

Hannah Draper:tw:DA0172/2023

16 November 2023

Premise
154 Peisley Street
ORANGE NSW 2800

Dear Sir/Madam

SECTION 4.55 APPLICATION NO: MA0002/2024 – MODIFICATION TO AMEND THE LOCATION OF THE CAR PARK - LOT 20 DP 1262637- MUDGEE HEALTH SERVICE 30 MEARES STREET MUDGEE NSW 2850

Reference is made to the original development application (DA0172/2023) approved by Council on 20 June 2023.

An amended development consent No. MA0002/2024 is now attached.

The consent is a legal document and should be kept for your future reference as the development proceeds. It should be noted that commencement of the development implies your acceptance of the conditions of consent.

Should you have any query regarding the consent or associated conditions, do not hesitate to contact myself or the appropriate Council officer.

Yours faithfully



**ILIJA SUSNJA
DUTY PLANNER
DEVELOPMENT**

Notice of Amended Determination of a Development Application

Issued under the *Environmental Planning and Assessment Act 1979* Section 4.55 (1A)

Our Ref: HD:TW:DA0172/2023	Sec 4.55 No: MA0002/2024
Applicant: Premise 154 Peisley Street ORANGE NSW 2800	Land to be Developed: Lot 20 DP 1262637 30 Meares Street MUDGEES NSW 2850
Proposed Development: Modification to amend the location of the carpark.	Building Code of Australia Classification: -
Date of Determination: 15 November 2023	
Determination: CONSENT GRANTED subject to conditions set out below	
Consent to operate from: 20 June 2023	Consent to lapse on: 20 June 2028

Original DA No: DA0172/2023

Section 4.55 No: MA0002/2024 - Modification to amend the approved car park location associated with the approved multi-dwelling housing.

CONDITIONS

APPROVED PLANS

- The development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below, except as varied by the [REDACTED] herein and/or any plan notations.

	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Modified Site Plan – Parking	Job Code 222158, Sheet Number 08_04_MOD_DA - A001	D	10/11/2023	Premise
Floor Plan – 1 Bed	Job Code 222158, Sheet Number A004	D	17/11/2022	Premise
Elevations and Section – 1 Bed	Job Code 222158, Sheet Number A004	B	18/10/2022	Premise
Floor Plan – 2 Bed	Job Code 222158, Sheet Number A007	D	17/11/2022	Premise
Elevations and Section – 2 Bed	Job Code 222158, Sheet Number A007	B	18/10/2022	Premise

Title / Name:	Drawing No / Document Ref	Revision / Issue:	Date:	Prepared by:
Floor Plan – 2 Bed, 1 Bath	Job Code 222158, Sheet Number A010	D	17/11/2022	Premise
Elevations and Section – 2 Bed, 1 Bath	Job Code 222158, Sheet Number A010	B	18/10/2022	Premise
External Materials Schedule	Job Code 222158, Sheet Number A013	B	18/10/2022	Premise
BASIX Certificate issued on	1347458M	-	18 October 2022	Marline Newcastle Pty Ltd

MODIFIED BY MA0002/2024

GENERAL

2. For clarity, this development consent provides approval for multi dwelling housing only.
3. Notwithstanding the approved plans, the structure is to be located clear of any easements.
4. All building work must be carried out in accordance with the *Building Code of Australia*.

Note – Prescribed condition pursuant to section 4.17(11) of the Environmental Planning and Assessment Act 1979.

5. All earthworks, filling, building, driveways or other works, are to be designed and constructed to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
6. All stormwater runoff from roof and developed surfaces is to be controlled in such a manner so as not to flow or discharge over adjacent properties. This may require grading of the site. Methods of disposal of excess stormwater, including tank overflow, must include adequate provision for the prevention of erosion and scouring.
7. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible for accurately locating all existing services before any development works commence to satisfy this condition.

If any alteration is required to existing utilities or assets due to this proposed development, then relevant authorities are to be contacted prior to carrying out any activities that impacts upon existing assets.

8. Any damage caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction, and at no cost to Council.
9. Structures are to be located at least 1500mm away from the centreline of the sewer pipe, such that they do not encroach into any easement. The footing for the wall must be of sufficient depth to extend below the Zone of Influence, to ensure no additional loading is placed on the existing sewer pipe.

10. In accordance with Council's Development Control Plan, the following types of development are not permitted over an existing sewer main or easement for sewer/stormwater drainage:
- Erection of permanent structures,
 - Cut or fill of land,
 - The planting of trees, or
 - Concrete structures.

Footing designs must ensure that the footing extends below the zone of influence to ensure that no load is placed on existing Council infrastructure.

11. A distance of 6 metres from the nearest part of the development to Essential Energy's padmount substation and 2 metres from the nearest part of the development to Essential Energy's underground powerline (measured horizontally) is required to ensure that there is no safety risk.
12. The applicant shall prepare a flood emergency evacuation and management plan for the proposed development. The plan should advise occupants of flood evacuation procedures and emergency contact telephone numbers. The management plan should avoid the use of the premises during periods of flood emergency or when flood warnings are issued. The applicant should contact Council, the State Emergency Service and NSW Police for advice in the preparation of the management plan.

The evacuation procedures should be permanently fixed to the building in a prominent location and kept up to date at all times.

A copy of the Management Plan shall be submitted to Council prior to use or occupation of the development.

PRIOR TO THE COMMENCEMENT OF WORKS

13. Prior to the commencement of any site or building works, the building work shall be certified by or on behalf of the Crown to comply with the Building Code of Australia, in accordance with Clause 6.28(2) of the *Environmental Planning and Assessment Act 1979*.
14. Prior to the commencement of works, the developer shall pay a long service levy at the prescribed rate to either the Long Service Levy Corporation or Council, for any work costing \$250,000 or more.

Note – The amount payable is currently based on 0.35% of the cost of work. This is a State Government Levy and is subject to change.

15. No work shall commence until the developer has notified Council of:
- The appointment of a contractor for the works; and
 - The date on which work will commence.

Such notice shall include details of the Principal Contractor and must be submitted to Council at least two (2) days before work commences.

16. Prior to the commencement of works the applicant must prepare a Construction Management and Traffic Management Plan. The following matters should be addressed in the plan:

- a) A plan view of the entire site and frontage roadways indicating:
 - i) Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
 - ii) Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
 - iii) The locations of proposed work zones in the frontage roadways.
 - iv) Location of any proposed crane, concrete pump, truck standing areas on and off the site.
 - v) A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.
 - vi) Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
 - vii) An on-site parking area for employees, tradespersons and construction vehicles as far as possible.
 - viii) The proposed areas within the site to be used for the storage of excavated material, construction materials and waste and recycling containers during the construction period.
 - ix) How it is proposed to ensure that soil/excavated material is not transported onto surrounding footpaths and roadways.
- b) During excavation, demolition and construction phases, noise generated from the site must be controlled.
- c) All site works must comply with the occupational health and safety requirements of the New South Wales WorkCover Authority.
- d) All traffic control plans must be in accordance with the RMS publication *Traffic Control Worksite Manual* and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum for six (6) weeks prior to the activity proposed being undertaken.

- 17. Prior to the commencement of works, a sign must be erected in a prominent position on the site on which the proposal is being carried out. The sign must state:
 - a) Unauthorised entry to the work site is prohibited.
 - b) The name of the principal contractor (or person in charge of the site) and a telephone number on which that person may be contacted at any time for business purposes and including outside working hours.

Any such sign must be maintained while the work is being carried out, but must be removed when the work has been completed.

- 18. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

NOTE - ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE.

19. Prior to the commencement of construction, run-off and erosion controls must be implemented and must be inspected to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
- a) Diverting uncontaminated run-off around cleared or disturbed areas
 - b) Erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - c) Preventing the tracking of sediment by vehicles onto road, and
 - d) Stockpiling of top soil, excavated materials, construction and landscaping supplies and debris within the lot.
20. If the work involved in the erection/demolition of the building;
- 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 site 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. Any such hoarding, fence or awning is to be removed when the work has been completed.

21. The developer must ensure 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. Prior to any construction works commencing, the developer should confirm they can maintain these requirements as construction may not be possible. 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](#).

DURING WORKS

22. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 (EP&A Act) and Regulations and all relevant Australian Standards, unless otherwise varied by the Minister pursuant to clause 6.28(3) of the EP&A Act.
23. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
24. The following applicable works shall be inspected and passed by an officer of Council, irrespective of any other inspection works undertaken by an accredited certifier, prior to them being covered. In this regard, at least 24 hours notice shall be given to Council for inspection of such works. When requesting an inspection please telephone Council's Customer Counter on 6378 2850 and quote Council's DA reference number located on the front page of this consent.
- a) Internal and external sanitary plumbing and drainage.
 - b) Water plumbing.
 - c) Final inspection of the installed sanitary and water plumbing fixtures upon the building's completion prior to its occupation or use.

25. Construction work noise that is audible at other premises is to be restricted to the following times:
- a) Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
26. On-site car parking shall be provided for a minimum of 6 vehicles, and such being set out generally in accordance with Council's DCP Section 5.1 Car Parking and AS2890. All driveways, access corridors and car parking areas are to be designed in accordance with AS2890.1 & 2 - Parking Facilities. The car parking areas shall be constructed with a base course of adequate depth to suit design traffic loadings with an all-weather sealed surface treatment, graded and drained in accordance with Council's DCP.
27. The applicant shall collect all roof and stormwater runoff from the impervious areas on site, and any other drainage entering the site, and discharge it to Council's satisfaction in accordance with Council's DCP Appendix B1 Stormwater Drainage Design.
28. The applicant shall ensure that the finished floor levels of the proposed building are not less than RL 473.50m AHD. Portions of any structure located below this level shall be constructed from flood compatible materials.
29. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
- b) Appropriate dust control measures;
- c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
- d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
30. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and Heritage NSW notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of Heritage NSW.
31. The requirements of BASIX Certificate number(s) 1347458M issued on 18 October 2022 must be installed and/or completed in accordance with the commitments contained in that certificate. Any alteration to those commitments will require the submission of an amended BASIX Certificate to the Council and/or the Principal Certifying Authority prior to the commencement of the alteration/s.

PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

32. Prior to the occupation of the development, the building/s are to be completed and satisfy all relevant requirements of the Building Code of Australia.
33. Prior to the use or occupation of the dwellings, the applicant is to provide separate water and sewer reticulation services to the dwellings.
34. The waste storage areas/bins are to be concealed from public view with 1.5m high screens. The screens are to be installed prior to the occupation of the dwellings.

35. Prior to the occupation of the development all approved car parking and associated driveway works are to be completed.
36. Prior to the occupation of the development, an arrangement must be in place for the removal of all waste.
37. Prior to the occupation of the development, a copy of the Flood Evacuation and Management Plan shall be submitted to Council.
38. Prior to the occupation of the development all landscaping works as shown on the approved site plan are to be completed.
39. A 1.8 metre high screen fence is to be provided to all side and rear boundaries between each unit behind the building line prior to occupation of the development. All fencing is to be provided at full cost to the developer.
40. Prior to the occupation of the development, the 6 car parking spaces adjacent to the multi dwelling housing shall include signage and line marking clearly stating that those spaces are for resident hospital staff only.
41. Prior to the occupation of the development a satisfactory final inspection report from the Council must be obtained verifying that all sanitary and water plumbing works are completed completion prior to the occupation or use.

ESSENTIAL ENERGY ADVISORY NOTES

Essential Energy makes the following general comments:

1. If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;
2. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with;
3. 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;
4. 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.

COUNCIL ADVISORY NOTES

1. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning - Public Places".
2. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.

3. Division 8.2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
4. If you are dissatisfied with this decision section 8.7 of the EP&A Act gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice, pursuant to section 8.10(1)(b).
5. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

STATEMENT OF REASONS

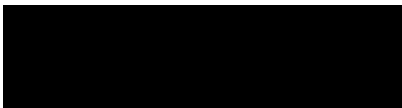
The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.
3. No public exhibition was considered necessary.

Other Approvals:

N/A

Signed on behalf of Mid-Western Regional Council by:



**ILIJA SUSNJA
DUTY PLANNER
DEVELOPMENT
16 November 2023**

Notes:

1. *The modification of a development consent does not change the date from which the consent operates, or the date to which the consent lapses.*
2. *Section 8.9 of the Act confers on an applicant who is dissatisfied with this determination a right of appeal to the Land and Environment Court and the Court may determine the appeal.*
3. *To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the Act.*