

B BOURKE SHIRE COUNCIL

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Application number DA 2025/0004
PAN-489235

Applicant Oliver Klein on behalf of Bourke Aboriginal Corporation Health Service
23 Truman Avenue, Cromer NSW 2099

Description of development Health Services Facility

Property 88-96 Mitchell Street, Bourke NSW 2840
Lots 6-10, DP35797

Determination Approved
Consent Authority - Western Regional Planning Panel

Date of determination XX/05/25

Date from which the consent operates XX/05/25

Date on which the consent lapses XX/05/30

Under section 4.18(1) of the EP&A Act, notice is given that the above development application has been determined by the granting of consent using the power in section 4.16(1)(a) of the EP&A Act, subject to the conditions specified in this notice.

Right of appeal / review of determination

If you are dissatisfied with this determination:

Request a review

You may request a review of the consent authority's decision under section 8.3(1) of the EP&A Act. The application must be made to the consent authority within 6 months from the date that you received the original determination notice provided that an appeal under section 8.7 of the EP&A Act has not been disposed of by the Court.

Rights to appeal

You have a right under section 8.7 of the EP&A Act to appeal to the Court within 6 months after the date on which the determination appealed against is notified or registered on the NSW planning portal.

The Dictionary at the end of this consent defines words and expressions for the purposes of this determination.

Leonie Brown

General Manager

Person on behalf of the consent authority

For further information, please contact Carolyn Crain / Coordinator, Development & Regulatory Services

Terms and Reasons for Conditions

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

General Conditions

1

Approved Plans and Supporting Documentation				
Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.				
Approved Plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
23_096 - 01	B	Survey Plan	Western Survey P/L	31/07/24
22_308 – DA-00	2	Cover Sheet	DunnHillam	14/11/24
22_308 – DA-01	5	Site Plan	DunnHillam	17/02/25
22_308 – DA-02	6	Ground Plan	DunnHillam	17/02/25
22_308 – DA-03	3	Elevations	DunnHillam	06/02/25
22_308 – DA-04	3	Sections/Façade Details	DunnHillam	06/02/25
22_308 – DA-05	3	Shadow Diagrams	DunnHillam	06/02/25
22_308 – DA-06	2	Visualisation	DunnHillam	14/11/24
22_308 – DA-07	2	Material Palette	DunnHillam	14/11/24
24-048s – LA001	A	Cover Sheet & Drawing Register	TaylorBrammer	13/11/24
24-048s – LA002	B	Existing Tree Retention & Removal	TaylorBrammer	06/02/25
24-048s – LA100	B	Site Plan	TaylorBrammer	06/02/25
24-048s – LA200	A	Cross Sections	TaylorBrammer	13/11/24
24-048s – LA300	A	Planting Character	TaylorBrammer	13/11/24
24-048s – LA400	A	Details	TaylorBrammer	13/11/24
22_308 - DA-02	Nil	Concept Electrical Plan	DunnHillam	04/10/24
22_308 - DA-02	Nil	Fire Servicing Plan	DunnHillam	04/10/24
22_308 – DA-02	Nil	Hydraulic Service Plan	DunnHillam	04/10/24

	240192 – C-DA000	P5	Civil Services Cover Sheet	JHA	17/02/25
	240192 – C-DA100	P5	Civil Services Site Plan	JHA	17/02/25
	240192 – C-DA101	P6	Civil Services Part Site Plan Sheet 1 Of 2	JHA	17/02/25
	240192 – C-DA102	P5	Civil Services Part Site Plan Sheet 2 Of 2	JHA	17/02/25
	240192 – C-DA110	P5	Civil Services Car Park External Works	JHA	17/02/25
	240192 – C-DA200	P5	Civil Services Catchment Analysis Plan	JHA	17/02/25
	240192 – C-DA300	P6	Civil Services Details Sheet	JHA	17/02/25
	240192 – C-DA500	P5	Civil Services Erosion and Sediment Control Plan & Details	JHA	17/02/25
	240192 – C-DA550	P4	Civil Services Bulk Earthworks Plan	JHA	17/02/25
	240192 – C-DA560	P4	Civil Services Bulk Earthworks Cross Sections	JHA	17/02/25
	240192 – C-DA700	P5	Civil Services Driveway Plan	JHA	17/02/25
	240192 – C-DA701	P5	Civil Services Swept Path Plan Exit	JHA	17/02/25
	240192 – C-DA800	P5	Civil Services Driveway Details	JHA	17/02/25
	240192 – C-DA900	P5	Civil Services Driveway Long Section	JHA	17/02/25
	Approved Documents				
	Document title		Version number	Prepared by	Date of document
	Statement of Environmental Effects		Nil	_planning Pty Ltd	18 November 2024

	Design Report 22-308	02	DunnHillam Architecture + Urban Design	31 October 2024
	Landscape Architecture Design Report	A	TaylorBrammer	13 November 2024
	Geotechnical Investigation Report	A	Barnson	3 November 2023
	Site Contamination Investigation	C	Barnson	30 October 2024
	Remedial Action Plan	Nil	Barnson	14 November 2024
	Traffic Impact Assessment	03	PDC Consultants	19 February 2025
	Arboricultural Impact Assessment Tree Protection Specification	A	Tree iQ	18 November 2024
	AHIMS Search	Nil	NSW Government	27 September 2024
	Operational Plan	Final		17 February 2025
	Operation & Construction Waste Management Plan	Nil	Tanden Solutions	October 2024
	Acoustic Report	A	JHA	30 October 2024
	Building Code Report	Final	DC Partnership	01 November 2024
	Accessibility Capability Statement	Nil	DC Partnership	31 October 2024
<p>In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of consent, the condition prevails.</p> <p>Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
2	Compliance with Building Code of Australia			
	That the work must be carried out in accordance with the requirements of the National Construction Code, Building Code of Australia in force at the time of construction certificate issue.			

	Condition reason: The condition is prescribed under section 69 of the Environmental Planning and Assessment Regulation 2021.
3	Access/Egress for People with Disabilities Access for people with disabilities shall be provided in accordance with the requirements of the National Construction Code (Building Code of Australia), relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Condition Reason: To ensure safe, equitable and dignified access and egress for people with disabilities.
4	Accessible Facilities Accessible Facilities shall be provided in accordance with the requirements of the National Construction Code, (Building Code of Australia), relevant Australian Standards and with regard to the Disability Discrimination Act 1992. Condition Reason: To provide accessible facilities for people with disabilities.
5	Construction Certificate A Construction Certificate is to be issued by Council or a registered certifier prior to any building works being carried out on site. Nothing in this consent precludes the staging of construction via multiple construction certificates. Condition reason: To ensure compliance with Part 6, section 6.3 (1) (a) of the Environmental Planning and Assessment Act 1979.
6	Servicing Sufficient water, sewer and stormwater services are to be supplied to the development. All plumbing and drainage work shall be carried out by a licensed plumber and drainer to the requirements of the National Plumbing and Drainage Code AS3500. Condition reason: To comply with National Construction Code and AS 3500.0
7	Roof Water Disposal Guttering and downpiping are to be provided and connected to approved drainage lines to convey roof water from the building to:- <ul style="list-style-type: none"> i) the street gutter ii) Rainwater Tank iii) the existing roof water disposal system iv) at least 3m clear of the building Condition Reason: To prevent damage to property and prevent unhealthy or dangerous conditions.
8	Compliance with Requirements of Essential Energy The development shall be undertaken in accordance with the comments provided by

Essential Energy on 27 November 2024:

- As the plans provided do not show the distances from Essential Energy's infrastructure and the development, there may be a safety risk. A distance of 3.1m from the nearest part of the development to Essential Energy's infrastructure (measured horizontally) is required to ensure that there is no safety risk.
A clearance of 3.1m from the Overhead 22Kv Network along Tarcoon Street.
A clearance of 2.1m from the Overhead Low Voltage Network along Tarcoon Street.
- It is also essential that all works comply with SafeWork clearance requirements. In this regard it is the responsibility of the person/s completing any works to understand their safety responsibilities. The applicant will need to submit a [Request for Safety Advice](#) if works cannot maintain the safe working clearances set out in the [Working Near Overhead Powerlines Code of Practice](#), or [CEOP8041 - Work Near Essential Energy's Underground Assets](#).

Information relating to developments near electrical infrastructure is available on our website [Development Applications \(essentialenergy.com.au\)](http://DevelopmentApplications.essentialenergy.com.au). If the applicant believes the development complies with safe distances or would like to submit a request to encroach then they will need to complete a Network Encroachment Form via Essential Energy's website [Encroachments \(essentialenergy.com.au\)](http://Encroachments.essentialenergy.com.au) and provide supporting documentation. Applicants are advised that fees and charges will apply where Essential Energy provides this service.

Council's and the applicant's attention is also drawn to Section 49 of the Electricity Supply Act 1995 (NSW). Relevantly, Essential Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.

Essential Energy makes the following general comments:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
- Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW); the location of overhead and underground powerlines are also shown in the Look Up and Live app essentialenergy.com.au/lookupandlive.

Condition reason: To ensure the safety of the public.

	Compliance with requirements of Transport for NSW
9	<p>The development shall be undertaken in accordance with the comments from Transport for NSW:</p> <ol style="list-style-type: none"> 1. The development will not adversely impact any existing stormwater infrastructure within the classified road corridor. 2. Service vehicles (up to 12.5m) and emergency vehicles can safely enter and exit the subject site without impeding or obstructing any existing infrastructure. 3. The driveway access onto Mitchell Street achieves Safe Intersection Sight Distance (SISD) for a 50km/h speed zone in accordance with Austroads Guide to Road Design – Part 4a. Any existing or future landscaping or design features must not obstruct visibility for motorists. 4. The proposed driveway and layback kerb for the egress on Mitchell Street must not exceed 4m in width, to promote one-way, exit only vehicle movements. 5. The proposed access point must be constructed in accordance with Council's engineering standards, match existing road levels and must be 1m clear of any existing infrastructure within the road corridor. 6. No associated works, such as landscaping or fencing, are to impede sight lines of traffic or pedestrians using existing footpath/walkway when exiting the site. The footpath/walkway must be unobstructed at all times to allow for safe pedestrian movement around the subject site. 7. Vehicle movements out of the development must be in a forward direction only. 8. Signage restricting two-way movement from the classified road is to be installed. To ensure the access point to Mitchell Street remains egress only, 'no entry' signage should be clearly visible to motorists and contained wholly within the property boundary and clear of the road reserve.
	<p>Condition reason: To ensure the safety of the public, and mitigate impacts on the function of the classified road.</p>
	<p>Maneuvering areas/driveways</p>
10	<p>All driveways and parking facilities, are to be constructed in accordance with the relevant Australian Standard.</p>
	<p>Condition reason: to ensure that the site is controlled and dust creation minimised</p>
	<p>Parking areas</p>
11	<p>Parking and maneuvering areas are to hardstand and designed in accordance with AS 2890.1 Off Street Parking Facilities.</p>
	<p>Condition reason: To ensure compliance with AS 2890.1</p>

12	Advertising Signage
	No approval for advertising signs is given by this consent. Any proposed signage that is not classified as exempt development under <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> or any other environmental planning instrument will require separate development consent.
	Condition Reason: To ensure compliance with relevant legislation.

Before issue of a construction certificate

13	Appointment of Principal Certifier
	<p>No work shall commence in connection with this Development Consent until:</p> <p>(a) A Construction certificate for the building work has been issued by:</p> <p>(i) the consent authority; or</p> <p>(ii) a registered certifier; and</p> <p>(b) the person having the benefit of the development consent has:</p> <p>(i) appointed a principal certifier for the building work, and notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case, and</p> <p>(b1) the principal certifier has, no later than 2 days before the building work commences:</p> <p>(i) notified the Council of his or her appointment, and</p> <p>(ii) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and</p> <p>(b2) the person having the benefit of the development consent, if not carrying out the work as an owner builder, has:</p> <p>(i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and</p> <p>(ii) notified the principal certifier of such appointment, and</p> <p>(iii) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the</p>

	<p>building work, and</p> <p>(c) the person having the benefit of the development consent has given at least 2 days' notice to the Council of the person's intention to commence the erection of the building.</p> <p>Condition reason: To ensure compliance with s6.6 of the <i>Environmental Planning and Assessment Act 1979</i> as amended.</p>
14	<p>Section 68 Water, Sewer & Stormwater Approval</p> <p>An approval under Section 68 of the Local Government Act is to be sought from Bourke Shire Council for water, sewer and stormwater connection prior to issue of a construction certificate. No plumbing and drainage work is to commence until approval is granted.</p> <p>Condition reason: To ensure compliance with the <i>Local Government Act 1993</i>.</p>
15	<p>Stormwater Management Plan</p> <p>Prior to the issue of a construction certificate a stormwater management plan is to be submitted to Council, which demonstrates to Council's satisfaction, adequate disposal of stormwater on the site.</p> <p>Condition reason: To comply with the requirements of Council</p>
16	<p>Long Service Payments</p> <p>Before the issue of the relevant construction certificate the long service levy, as calculated at the date of this consent, must be paid to the Long Service Corporation under Section 34 of the <i>Building and Construction industry Long Service Payments Act 1986</i>, and evidence of the payment is to be provided to the certifier.</p> <p>Condition Reason: To ensure the long service levy is paid.</p>
17	<p>Construction Management Plan</p> <p>Prior to the carrying out of any works at the site, the applicant is to submit to Council a Construction Management Plan (CMP) which demonstrates to Council's satisfaction that traffic will be appropriately managed, imported soil is appropriately sourced and any soil to be removed from the site will be classified and disposed of at an appropriate facility.</p> <p>Condition reason: To ensure that construction traffic does not have an unacceptable adverse impact on the operation of the surrounding road network, imported soils are appropriately sourced and excavated soils are appropriately disposed of.</p>
18	<p>Construction Noise & Vibration Management Plan</p> <p>Prior to the issue of a construction certificate, a detailed Construction Noise & Vibration Management Plan (CNVMP) must be submitted to and approved by Council. The CNVMP shall be prepared by a qualified acoustic consultant and incorporate the mitigation measures identified in the JHA Acoustic Report dated 30 October 2024.</p> <p>Condition reason: To ensure construction noise and vibration impacts are suitably managed.</p>

19	Road Opening Permit
	A Road Opening Permit in accordance with Section 138 of the Roads Act 1993 must be approved by Council prior to a Construction Certificate being issued or any intrusive works being carried out within the public road or footpath reserve.
	Condition reason: To ensure traffic, pedestrian, and service impacts are appropriately managed.

Before building work commences

20	Developer to Advise of Damage to Council Property
	The developer must advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like, prior to commencement of any work on the site (dilapidation report). Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the Developer's expense.
	The construction supervisor is responsible to ensure that all contractors, sub-contractors, and delivery trucks use a designated access point to prevent damage to Council's property. Repairs to damaged Council property are to be carried out by the contractor/builder to Council's specification and supervision prior to occupation of the development.
21	Condition reason: To ensure the safety of the public
	Notice of Commencement
	No work shall commence until a notice of commencement (form will be attached with issue of a Construction Certificate) giving Council:
	(a) Not less than two (2) days' notice of the date on which it is proposed to commence work associated with this Development Consent;
	(b) Details of the appointment of a Principal Certifier (either Bourke Shire Council or another registered certifier)
22	(c) Details of the name, address and licence details of the Builder.
	Condition reason: Statutory requirement under section 6.6 of the <i>Environmental Planning & Assessment Act 1979</i> .
	Signs on Site
	A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out:
	<ol style="list-style-type: none"> 1. Showing the name, address and telephone number of the principal certifier for the work, and 2. 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

	<p>3. Stating that unauthorised entry to the work site is prohibited.</p> <p>Any such sign is to be maintained while the building work or demolition work is being carried out but must be removed when the work has been completed.</p> <p>Note: This does not apply in relation to building work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.</p> <p>Condition reason: Prescribed condition <i>Environmental Planning & Assessment Regulation 2021</i>, section 70.</p>
23	<p>Lighting Plan</p> <p>Prior to the carrying out of any works at the site, the applicant is to provide a Light Plan which details to Council's satisfaction that all lighting will comply with AS/NZS 11583.1 Pedestrian Area (Category P) Lighting and AS4282 Control of Obtrusive Effects of Outdoor Lighting</p> <p>Condition reason: To ensure that lighting is compliant with AS/NZS 11583.1 and AS4282.</p>

During building works

24	<p>Tree Protection Zones</p> <p>Tree Protection Zone (TPZ) fencing for Trees 2–4, 6, and 8–12 must be erected in accordance with the submitted Arboricultural Assessment and AS4970-2009. The fencing must be installed prior to the commencement of construction works, and no excavation, material storage, or similar activities shall occur within the TPZ.</p> <p>Condition reason: To ensure protection of significant trees</p>
25	<p>Erosion and sediment plan</p> <p>To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:-</p> <ul style="list-style-type: none"> (a) Erosion and sediment controls are to be in place before the disturbance of any soils on the site, and are to be maintained during the works and for as long as necessary after the completion to prevent sediment and dirty water leaving the site and/or entering the surface water system outside the worksite boundaries. (b) Topsoil stripped from the construction site shall be stockpiled and protected from erosion until re-use during landscaping. Soil is to be retained within the property. (c) Stockpiles of construction and landscaping materials, and of site debris shall be located clear of drainage lines and in such a position that they are protected from erosion and do not encroach upon any footpath, nature strip or roadway.

	<p>(d) Final site spoil shall be disposed of to conform to the specifications and standards quoted and to any conditions of approval of those measures and must comply with any relevant NSW Department of Planning and Environment requirements.</p> <p>(e) Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.</p> <p>(f) Vehicular access shall be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy. Where sediment is deposited on adjoining roadways the same shall be removed by means other than washing. All material is to be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.</p> <p>All disturbed areas shall be progressively stabilised and/or revegetated so that no areas remain exposed to potential erosion damage for more than 14 days or such other period as may be approved after earthworks cease. All driveways and parking areas shall be stabilised with compacted sub-grade as soon as possible after their formation.</p> <p>Condition reason: To minimise soil erosion and sediment movement during construction</p>						
26	<p>Hours of Work</p> <p>The principal certifier must ensure that building work, is only carried out between:</p> <table border="1"> <tr> <td>Monday to Friday</td><td>7.00am to 6.00pm</td></tr> <tr> <td>Saturdays</td><td>8.00am to 1.00pm</td></tr> <tr> <td>Sundays and Public Holidays</td><td>No works to be undertaken</td></tr> </table> <p>Note: Any variation to the hours of work requires Council's approval.</p> <p>Condition reason: To protect the amenity of the surrounding area and comply with the Environmental Protection Authority's Interim Construction Noise Guideline.</p>	Monday to Friday	7.00am to 6.00pm	Saturdays	8.00am to 1.00pm	Sundays and Public Holidays	No works to be undertaken
Monday to Friday	7.00am to 6.00pm						
Saturdays	8.00am to 1.00pm						
Sundays and Public Holidays	No works to be undertaken						
27	<p>Maintenance of Site</p> <p>All the materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. All construction activities, including loading and unloading of materials, must be undertaken wholly within the bounds of the site and not impact the safety of all road users (including pedestrians) or the efficiency of the public road network.</p> <p>Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.</p> <p>During works:</p> <ol style="list-style-type: none"> All vehicles entering or leaving the site must have their loads covered, and All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. <p>At the completion of the works, the work site must be left clear of waste and debris.</p>						

	Condition reason: To ensure compliance with the requirement of Bourke Shire Council and to minimise soil erosion and sediment movement during works.
28	<p>Use of Footpaths</p> <p>The storage of materials or the placement of sheds is not permitted on footpaths, roadways or in reserves. Rubbish and building materials must be contained on the site.</p> <p>No material, goods or machinery shall be stored, placed or otherwise permitted to stand between the building line and the street alignment.</p> <p>Condition reason: To ensure the safety of the public.</p>
29	<p>Noise and Vibration Requirements</p> <p>While site work is being carried out, noise and vibration generated from the site must not exceed an LAeq (15 min) of 5dB(A) above background noise, when measured at any lot boundary of the site.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
30	<p>Temporary Onsite Toilet</p> <p>A suitable on-site toilet is to be provided on site and must remain throughout the project or until an alternative facility is available on-site. This may be via a temporary toilet facility or through available access to existing facilities.</p> <p>Condition reason: To ensure that there are appropriate facilities on-site for construction workers</p>
31	<p>Uncovering Relics or Aboriginal Objects</p> <p>While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object. Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.</p> <p>In this condition:</p> <p>"relic" means any deposit, artefact, object or material evidence that:</p> <ul style="list-style-type: none"> a. Relates to the settlement of the area that comprised NSW, not being Aboriginal settlement, and b. Is of State or local heritage significance; and <p>"Aboriginal object" means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by person of non-Aboriginal extraction and includes Aboriginal remains.</p>

	<p>Condition Reason: To ensure the protection of objects of potential significance during works.</p>
32	<p>Contaminated Land Unexpected Finds</p> <p>In the event of an unexpected find during works such as (but not limited to) the presence of undocumented waste, odorous or stained soil, asbestos, structures such as underground storage tanks, slabs, or any contaminated or suspect material, all work on site must cease immediately. The beneficiary of the consent must discuss with Council the appropriate process that should be followed therein. Works on site must not resume unless the express permission of Council is obtained in writing.</p> <p>Condition reason: To ensure compliance with statutory requirements and mitigate risks to the surrounding environment.</p>
33	<p>Utility Infrastructure</p> <p>All infrastructure installed on site is to be clear of existing below ground utility infrastructure. Any adjustments to existing utility services that are made necessary by this development proceeding are to be at the full cost of the developer.</p> <p>Condition reason: To ensure that utility infrastructure is adequately protected.</p>
34	<p>Waste Container</p> <p>All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project.</p> <p>Condition reason: To limit waste affecting the environment during construction.</p>
35	<p>Soil Management</p> <p>While site work is being carried out, the principal certifying authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <ol style="list-style-type: none"> 1. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification, and the volume of material removed must be reported to the principal certifying authority. 2. All fill material imported to the site must be: <ol style="list-style-type: none"> a. Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997, or b. a material identified as being subject to a resource recovery exemption by the NSW EPA, or

	<p>a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the Protection of the Environment Operations Act 1997 and a material identified as being subject to a resource recovery exemption by the NSW EPA.</p> <p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
36	<p>Excavation and Backfilling</p> <p>All excavations and backfilling associated with demolition or construction shall be executed safely and in accordance with appropriate professional standards properly guarded and protected to prevent them from being dangerous to life or property.</p> <p>Condition reason: To ensure the safety of life and property</p>

Before issue of occupation certificate

37	<p>Compliance with Conditions of Consent</p> <p>All conditions of this consent are to be complied with to the standards specified prior to any use or occupation.</p> <p>Condition reason: To ensure the development proceeds in the manner as determined by Council.</p>
38	<p>Removal of Waste Upon Completion</p> <p>Before the issue of an occupation certificate, Council must ensure all refuse, spoil and materials unsuitable for use on-site is removed from the site and disposed of in accordance with the approved waste management plan (if applicable).</p> <p>Condition reason: To ensure waste material is appropriately disposed or satisfactory stored.</p>
39	<p>Repair of Infrastructure</p> <p>Before the issue of an occupation certificate, the applicant must ensure any public infrastructure damaged as a result of the carrying out of building works (including damage caused by, but not limited to, delivery vehicles) is fully repaired to the satisfaction of Council and at no cost to Council.</p> <p>Note: If the Council is not satisfied, the whole or part of any bond submitted will be used to cover the rectification work.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified.</p>
40	<p>Consolidation of Lots</p>

	Before the issue of an occupation certificate, the applicant is to provide Council with evidence that allotment consolidation has been undertaken.
	Condition reason: To ensure allotments are consolidated prior to use.
41	<p>Fire Safety Certificate</p> <p>A final Fire Safety Certificate shall be obtained in accordance with Part 5, Division 2 section 41 of the <i>Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021</i>, prior to the issue of an Occupation Certificate.</p> <p>A copy of the Fire Safety Certificate and Fire Safety Schedule shall be:</p> <ul style="list-style-type: none"> • Forwarded to Bourke Shire Council; • Forwarded to the New South Wales Fire Brigade; and • Prominently displayed in the building. <p>Condition reason: To ensure the safety of the building.</p> <p>Validation Report</p> <p>Prior to issue of an Occupation Certificate a validation report is to be provided to Council in relation to all remediation work undertaken in accordance with the Remediation Action Plan dated 14 November 2024 and prepared by Barnson. The validation report is to be prepared in accordance with NSW EPA Guidelines for Consultants Reporting on Contaminated sites (2020) and Guidelines for the NSW Site Auditor Scheme (2017).</p> <p>Condition reason: To ensure the site is suitable for the approved use and does not pose a risk to public health.</p>
43	<p>Tree Protection Zones</p> <p>All TPZ fencing shall remain in place until the Occupation Certificate has been issued.</p> <p>Condition reason: to ensure protection of significant trees</p>
44	<p>Landscaping</p> <p>Landscaping shall be completed on site in accordance with the approved landscaping plan prior to the issue of an occupation certificate.</p> <p>Condition reason: To ensure the development is undertaken in accordance with the approved plans.</p>
45	<p>Acoustic Screening</p> <p>The following acoustic screening attenuation measures are to be implemented prior to the issue of an occupation certificate:</p> <ul style="list-style-type: none"> • Condenser units to run at low capacity during the evening and night periods to achieve 3dB reduction.

	<ul style="list-style-type: none"> • Install acoustic screening around the southern condenser plant deck as shown in Figure 4 of the approved JHA acoustic report. The screening shall extend at 300mm above the top of the plant. Based on 1.7m high units and assumed 100mm plinth, the height of the screening should be at least 2.1m. • The minimum surface mass of the solid barriers shall be not less than 12kg/m² and be free of any air gaps. Alternatively, acoustic louvre can be used for the screening, equivalent to ACRAN 200. The performance of the acoustic louvre shall meet the following transmission losses, shown in Table 11 of the approved JHA acoustic report. • 50mm internally line any discharge duct installed to condenser units, and to not exceed more than 100mm from the top of the screening. • Install weather-proof louvre to the northern condenser plant deck as shown in Figure 4 of the approved JHA acoustic report. The weather-proof louvre shall extend at 300mm above the top of the plant.
	Condition reason: To manage operational noise impacts.

Occupation and ongoing use

46	Annual Fire Safety Statement
	<p>An annual Fire Safety Statement which sets out essential fire safety measures in the building premises must be given to Council and Fire and Rescue NSW annually.</p> <p style="padding-left: 40px;">a. <i>This fire safety statement shall be given to Council within twelve months after the last statement was given, or if no such statement was given to Council, within twelve months after a final fire safety certificate is issued for the building.</i></p> <p>As soon as practicable after a final fire safety certificate is issued, the owner of the building to which it relates:-</p> <p style="padding-left: 40px;">a. <i>shall display a copy of the certificate (together with a copy of the current fire safety schedule) within the building.</i></p> <p>During occupation and ongoing use of the building, the applicant must provide an annual fire safety statement to Council and Fire and Rescue NSW in accordance with section 89 of the <i>Environmental Planning and Assessment (Development Certification and Fire Safety) Regulations 2021</i>.</p> <p>Condition reason: To ensure annual checks on fire safety measures and compliance with fire safety requirements under the <i>Environmental Planning and Assessment (Development Certification & Fire Safety) Regulation 2021</i>.</p>
47	Hours of Operation
	Hours of operation of the Health Services Facility shall be between 8am and 5pm, Monday to Friday.

	<p>Note: Any variation to these hours will require Council consent via the lodgment of an application under Section 4.55 of the Environmental Planning and Assessment Act 1979.</p> <p>Condition reason: To ensure that the amenity of the surrounding area is not compromised as a result of the operation of the development.</p>
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General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

Approved plans and documents means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

AS means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

Building work means any physical activity involved in the erection of a building.

Certifier means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

Construction certificate means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

Council means BOURKE SHIRE COUNCIL.

Court means the Land and Environment Court of NSW.

EPA means the NSW Environment Protection Authority.

EP&A Act means the *Environmental Planning and Assessment Act 1979*.

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2021*.

Independent Planning Commission means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

Occupation certificate means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

Principal certifier means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

Site work means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

Stormwater drainage system means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,
- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

Strata certificate means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

Sydney district or regional planning panel means Western Regional Planning Panel.