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

Darren Sturgiss
Bathurst Regional Council
158 Russell Street
BATHURST NSW 2795

being the applicant in respect of **Development Application No 2020/508**.

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 2020/508, relating to the land described as follows:

LOT: 156 DP: 1263887, MARSDEN LANE KELSO

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

135 LOT RESIDENTIAL SUBDIVISION (4 OPEN SPACE LOTS AND 131 RESIDENTIAL LOTS), CONSTRUCTION OF ROADS, CLEARING OF VEGETATION AND BULK EARTHWORKS

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

- 1. Compliance with any requirements of Essential Energy, including but not limited to, the following:**

- a) As part of the subdivision, easement/s are to be created for any existing or new electrical infrastructure, using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision. Refer Essential Energy's Contestable Works team for requirements via email contestableworks@essentialenergy.com.au
- b) Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property must be complied with.
- c) A Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) must be obtained from Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions. Despite Essential Energy not having any safety concerns, there may be issues with respect to the subdivision layout, which will require Essential Energy's approval.
- d) Essential Energy's records indicate there is electricity infrastructure located within close proximity to the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as *ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure*. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
- e) 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)*.
- f) Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the *Code of Practice – Work near Overhead Power Lines* and *Code of Practice – Work near Underground Assets*.

REASON: Because of representations to that effect made by that body (those bodies). Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

2. **The development must be carried out in accordance with the following approved plans, except where the conditions of this consent expressly require otherwise.**

Description	Reference No.	Sheet No.	Revision No.	Prepared By	Dated
Lot Layout	DWG No. EN11585	2	C	Bathurst Regional Council	13/09/21
Zoning Layout	DWG No. EN11585	3	C	Bathurst Regional Council	13/09/21
Services Layout	DWG No. EN11585	4	C	Bathurst Regional Council	13/09/21
Elevations Layout	DWG No. EN11585	5	C	Bathurst Regional Council	13/09/21
Vegetation Layout	DWG No. EN11585	6	C	Bathurst Regional Council	13/09/21
Lot Dimensions (1)	DWG No. EN11585	7	C	Bathurst Regional Council	13/09/21
Lot Dimensions (2)	DWG No. EN11585	8	C	Bathurst Regional Council	13/09/21
Typical Cross Section Open Space	DWG No. EN11585	9	C	Bathurst Regional Council	13/09/21
Landscape Plan	Job No. BRC01, Drawing No. L-01	1	C	Sala4D	1/09/2021

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

3. **The development must be carried out in accordance with the following supporting documentation, except where the conditions of this consent expressly require otherwise.**

Document	Reference No.	Revision No.	Prepared By	Dated
Statement of Environmental Effects		1.4	Bathurst Regional Council	1/12/2020
Biodiversity Assessment Report	#2087 #2571	V6.2	OzArk Environment & Heritage Pty Limited	4/09/2020
Vegetation Management		Updated DA - recalculation	Environmental Factor	3/09/2020

Plan, Sunnybright Stage 2		of planting areas		
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REASON: Because it is in the public interest that work is carried out in accordance with the supporting documentation. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

4. **The area of proposed Lots 283 and 300 (being corner allotments) must be adjusted such that each lot retains an area between 550m² to 764m² OR an area equal to or greater than 850m².**

REASON: So that the lots are either large enough to accommodate dual occupancy development, or small enough to limit the potential for dual occupancy development. Section 4.15 of the Environmental Planning and Assessment Act 1979.

PRIOR TO ISSUE OF SUBDIVISION WORKS CERTIFICATE

5. **Prior to the issue of any Subdivision Works Certificate, an amended Vegetation Management Plan (VMP) must be submitted to Council for endorsement. The amended VMP must include, but not be limited to, the following items:**
- a) **An amended Long-term Maintenance Plan, which places a particular emphasis on the long-term maintenance of vegetation located at the interface between the public open space and the rear property boundaries of residential allotments.**
 - b) **An amended “Phase 2 ‘final formation rehabilitation’ Environmental Control Plan (Appendix C)”, which incorporates revegetation and stormwater management areas that are appropriate to the proposed design and use of the land as an open drainage channel and detention basins.**
 - c) **An amended “Vegetation Management Schedule” (Appendix D) which must include dates that are relevant to the current commencement timeframe for the works.**
 - d) **A Final Landscape Plan prepared in accordance with Chapter 13 of the Bathurst Regional Development Control Plan 2014. The plan must include but not be limited to:**
 - i) **The number of each plant species that is proposed to be planted.**
 - ii) **Irrigation details.**
 - iii) **Edging details to planting beds.**

- iv) **Garden beds are to incorporate weed control mats, mowing edges and are to be mulched to a minimum depth of 80mm.**

REASON: To ensure that the land is appropriately revegetated and maintained. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

6. The payment to Council of

- a) **\$855,102.50 for the provision of community facilities in accordance with Council's Section 94 or 7.11 Contributions Plan "Bathurst Regional Community Facilities".**
- b) **\$209,953.70 for stormwater drainage management in accordance with Council's Section 94 or 7.11 Contributions Plan "Raglan Creek Stormwater Drainage Management".**
- c) **\$580,264.50 for the upgrading of roads in the Windradyne, Llanarth, Abercrombie, Eglinton and Kelso areas in accordance with Council's Section 94 or 7.11 Contributions Plan "Roadworks – New Residential Subdivisions".**
- d) **\$295,837.30 for the purchase of open space within Windradyne, Llanarth, Perthville and Kelso in accordance with Council's Section 94 or 7.11 Contributions Plan "Bathurst Regional Open Space".**

All monetary conditions are to be paid prior to the issuing of any Subdivision Works Certificates.

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

NOTE 2: Copies of all Council's Section 94 or 7.11 Contribution Plans may be inspected at Council's offices.

REASON: Because, having considered the matter in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, as amended, the Council is satisfied that the development will require the provision of, or increase the demand for, these public amenities or services within the area. Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended.

7. The developer is to make a payment to Council of \$4,800.00 for the provision of twenty-four (24) street signs.

REASON: Because it is in the public interest that street signs be erected. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

8. **The developer is to contribute the sum of \$397.80 per additional lot created for the planting of advanced street trees in the footway in the front of each lot. This monetary contribution is to be paid to Council prior to the issuing of any Subdivision Works Certificates.**

REASON: It is in the public interest to improve the visual amenity of the area by planting street trees. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

9. **The payment of \$17.00 per lineal metre for the inspection of the road during construction being a total of \$47,600.00. This monetary contribution is to be paid to Council prior to the issuing of any Subdivision Works Certificates.**

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

REASON: So that the construction of this aspect of the development may be checked during construction. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

10. **The developer is to apply to Council for a Certificate of Compliance pursuant to Section 305 of the Water Management Act, 2000 (application form attached).**

- a) **The developer will have to contribute the sum of \$810,562.50 water headworks plus \$788,620.00 sewer headworks before the Certificate of Compliance will be issued.**

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

NOTE 1: The developer should apply for a certificate as a matter of urgency because the Subdivision Works Certificate cannot be issued until a certificate has been issued by Council and all monetary conditions have been satisfied.

REASON: Because it is in the public interest that Council maintain the ability to provide adequate water and sewer reticulation services. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

11. **The payment to Council of \$1,680.00 for the issuing of access levels and inspection by Council or \$780.00 for the approval of a supplied design and inspection by Council.**

This must be paid at the time of lodgement of any Subdivision Works Certificate.

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

REASON: Because it is in the public interest that such fees be paid in accordance with Council's Management Plan. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

12. The applicant is to submit one (1) hard copy and one (1) electronic copy of engineering plans, specifications and calculations in relation to:

- a) Interallotment drainage.
- b) Road and interallotment drainage.
- c) Water and sewerage reticulation.
- d) Roads.
- e) Access driveways to battleaxe lots.
- f) Intersections.
- g) Road shoulder, kerb and gutter.
- h) Finished ground levels in relation to flood level.
- i) Cycleways.
- j) Footpaths.
- k) Drainage channel.
- l) Site filling.

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. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

13. The applicant is to obtain a Subdivision Works Certificate pursuant to Section 6.4 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority certifying that the proposed works are generally in accordance with Bathurst Regional Council's Guidelines for Engineering Works prior to any subdivision works commencing.

NOTE 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary Subdivision Works Certificate or Certificates have been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE SUBDIVISION WORKS CERTIFICATE, even if you made an application for a Subdivision Works Certificate at the same time as you lodged this development application.

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

REASON: So that the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development comply with the appropriate construction standards. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

14. **Prior to the issue of the Subdivision Works Certificate the developer is to submit to Council for approval a staged Soil and Water Management Plan, approved for implementation by a Certified Professional in Erosion and Sediment Control and which includes (but is not limited to) the following:**
- a) **Assessment including:**
 - i. **Constraints analysis**
 - ii. **Erosion Hazard Assessment**
 - iii. **RUSLE Calculation and Soil Loss Class identification**
 - iv. **Sediment Basin Test**
 - v. **Identification of Sediment Type**
 - b) **Erosion controls including:**
 - i. **Access limitations**
 - ii. **Staging and ordering of works**
 - iii. **Exclusion zones**
 - iv. **Stockpile location and management**
 - v. **Access and road locations**
 - vi. **Dust management**
 - vii. **Site office**
 - viii. **Water diversion**
 - ix. **Velocity dissipator including outlet velocity in m/s**
 - c) **Sediment controls including**
 - i. **Diversion drains and sediment basins, including calculations (to determine dimensions, storage zones, settling zones, flow rates etc)* and appropriate discharge points and controls. Type C sediment basins are not to be used.**
 - ii. **Sediment fences**
 - iii. **Stabilised access points**
 - d) **Maintenance instructions:**
 - i. **Record keeping, inspection regimes and checklists**
 - ii. **Flocculation and/or discharge treatments that meet 50mg/L total suspended solids at neutral pH.**
 - iii. **Cleaning and maintenance measures**
 - iv. **Waste management**
 - e) **Stabilisation instructions**
 - i. **C-factor^ or percentage ground cover requirements for works and post-construction**

- ii. Stabilisation for diversion drains and discharge points
- iii. Topsoil recovery and replacement
- iv. Staged site stabilisation
- f) Standard design drawings as per the Landcom Soils and Construction Volume 1 – “The Blue Book” OR the International Erosion Control Association requirements
- g) Site plan/s detailing the above.

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

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

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

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

PRIOR TO ANY WORK ON SITE

15. If a vehicular crossing over the footway is to be constructed, access levels are to be obtained from Council’s Engineering Department. The vehicular crossing is to be constructed in accordance with Bathurst Regional Council’s Guidelines for Engineering Works. Further the applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended **PRIOR TO THE CONSTRUCTION** of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council’s Guidelines for Engineering Works and that the levels are in accordance with those issued.

NOTE 1: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.

REASON: Because this work is necessary to enable adequate means of vehicular access to the proposed development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

16. 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. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

17. 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. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

18. **Lawrence Drive is to be designed as a local distributor roadway in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

Kirkland Road, Lockwood Rise, Wallace Way, Bolton Street, Fulton Court, Hartigan Street and Kellett Close are to be designed as local access roadways in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

NOTE: The design of the intersections of Lockwood Rise with Wallace Way, Bolton Street and Fulton Court are to include centre medians and give way signage on the minor roadway approaches defining the priority roadway.

REASON: To ensure the proposed road system has the capacity to cater for predicted traffic flows in the locality. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

DURING CONSTRUCTION

19. **In respect to Hartigan Street (being a local access open space road), a two vehicle parallel parking bay must be provided for every three residential allotments in accordance with Chapter 3 of *Bathurst Regional Development Control Plan 2014* and Council's *Guidelines for Engineering Works*. The construction of parking bays within the open space corridor shall be permitted.**

REASON: To ensure the development complies with the requirements of *Bathurst Regional Development Control Plan 2014*. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

20. **The construction works and vehicular access to the construction site must be constrained to the minimum area practical and must use as few entry/exit points as possible.**

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

21. **Material stockpiles, equipment and machinery storage and laydown areas must be consolidated within a defined impact area to minimise the overall impact footprint.**

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

22. **The impact footprint must be minimised by restricting access across the site to the defined development footprint, including avoiding unnecessary vehicle and personnel movements across unused land.**

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

23. **The following impact mitigation measures and environmental safeguards must be undertaken as proposed in the *Biodiversity Assessment Report* (prepared by OzArk Environment & Heritage Pty Ltd, dated 4 September 2020, Revision No. V6.2):**

Impact	Environmental Safeguards	Responsibility	Timing
General	1. All personnel must be inducted to be aware that any impacts to threatened species have legislative consequences if deliberately or accidentally impacted without development approval under the <i>Environmental Planning and Assessment Act 1979</i> . Evidence of all personnel receiving an induction must be kept on file (signed induction sheets etc.). 2. Any change in design outside the assessed impact footprint within the study area will require further ecological survey.	Proponent.	Pre-construction, construction and operation.
Clearing and prevention of over-clearing	3. All personnel would be inducted to be aware any stand of native vegetation outside the subject site has legislative consequences if deliberately or accidentally impacted without approval under Part 4 or 5 of the <i>Environmental Planning and Assessment Act 1979</i> . Evidence of all personnel receiving an induction must be kept on file (signed induction sheets etc.). 4. Where possible, vegetation to be removed must be mulched on-site and re-used to stabilise disturbed areas.	Constructor.	Pre-construction and construction.

	5. If any of the threatened flora species listed in Section 3.4.4 of the <i>Biodiversity Assessment Report</i> (prepared by OzArk Environment & Heritage Pty Ltd, dated 4 September 2020, Revision No. V6.2) are found within the subject site during construction, construction is to stop in the immediate area and a qualified ecologist must be contacted for advice and management guidance.		
Threatened Species	<p>6. Identification resources must be provided for personnel to enable identification of threatened species that might occur on the work site (i.e. those species listed in Sections 3.4.3. and 3.4.4 of the <i>Biodiversity Assessment Report</i> (prepared by OzArk Environment & Heritage Pty Ltd, dated 4 September 2020, Revision No. V6.2)).</p> <p>7. Records of any threatened species recorded on site during works must be kept.</p> <p>8. Construction work must only occur during the authorised daylight hours to avoid indirect impacts on threatened fauna, such as vehicle strikes.</p> <p>9. If unexpected threatened fauna or flora species are discovered, stop works immediately and contact a suitably qualified ecologist for advice.</p>	Constructor.	Pre-construction and construction.
Tree removal	<p>10. Clearly mark all trees to be removed.</p> <p>11. Clear the surrounding vegetation at least one night before removing the tree.</p> <p>12. Before felling, knock tree along the trunk with an excavator or loader (substantially shake the tree) to scare fauna that might be roosting. Repeat several times.</p>	Constructor.	Construction.

	<p>13. Ensure a fauna spotter catcher is present for any tree felling activities.</p> <p>14. Install artificial habitat features (i.e. nest boxes, reptile habitat walls and features, invertebrate habitat structures, flowering native street trees, microbat roost boxes etc). This will encourage recolonization of the site after development and likely reduce the negative impacts of any controversy associated with tree clearing at the site.</p> <p>15. Encourage and facilitate the planting of native tree species at the site to improve habitat quality in the future. As the site is dominated by exotic pine, which have limited habitat value it would likely be possible to improve the habitat potential of trees at the site beyond current or recent levels.</p>		
Soil Management	<p>16. Install erosion and sediment controls in line with <i>Landcom's Managing Urban Stormwater, Soils & Construction Guidelines</i> (The Blue Book. Landcom 2004).</p> <p>17. Where practicable, mulch made from vegetation cleared on site must be dispersed on areas of bare soil to stabilise, preventing dust and erosion.</p> <p>18. Erosion and sedimentation controls are to be checked and maintained on a regular basis. This includes clearing of sediment from behind barriers and after heavy rainfall events.</p> <p>19. Erosion and sediment control measures are not to be removed until the works are complete and areas are stabilised.</p> <p>20. Stockpile topsoil removed to be redistributed across site at completion of construction.</p>	Constructor.	Pre-construction and construction.

	21. Implement dust suppression activities.		
Introduction and spread of priority weeds and pathogens	<p>22. Construction crew must be briefed on the identification of priority weeds that occur on site during inductions (see Section 3.2.4 of the <i>Biodiversity Assessment Report</i> (prepared by OzArk Environment & Heritage Pty Ltd, dated 4 September 2020, Revision No. V6.2)).</p> <p>23. If declared priority weeds are identified during construction they must be managed according to the requirements of the <i>Biosecurity Act 2016</i>.</p> <p>24. Construction machinery (bulldozers, excavators, trucks, loaders and graders) must be cleaned using a high-pressure washer (or other suitable device) before entering and exiting work sites.</p> <p>25. Machinery must be inspected by designated personnel following washdown to ensure no soil, mud, vegetative material present. Records of inspections to be maintained.</p> <p>26. All pesticides must be used in accordance with the requirements on the label. Any person carrying out pesticide (including herbicide) application must be trained to do so and have the proper certificate of completion/competency or statement of attainment issued by a registered training organisation.</p> <p>27. Records of any weed control activities that take place must be kept.</p>	Constructor.	Construction.
Increased risk of fire	28. Where possible, avoid 'hot work' during days of extreme fire danger.	Constructor.	Construction.
Introduction of invasive fauna	29. All food scraps and rubbish are to be appropriately disposed of in sealed receptacles to prevent	Constructor.	Construction.

	providing forage habitats for foxes, rats, dogs and cats.		
Removal of farm dams	30. Ensure a fauna spotter catcher is present for the draining of all dams to safely relocate any native fauna.	Constructor.	Construction.

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

24. **The construction, within and for the full length of the access handle of the hatchet shaped lot and over the footway, of a concrete vehicular driveway 3000mm wide, designed to Bathurst Regional Council's Guidelines for Engineering Works. Further, the applicant is to obtain a Compliance Certificate pursuant to Section 6.4 of the Environmental Planning and Assessment Act 1979, as amended at the completion of construction of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed in accordance with Bathurst Regional Council's Guidelines for Engineering Works and that the levels are in accordance with those issued.**

NOTE 1: If other hard standing, dust free and weather proof surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.

REASON: To provide all weather vehicular access to the main part of the land, to prevent erosion and to minimise nuisances to adjoining development from noise and dust. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended and the Local Government Act 1993.

25. **Prior to the issue of the Subdivision Works Certificate the developer is to submit to Council a Construction Management Plan which includes (but is not limited to) the following:**
- a) **Traffic management, including:**
 - i) **Loading, unloading area and material storage areas;**
 - ii) **Access to adjoining properties; and**
 - iii) **Parking areas (for construction workers and surrounding properties).**
 - b) **Noise.**
 - c) **Soil and water management**
 - d) **Waste management**
 - e) **Stabilisation and monitoring of adjoining buildings.**
 - f) **Vibration.**
 - g) **Proposed methods of communication, including:**
 - i) **Communication with adjoining property owners;**
 - ii) **Communication with the general public; and**
 - iii) **Complaints management.**

REASON: to ensure that the impact of demolition and construction to adjoining and surrounding properties is considered and appropriately mitigated. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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

REASON: Because it is in the public interest that a copy of the Subdivision Works Certificate plans are available. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

27. **Any alterations or additions marked by Council on the approved plans and/or the specifications shall be carried into effect.**

REASON: Because it is in the public interest that work is carried out in accordance with the approved plans. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended .

28. **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. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

29. **All building rubbish and debris, including that which can be wind-blown, shall be contained on site in a suitable and covered container at all times prior to disposal at Council's Waste Management Centre or other facility that can lawfully be used as a waste facility for that type of waste. The container shall be erected on the building site prior to work commencing.**

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

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

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

30. **Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be**

carried out and maintained in accordance with an approved Soil and Water Management Plan.

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

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

31. All excavation and backfilling associated with the development must:

- a) be executed safely and in accordance with appropriate professional standards, and**
- b) be properly guarded and protected to prevent them from being dangerous to life or property.**

REASON: Because it is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

32. The construction of a 1.5 metre wide, 100 mm thick concrete footpath within the footway on the

- a) Southern side of Marsden Lane from Lawrence Drive to the West of Sunbright Road, as identified on the approved "Zoning Layout Plan" (prepared by Bathurst Regional Council, DWG No. EN11585, Sheet No. 3, Revision C, dated 13 September 2021).**
- b) Northern side of Limekilns Road from Lawrence Drive to Bolton Street.**
- c) Sunbright Road, Kirkland Road, Percival Place, Lockwood Rise, Fulton Court and Hartigan Street, as identified on the approved "Zoning Layout Plan" (prepared by Bathurst Regional Council, DWG No. EN11585, Sheet No. 3, Revision C, dated 13 September 2021).**

in accordance with Bathurst Regional Council's Guidelines for Engineering Works. Where this involves a corner lot it is to include connections to the back of the kerb and the construction of perambulator laybacks in those kerbs.

REASON: Because the size and density of the subdivision is such as to warrant a concrete footpath in this location. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

33. **The construction of a 2.5 metre wide 125 mm thick concrete cycle way in Lawrence Drive from Marsden Lane to Limekilns Drive in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: Because the size and density of the subdivision is such as to warrant a concrete cycle way in this (those) location(s). Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

34. **The developer is to improve that part of the existing drainage channel which runs from Lawrence Drive to Limekilns Road (known as Boyd Creek Western Tributary) within the subject land so that it has sufficient capacity to drain the run off from a 1 in 100 years storm with 500mm freeboard, prior to overtopping. All work is to comply with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: Because this utility is necessary to serve the development and to provide storm water drainage to the subject land or other land in the locality. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

35. **The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: Because the character of the subdivision is such as to warrant storm water drainage of this type. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

36. **All road and inter allotment drainage is to be conveyed to a legal point of discharge, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

REASON: Because the character of the development is such that storm water will be increased and must be safely conveyed to the storm water drainage system. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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

COLUMN 1	COLUMN 2
Road construction	<ul style="list-style-type: none"> Following site regrading, and prior to installation of footway services;

COLUMN 1	COLUMN 2
	<ul style="list-style-type: none"> • Excavation and trimming of subgrade; • After compaction of subbase; • After compaction of base, and prior to sealing; • Establishment of line and level for kerb and gutter placement; • Subsoil Drainage; • Road pavement surfacing; • Pavement test results (compaction, strength).
Drainage	<ul style="list-style-type: none"> • After laying of pipes and prior to backfill; • Pits after rendering openings and installation of step irons.
Water	<ul style="list-style-type: none"> • After laying of mains and prior to backfill; • After laying of services and prior to backfill; • Pressure testing.
Sewerage	<ul style="list-style-type: none"> • After laying of pipes and prior to backfill; • Main - air pressure testing; • Manhole - water test for infiltration, exfiltration.
Concrete footway crossings	<ul style="list-style-type: none"> • After placing of formwork and reinforcement, and prior to concrete placement;
Erosion and sediment control	<ul style="list-style-type: none"> • Prior to the installation of erosion measures.
All development and/or subdivision works	<ul style="list-style-type: none"> • Practical completion.

REASON: Because it is in the public interest that Council inspect the work at these stages of development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

38. **The development is to be constructed so that all finished lot levels are at least 500 mm above the 1:100 year flood level. Compliance is to be demonstrated by the provision of finished ground level demonstrating that the levels are 500 mm above the designated flood level.**

REASON: To reduce the likelihood of damage from floodwaters. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

39. **Any proposed site filling is to be Virgin Excavated Natural Material as defined in Division 2 Section 50 of the Protection of the Environment Operations Act (1997), or Excavated Natural Material as defined in Excavated Natural Materials Order (2014) under the Protection of the**

Environment (Waste) Regulation (2014) and is free from organic matter and compacted in horizontal layers not more than 250mm thick to 95% of the standard maximum dry density of the soil. All such works are to comply with Bathurst Regional Council's Guideline for Engineering Works.

NOTE 1: Soil density tests from a NATA registered laboratory and conducted in accordance with Australian Standard AS:1289, will be required prior to the issue of any Subdivision Works Certificate for the erection of a building or the issue of a Subdivision Certificate.

REASON: To ensure that any fill is correctly placed and compacted and to ensure that waste material is not used for the filling of land. Section 4.15 of the Environmental Planning and Assessment Act 1979, and as amended.

40. **If any unidentified material not previously identified as part of an investigation are uncovered during the development, then all works shall stop immediately in that area and Council be contacted. Works are not to recommence until approval has been received from Council. Depending upon the nature and the significance of the material, further assessment may be required before further work can continue in that area. Unexpected finds include but are not limited to:**

- a) **Suspected contamination in the form of ash, staining, discolouration, odours, underground petroleum storage systems or suspected asbestos containing material; or**
- b) **Suspected Aboriginal relics in the form of tools, artwork, bones etc; or**
- c) **Suspected non-Aboriginal heritage relics not previously identified.**

REASON: To ensure that the impact of the proposed development on identified and potentially threatened species is minimal or negligible. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

41. **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 (Approvals) Regulation, 1999. Section 4.12 of the Environmental Planning and Assessment Act 1979, as amended.

42. **The construction of water and sewerage reticulation to serve each residential lot and, where required, each open space lot in accordance with Bathurst Regional Council's Guidelines for Engineering Works.**

The developer is to extend the trunk delivery watermain from the intersection of Lawrence Drive and Limekilns Road, along Lawrence Drive

then along the Northern Side of Marsden Lane to the intersection of Marsden Lane and Sunbright Road. No property service connections are to be connected directly to the delivery main.

NOTE 1: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.

REASON: Because these utilities are necessary to serve the subdivision. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

43. The reconstruction of the intersection of Marsden Lane and Lawrence Drive including:

- a) kerbing and guttering and sealing of the road shoulder at the intersection and for 20 metres either side of the intersection on both sides of the road;**
- b) construction of a median island 7.5 metres in length in Lawrence Drive and Marsden Lane;**
- c) installation of street lighting**

in accordance with the provisions of Bathurst Regional Council's Guidelines for Engineering Works.

REASON: To increase the capacity of the intersection so that it may cater for the increased traffic likely to be caused by the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

44. The reconstruction and sealing of the full half road width (6.5m) and construction of barrier kerb and gutter in both Marsden Lane and Limekilns Road for the full frontage of the subject land. All such works are to comply with Bathurst Regional Council's Guidelines for Engineering Works.

NOTE: Limekilns Road and Marsden Lane are to be designed as Local Distributor Roadways.

REASON: To provide for the drainage of stormwater and increase the capacity of the road system in the locality of the proposed development. Sections 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

45. The construction of an energy dissipating structure at the point where the storm water from the development will enter the channel, in accordance with Bathurst Regional Council's Guidelines for Engineering Works.

REASON: To prevent soil erosion occurring. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

47. **The existing fence encroaching on the public road is to be removed and a new fence erected along the boundary between the subject land and the public road.**

REASON: Because part of the public road should not form part of the area to be occupied by the development. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

48. **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. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

49. **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. Section 4.15 of the Environmental Planning and Assessment Act 1979.

PRIOR TO SUBDIVISION CERTIFICATE

50. **Landscaping is to be carried out and maintained in perpetuity in accordance with the certified Landscape Plan and Vegetation Management Plan (prepared by Environmental Factor, dated 3 September 2020). Modification to the certified Landscape Plan and Vegetation Management Plan shall only be after receiving written approval from Council.**

NOTE 1: The landscaping is to be completed prior to the issue of any Subdivision Certificate and maintained in perpetuity.

REASON: To ensure that adequate landscaping is provided and maintained on the subject land to ensure the maintenance of amenity. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

51. **Prior to the issue of any Subdivision Certificate, lighting for streets and public domain spaces must be provided and must be energy efficient lighting (LED or equivalent) as approved by Council. Street lighting is to be provided or upgraded in accordance with:**
- a) **AS/NZS 1158 Series (Parts 0-5) - Lighting for Roads and Public Spaces (Design Category P3),**
 - b) **SA/SNZ Technical Specification 1158.6 Lighting for roads and public spaces – Luminaires,**
 - c) **Council's Engineering Guidelines, and**
 - d) **Any requirements of the appropriate electricity authority.**

REASON: To ensure the development complies with the requirements of *Bathurst Regional Development Control Plan 2014*. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

52. **The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion to be held by Council for a minimum period of 12 months. The bond must be lodged with Council before a Subdivision Certificate will be issued by Council.**

REASON: In order to cover cost of any works requiring repair. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

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

- a) **Interallotment drainage.**
- b) **Road and interallotment drainage.**
- c) **Roads.**
- d) **Intersections.**
- e) **Road shoulder, kerb and gutter.**
- f) **Finished ground levels in relation to flood level.**
- g) **Footpaths.**
- h) **Cycleways.**
- i) **Drainage channel.**

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 that 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. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

54. **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. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

55. **The applicant is to obtain a Subdivision Certificate pursuant to Section 6.4 of the Environmental Planning and Assessment Act 1979, as amended from Council. The final survey plan and two paper copies are to be submitted to Council along with the application for the Subdivision Certificate prior to its lodgement with the Lands Titles Office.**

NOTE 1: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of the development consent have been complied with and the appropriate fee paid.

REASON: Because it is in the public interest that the plan is certified in accordance with the provisions of the Environmental Planning and Assessment Act 1979, as amended. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

56. **The final plan of survey is to show an Easement to Drain Water within all affected lots and in favour of all benefitting lots.**

REASON: Because those works referred to (including access works) and which are sited, or are to be sited, on the subject land should be protected by an easement. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

57. **The final plan of survey is to show a 'Restriction as to User' preventing vehicular access across any point on the frontage of Lots 218, 220 and 221 to Marsden Lane and/or Lawrence Drive, and Lots 300 to 307 to Lawrence Drive and/or Limekilns Road.**

REASON: So that the likely amount of traffic to be generated by the development of the subject land does not have a detrimental effect of the movement of traffic on the road specified. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

58. **The final survey plan is to show easements in gross to drain water in favour of Council over all storm water drains conveying road water.**

REASON: Because those drainage works which are sited, or are to be sited, on the subject land should be protected by an easement. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

59. **The dedication of Lots 2001, 2002, 2003 and 2004 as public open space.**

REASON: Because, having considered the matter in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979 as amended, the Council is satisfied that the development will require the provision of, or increase the demand for, these public amenities or public services within the area. Section 4.17 of the Environmental Planning and Assessment Act 1979, as amended.

60. **The developer is to furnish Council with documentary evidence that arrangements, satisfactory to Essential Energy and the appropriate telecommunications authority, for the provision of underground electrical power and telephone lines respectively, to serve each lot, have been made.**

NOTE 1: This information must be submitted before Council will issue the Subdivision Certificate relating to this subdivision.

REASON: So that electrical power and telephone lines are available, it being necessary that these utilities serve the subdivision. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

USE OF THE SITE

61. **The submission of a report from a suitably qualified landscape architect 2 years after the issue of any Subdivision Certificate that certifies that the landscaping implemented under the landscape plan has been adequately retained and maintained. Where vegetation has died or been significantly damaged, it is to be replaced.**

REASON: To ensure the development complies with the requirements of *Bathurst Regional Local Environmental Plan 2014*. Section 4.15 of the Environmental Planning and Assessment Act 1979, as amended.

62. **Clearing of native vegetation is prohibited unless it is specified on the approved Development Application plans. Prior to the commencement of approved clearing, all trees to be retained are to be clearly marked with a radius of 5 metres greater than the drip line identified through barrier fencing or similar. No excavation, parking of plant or equipment or soil stockpiling is to occur within a 5 metre radius of the drip line of retained vegetation. All vegetation must be checked for hollows or active nests prior to felling. If any fauna species are known to inhabit a hollow or nest then an ecologist is to be consulted on the appropriate form of removal and felling that does not result in the death of the animal, and evidence kept of such consultation.**

REASON: To ensure that the impact of the proposed development on the environment and identified and potentially threatened species is minimal or negligible. 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 Planning and Development Department who will be happy to advise you as to whether or not the conditions are relevant.

63. **All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or complying development certificate was made).**

REASON: So that the development complies with the requirements imposed under Clause 98 of the Environmental Planning and Assessment Regulations 2000, as amended. Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

64. 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. Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

65. 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. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

66. **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. Section 4.17(11) of the Environmental Planning and Assessment Act 1979, as amended.

67. **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. Section 4.15(1) & (e) of the Environmental Planning and Assessment Act 1979, as amended.

Endorsement date of determination and operative date:

XXXXXXX

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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