in the Summary of Ecological Constraints are to be implemented:**

- a) **Include control of priority weed species on site as part of the site preparation. Also manage problem environmental weeds to reduce the potential for their spread into other areas.**
- b) **Prepare Soil and Water Management Plan as part of the site Construction Environmental Management Plan. Ensure adequate measures are implemented for erosion control.**
- c) **Designate stockpile sites, compound and machinery storage areas away from better quality natural assets and the creek.**

- d) **Clearly delineate vegetation 'no go' zones and provide protective barriers for sensitive vegetation.**
- e) **Use tree protection fencing around all trees to be retained; ensure no vehicles or equipment are parked or stored within TPZs, and no storage.**
- f) **Utilise existing access roads and previously disturbed areas for access and stockpiling to minimise impacted area.**
- g) **Ensure all construction waste is contained within designated areas and removed from site.**
- h) **All chemicals are to be stored in appropriately bunded areas.**
- i) **Where possible stage construction works to minimise active disturbed area.**
- j) **Use native grass species for revegetation of all disturbed areas, not nominated for landscaping, as soon as possible once works in that area are completed.**
- k) **Time construction work outside the peak nesting season (ie after spring) where possible.**
- l) **Offset the removal of koala feed trees by planting additional resources elsewhere in the vicinity; use a replacement planting rate of 10:1 and ensure adequate maintenance is provided that a minimum survival rate of 50% is maintained for 24 months.**
- m) **Use logs and hollow branches from felled trees to create refuge habitat nearby.**
- n) **Ensure no sediment is discharged offsite to prevent impacts on Chifley Dam's aquatic fauna and habitat.**
- o) **Clean all construction equipment and check for any weed material prior to arrival on site to minimise the risk of transporting weeds or diseases to site.**
- p) **Maintain the 20km/hr speed limit for the Chifley water park for construction traffic on the BARN site, reducing the risk of potential vehicle and fauna conflicts.**

REASON: To reduce the potential environmental impacts of the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

21. **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

22. **The completed work site is to be presented in a 'stable site', that is a site that has the following ground cover to achieve a C-factor of 0.10 (or 60% ground cover) within 20 days of completion or construction works, or a C-factor of**

0.05 (or 70% ground cover) within 2 months of completion of construction. Acceptable ground cover at completion includes only:

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

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

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

- 23. The applicant is to submit to Council one set of electronic files in both Portable Document Format (.pdf) and in CAD Drawing (.dwg) (MGA co-ordinates and AHD levels with each of the services on a separate layer eg separate out water, sewer, storm water to their own layers) and one set of paper copies of the works as executed plans for the access road, paving and linemarking, Drainage, sewerage and water supply infrastructure at a scale of 1:500 on an A1 sheet.**

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: So that Council may ensure that the construction is in accordance with Council's requirements, and so a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services.

- 24. 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.

25. **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.

USE OF THE SITE

26. **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.

27. **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.

28. **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.

29. **Harvesting of firewood for commercial purposes and removal of bush rock for any purpose is not permitted.**

REASON: To minimise the impacts of the proposal on the environment.

30. **Any fencing (other than that immediately surrounding the house) is to be fauna friendly. The maximum height of the fence is to be 1.2m. The distance to the ground from the lowest strand is to be a minimum of 15cm and the distance between the two top wires is to be a minimum of 30cm. No chain link or barbed wire is to be used.**

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

31. **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).**

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

32. **The following recommendations from the CPTED Report undertaken for the proposed development are to be implemented for the ongoing use of the development:**

- a) **The application of displays, decals, signage and posters on glazing within the BARN facility should be minimised so as not to obstruct sight lines.**
- b) **The creation of pockets which facilitate concealment should also be avoided by consistent planting and replacing dead plants which can result in gaps.**
- c) **Undertake a regular review of the vegetation and landscaping to ensure that it has not grown to create new or re-establish former spaces of concealment and entrapment.**
- d) **Signage should be used to clarify ownership and responsibility. In the case of damage, signage should assist the public in reporting damage. Clear signage should be installed throughout the development. Overuse of signage is not supported as it becomes less effective. Consistency of design will add to the overall sense of a cohesive community and sense of place.**
- e) **A working group comprising the BMEC, Council and the caretaker is recommended to raise issues and incidents and to identify possible solutions.**

- f) When the facility is not in use, the caretaker will be responsible for monitoring the BARN facility. The proposed CCTV should be monitored by both BMEC and the caretaker and there should be a good line of communication between the two to respond to incidents.**
- g) The site boundaries for the BARN facility are ambiguous which suits the rural nature of the site. However, this could create confusion with the public. Rural fencing e.g post and wire, are characteristic of a rural landscape and is suggested to define the boundary without creating a hard line which impacts on view lines.**
- h) During events, the facility may need to rely on parking areas and amenities on the foreshore. Should a future path be required from the foreshore to the facility, then good signage and a gate is recommended to demonstrate the site is private. The gate should complement the rural fence identified above. It is also noted this path may be required to provide access for residents to the foreshore. Similarly, a path from the BARN facility to the existing cabins may be desired in the future while they are used in the short term.**
- i) The gate providing access to the BARN facility road should be separate to the foreshore precinct, so they remain independent.**
- j) A sign is recommended at the head of the new BARN road where it connects to the foreshore road. This should demonstrate the facility is private and not suggest there are public activities such as a cafe.**
- k) Signage for the foreshore and its uses is also recommended at the intersection of the foreshore road with Chifley Dam Road. This sign should indicate the area is public. This will help clarify the difference between the foreshore and the BARN facility.**
- l) Walls of the facility are at risk of malicious damage. The use of anti-graffiti coatings is recommended. Murals and other forms of public art can also assist in deterring graffiti.**
- m) Establish an Environmental Maintenance Plan as part of the Plan of Management.**
- n) Graffiti should be removed quickly. The longer tags are left on display, the greater the reward for offenders.**
- o) Establish a reporting system that allows users and visitors to quickly report damage or anti social behaviour.**
- p) Repair or replace broken or damaged furniture/bins/signs quickly.**
- q) Review the current trends in crime in the area with the local Police and regularly update Environmental Maintenance Plan Clearly identify areas which are not accessible to visitors such as storage areas, the office, dressing rooms and waste rooms. However, be cautious of the over use of signage as it may become less effective.**
- r) Use CCTV, signage, controlled access (pin or eqv.) to control public access.**
- s) Develop a Plan of Management that integrates CPTED guidelines for surveillance, access control, hours of operation and maintenance recommendations. Review the current trends in crime in the area with the local Police and regularly update Plan of Management.**
- t) Establish a Maintenance Plan, forming part of the Plan of Management, that ensures the site remains clean and well maintained. The**

Maintenance Plan should include routines for rubbish removal and actions when rubbish accumulation exceeds the norm.

- u) Secure each door into each of the three buildings with a swipe card or equiv. Determine through the Plan of Management who is responsible of locking each building in the evening. This should be determined for each residency as there may be evening programs or some participants may wish to work in the evening.**
- v) Secure the existing amenities block in the evening if not already done so.**
- w) Use door closers and alarms on fire exits to ensure fire doors are not left open. Use signage to warn people of penalties in propping doors open which leaves the building unsecured. CCTV is proposed around these exit points.**
- x) Regularly review the Plan of Management to address issues as they arise.**

REASON: To improve the safety of the facility. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

33. The following mitigation measures as detailed in the Summary of Ecological Constraints shall be implemented during the use of the site:

- a) Maintain the 20km/hr speed limit for the Chifley water park for the access road to the BARN, reducing the risk of potential vehicle and fauna conflicts.**
- b) Monitor and maintain stormwater outlets to prevent scour and erosion from heavy storm events.**
- c) Manage waste on site, ensuring all waste is contained in designated areas and removed from the facility as soon as possible.**
- d) Do not add invasive or aggressive exotic plants to landscaped areas. Where possible use species native to the Grassy Box Woodland in landscaped areas.**
- e) Maintain and manage landscaped areas. Monitor for the spread of any species not native to the Grassy Box Woodland and remove once identified.**
- f) Where possible limit access of pets to site and ensure pets are not allowed to roam freely outside.**

REASON: To mitigate the environmental impacts of the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

PRESCRIBED CONDITIONS

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

34. **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.

35. **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.

36. 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.

37. 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.

38. 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:

N/A

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.