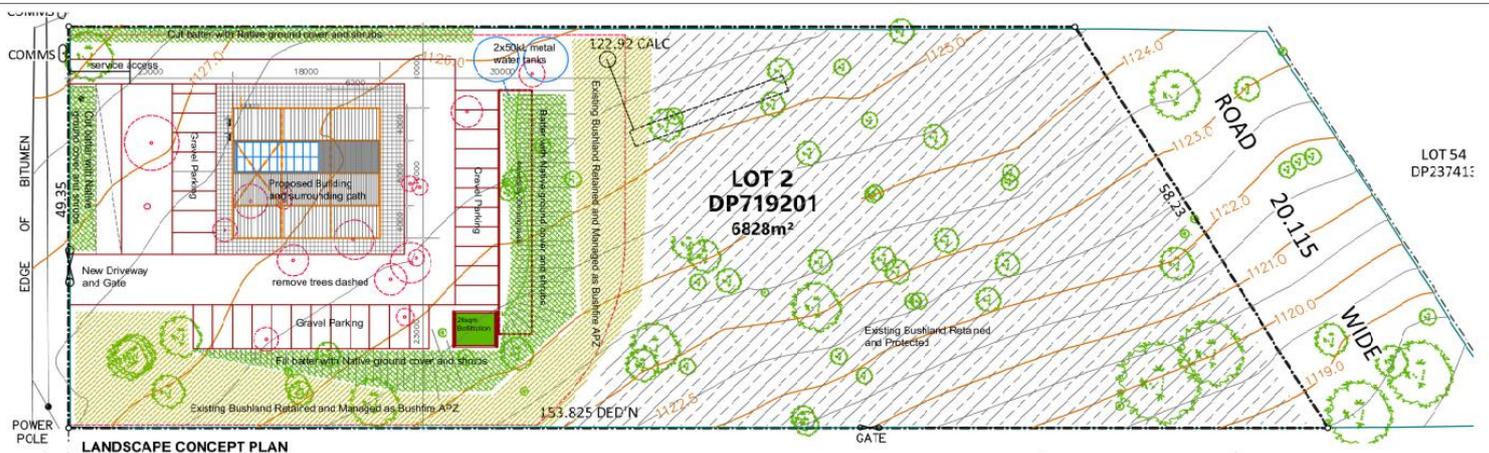


DEVELOPMENT ASSESSMENT REPORT – DA130/22 - PROPOSED COMMUNITY HALL, LOT 2 DP 719201, 45 PETRA AVENUE CLARENCE NSW 2790

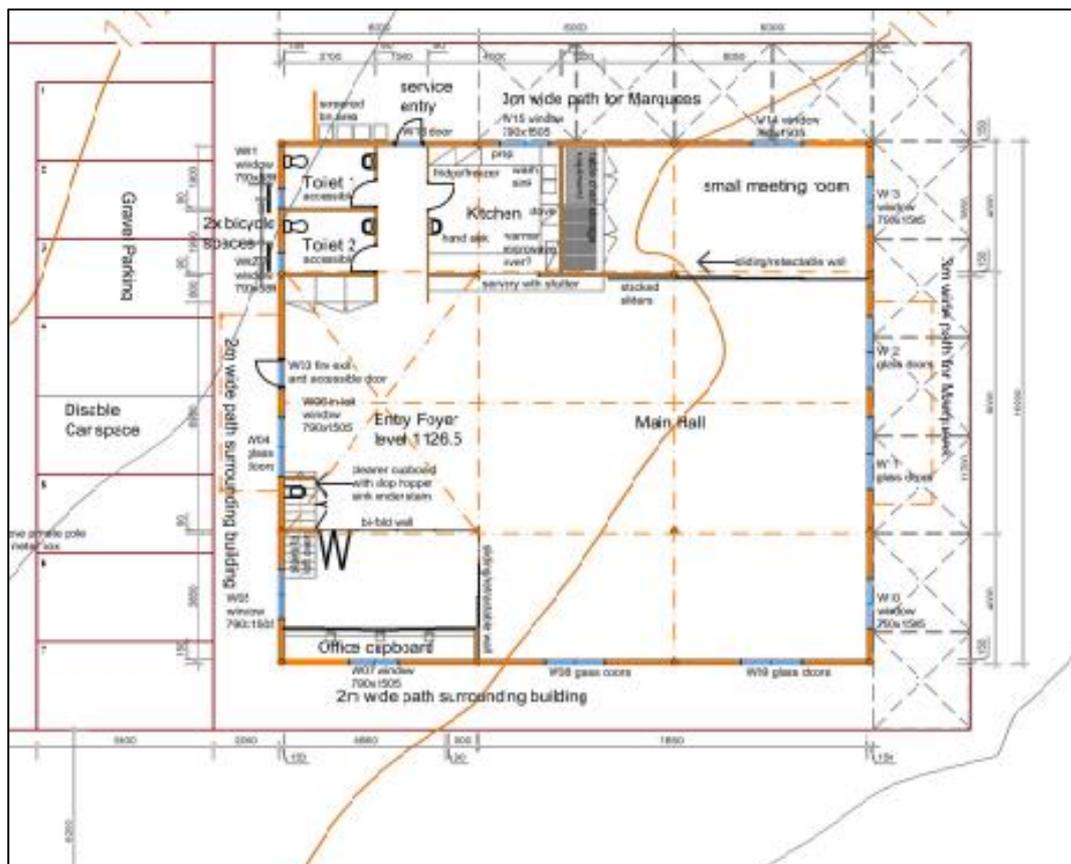
1. PROPOSAL

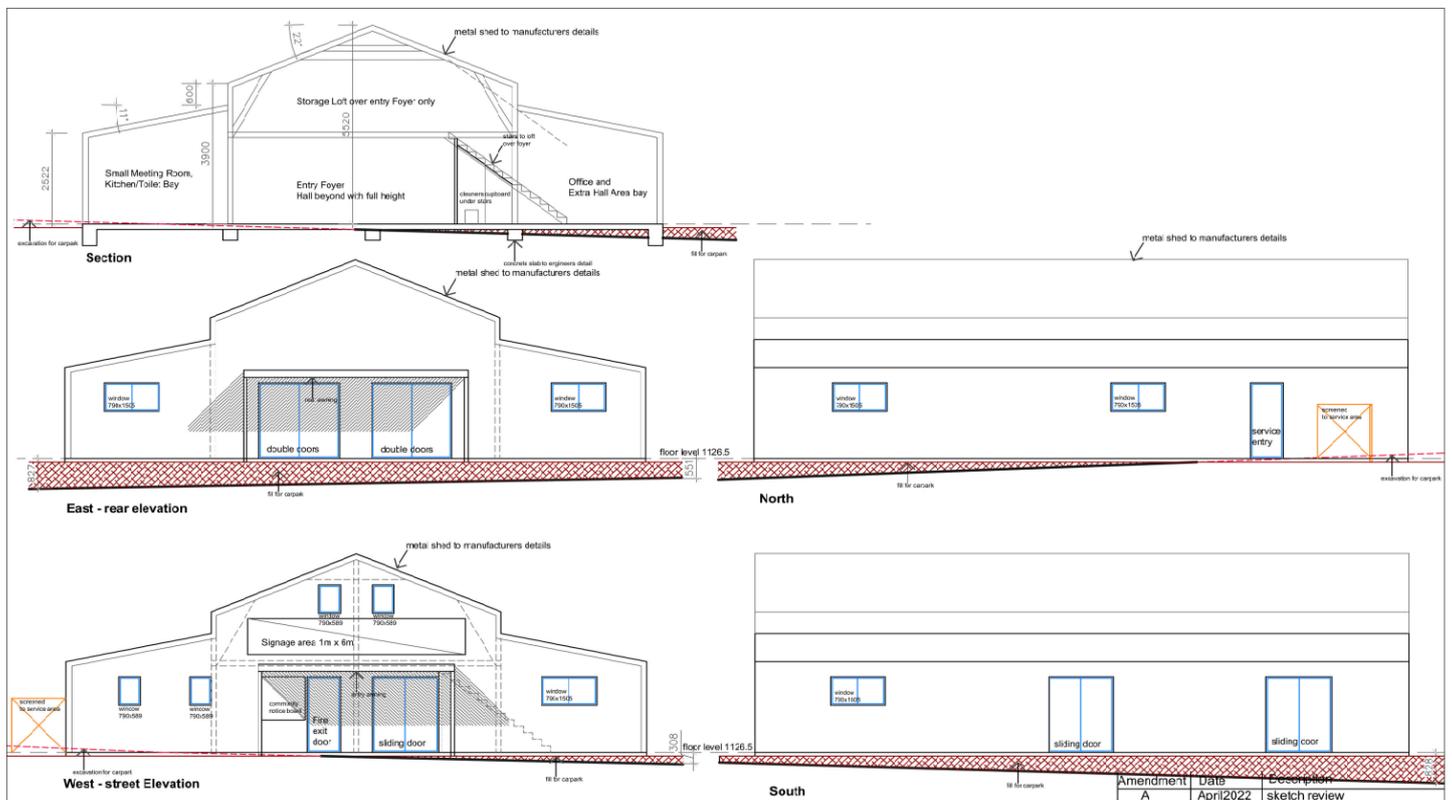
Council is in receipt of a Development Application DA130/22 from ABCD Inc for a community hall on Lithgow Council owned land known as Lot 2 DP 719201, 45 Petra Avenue Clarence NSW 2790.

The proposal is for a colourbond barn style building 18m by 18m with a surrounding path 2m wide. The internal layout includes main hall, entry foyer, storage cupboards, office, meeting room, kitchen and two toilets with a storage loft over the front entry foyer. The site will require construction of two driveway accesses, earthworks to level the site with 30 carspaces and 2 x 50KL metal water tanks. Below is a site plan and elevations of the proposal.



LANDSCAPE CONCEPT PLAN





The building is to be a community hall for up to 100 people for community events such as Annual Bushfires Healing Ceremony, community meetings such as Heads Up for Fire Group, local social events, classes and clubs. It is proposed to also use the site for post disaster briefings and support services in case of a natural disasters such as the most recent bushfires. The site will also be utilised for Community Markets for a maximum of 52 days a year, however it is envisaged it would be less then this.

A 1m x 6m sign will be painted showing the hall name and ABCD Logo, with the final name of the hall to be developed in consultation with the community through ABCD inc. A notice board on the site is proposed to replace the existing community notice board for the area.

The proposed construction, not including bushfire requirements, will remove approximately 16 mature trees and understorey at the front of the allotment and maintain over 50% of the allotment as natural bushland. Additional thinning resulting from NSW Rural Fire Service requirements may be required for the remainder of the allotment, however mature trees will be maintained were possible.

2. SUMMARY

To assess and recommend determination of DA130/22 with recommendation for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 2 DP 719201
 Property Address : 45 Petra Avenue CLARENCE NSW 2790

4. ZONING

The land is zoned R5 Large Lot Residential in accordance with the *Lithgow Local Environmental Plan 2014* (LEP).

5. PERMISSIBILITY

The proposed use is defined as a Community Facility (defined below) which is permitted with consent on land zoned R5 Large Lot Residential under the LEP provisions.

community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

The proposal is to be run by a non-for-profit organisation for community use of Clarence residents being for social, cultural and intellectual development and welfare.

The use of the site for community markets is defined as below which is not permissible in the R5 Large Lot Residential zoning under LEP2014:

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

To provide permissibility of the markets which is ancillary to the community facility Clause 2.8 Temporary Use of Land will be utilised as below:

2.8 Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

The maximum use of the markets is to be no more than 52 days of the year. The use is temporary for the site and would be ancillary to the community facility use on the land.

The proposed markets would not require any additional facilities other than temporary structures to be on the site and the site would easily be restored back to its original condition after each market day. As such the proposal will meet the requirements of Clause 2.8 of the LEP providing permissibility for the markets.

5.1 POLICY IMPLICATIONS (OTHER THAN DCPs)

Lithgow City Council Policy 7.6 – Development Applications by Councillors and Staff or On Council Owned Land

This Policy is applicable given the land is owned by Council, with the following to apply:

1. *That, subject to the exemptions in Part 2 of this Policy, the following development applications shall be referred to Council for consideration and determination:*
 - c. *Where the development application is on Council owned land*

As such this application will be reported to a Council meeting for consideration and determination.

Lithgow Community Participation Plan

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA) and the proposal required notification to adjoining and adjacent landowners for a period of 14 days. This notification has been undertaken in accordance with the Plan.

5.2 FINANCIAL IMPLICATIONS

Section 94A (Section 7.12) Development Contributions Plan 2015

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 applies to this development at an estimated cost of \$297,470.00 with the following levies applicable:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

A 'Community facility' is not exempt under Clause 7 of the Plan as it does not meet any of the exemption requirements:

C7 Are there any exemptions to the Levy?

Other development exempted from the levy The following types of development or components of development will also be exempted from a levy under this Plan:

- a) *Development by or on behalf of Lithgow City Council;*
- b) *Development by or on behalf of NSW Government for public infrastructure such as hospitals, police stations, fire stations, education facilities and public transport infrastructure;*
- c) *Development that involves rebuilding or repair after natural disasters such as flooding or bushfires;*
- d) *Development involving alterations and additions to an existing single dwelling;*
- e) *Development involving the demolition of an existing dwelling;*
- f) *Development involving the rebuilding of an existing dwelling;*

- g) An application for an industrial, retail or commercial development where there is no intensification of use or increase in floor space of an existing building.*

Therefore, the following condition of consent should apply to the development if approved:

1. Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 7.12 contribution of \$2,974.70, in accordance with the Lithgow City Council Section 94A (Section 7.12) Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.

5.3 LEGAL IMPLICATIONS

Conveyancing Act 1919

The land contains a reserved road at the back of the allotment which is not currently utilised. The development will not impact on this reserve as part of the proposal. The development complies with the requirements of the Act.

Local Government Act 1993

The application has been submitted with a Section 68 Application under this Act for onsite effluent management system which has been assessed by Council Building Officers. The proposal can meet the requirements of the Act subject to conditions of consent if approved.

Biodiversity Conservation Act 2016

Section 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) prescribes the circumstances in which the Biodiversity Offset Scheme (BOS) is required to be applied to development.

Biodiversity Conservation Act 2016

7.2 Development or activity "likely to significantly affect threatened species"

- (1) For the purposes of this Part, development or an activity is likely to significantly affect threatened species if:*
- (a) it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
 - (b) the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
 - (c) it is carried out in a declared area of outstanding biodiversity value.*

A Flora and Fauna Assessment has been provided from Ecologist- Margaret Turton in relation to the site. It is noted that the site is still recovering from the bushfires, however there was no evidence of threatened/endangered flora or fauna or ecological communities. A test of significance was undertaken for a number of potential flora and fauna species that occur up to 5 km from the site and found that 'the proposal will not have an adverse effect on the life cycle of these species and will not place a viable population of these species at risk of extinction'.

Additionally, 'land clearing' as part of this proposal is a potentially key threatening process of the development. However, the proposal for removal of 16 trees and understory on an area of 0.3ha would not be a key threatening process as a classification for 'Land Clearing'.

Recommendations outlined in the Flora and Fauna report will be implemented as conditions of consent if approved to minimise any further impact of the development on the native vegetation of the site.

Further, for the purpose of Section 7.2(1)(b) of the BC Act, Clause 7.1 of the *Biodiversity Conservation Regulation 2017* (BC Regulation 2017), defines the BOS thresholds, as below:

Biodiversity Conservation Regulation 2017

7.1 Biodiversity offsets scheme threshold (section 7.4)

(1) Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of Part 7 of the Act if it is or involves:

- (a) the clearing of native vegetation of an area declared by clause 7.2 as exceeding the threshold, or*
- (b) the clearing of native vegetation, or other action prescribed by clause 6.1, on land included on the Biodiversity Values Map published under clause 7.3.*

Clause 7.2 of the BC Regulation 2017, declares that where the following areas of clearing are exceeded the BOS will be applicable:

Biodiversity Conservation Regulation 2017

7.2 Clearing of area of land that exceeds threshold

(1) Clearing of native vegetation is declared by this clause to exceed the biodiversity offsets scheme threshold if the area proposed to be cleared is the area set out in Column 2 of the Table to this clause opposite the minimum lot size applicable to the land to be cleared in Column 1 of that Table.

Table

Column 1

Minimum lot size of land

Less than 40 hectares but not less than 1 hectare

Column 2

Area of clearing

0.5 hectare or more

The MLS applicable to the land is 2ha. The total area of land to be cleared for the proposed development is approximately 0.3ha, which is below the 0.5ha threshold prescribed under Clause 7.2 of the BC Regulation. Therefore, the BOS is not applicable to the development under Clause 7.1(1)(a) of the BC Regulation.

Further, the proposed clearing is not to be undertaken on land included on the Biodiversity Values Map under Clause 7.1(1)(b) of the BC Regulation. Therefore, the BOS is not applicable to the development under Section 7.2(b) of the BC Act.

Lastly, the proposed development is not proposed to be carried out in a declared area of outstanding biodiversity value under Section 7.2(c) of the BC Act.

Environmental Planning and Assessment Act 1979

The application is not Integrated under the Bushfires Act 1993 however, the following Section of the EP&A Act is applicable in this instance:

4.14 Consultation and development consent—certain bush fire prone land

- (1) *Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land (being land for the time being recorded as bush fire prone land on a relevant map certified under section 10.3(2)) unless the consent authority—*
- (a) *is satisfied that the development conforms to the specifications and requirements of the version (as prescribed by the regulations) of the document entitled Planning for Bush Fire Protection prepared by the NSW Rural Fire Service in co-operation with the Department (or, if another document is prescribed by the regulations for the purposes of this paragraph, that document) that are relevant to the development (the relevant specifications and requirements), or*
 - (b) *has been provided with a certificate by a person who is recognised by the NSW Rural Fire Service as a qualified consultant in bush fire risk assessment stating that the development conforms to the relevant specifications and requirements.*
- (1A) *If the consent authority is satisfied that the development does not conform to the relevant specifications and requirements, the consent authority may, despite subsection (1), grant consent to the carrying out of the development but only if it has consulted with the Commissioner of the NSW Rural Fire Service concerning measures to be taken with respect to the development to protect persons, property and the environment from danger that may arise from a bush fire.*

As the development is for a community facility it was considered that Council would refer the application under this Section to the NSW RFS for consultation. As a result, the NSW RFS have provided recommended conditions of consent if approved with no objection to the proposal overall.

4.15 Evaluation

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow Local Environmental Plan 2014

LEP 2014 – Compliance Check		
Clause		Compliance
Land Use table	R5 Large Lot Residential	Yes
5.2	Classification and reclassification of public land	Yes
7.1	Earthworks	Yes
7.3	Stormwater management	Yes
7.4	Terrestrial biodiversity	Yes
7.5	Groundwater vulnerability	Yes
7.10	Essential Services	Yes

Comment: The proposal is within a rural residential setting that will not impact on scenic quality and assessment has been undertaken to determine there will be minimal environmental impact subject to conditions of consent. The development is not for residential use and is not expected to conflict with the adjoining residential uses given the design and sporadic use of the hall.

The proposal will not increase the demand for public services or infrastructure as it is supplying a need for a community building to the area. The development has also been assessed in relation to potential impacts to water quality of receiving catchments and found minimal impact subject to conditions of consent if approved. The development will meet the objectives of the zone.

The proposal is located on Council owned land which is listed as operational land a Council recommendation to Declare the future use of the land as a community facility. The proposal will comply with the provisions of Clause 5.2.

The proposal requires leveling of the land to allow for construction and appropriate use of the site with carparking facilities. As part of this earthworks sedimentation and erosion controls will be required to be in place until appropriate groundcover and ongoing maintenance is in place to reduce impacts. The earthworks would not significantly change the drainage of the land and implementation of stormwater treatment being a biofiltration system is to be implemented on the site. The proposal will not cause any additional impact to adjoining landowners given the earthworks will be diverted and control stormwater within the site. The development has also been assessed by Water NSW in relation to drinking water catchment and found to be appropriate subject to conditions of consent being implemented for the site. The earthworks are not expected to affect on any archaeological site or heritage item given the site has not been previously used other than for a shed. The proposal meets the requirements under Clause 7.1 and 7.3 subject to the appropriate conditions of consent being implemented if approved.

Part of the land is mapped as terrestrial biodiversity with a flora and fauna assessment being submitted for consideration with the proposal. As part of this report investigations found no evidence of any threatened or endangered flora, fauna or ecological communities within the site. Regardless, a number of tests of significance were undertaken for flora and fauna species that occur within 5km of the site. It is expected that the development being clearing of approximately 0.3ha will have minimal impact to the overall terrestrial biodiversity in the area. Additionally, the area has been significantly disturbed due to the bushfires and regeneration of the site is still evident.

The proposal being for a community hall will only have impact to groundwater resources through the onsite effluent management system. The development has submitted an adequate Geotechnical Investigation which details that the onsite effluent management system can be adequately maintained wholly within the confines of the allotment. It is considered that through the assessment of this investigation the proposal will have no impact on groundwater vulnerability and complies with the provisions of Clause 7.5. No other uses on the site would have the potential to impact groundwater systems.

The proposal will have adequate access to essential services through electricity and telecommunication being available at the front of the allotment, providing onsite water and effluent disposal systems. The proposal will also provide for adequate access from Petra Avenue which has been considered by Council's Engineering Officers.

The development complies with all appropriate provisions of the LEP.

State Environmental Planning Policy (Biodiversity & Conservation) 2021

The application required a concurrence referral to Water NSW under the SEPP as it is a development that could not be assessed using the NorBE assessment tool. Water NSW have provided their concurrence advise with no objection to the proposal subject to conditions of consent being imposed if approved.

The proposal was assessed in relation to potential impacts to Koala Habitat under the SEPP. A Flora and Fauna assessment was submitted by an ecologist for the application which states that the development is not expected to have an impact on the koala habitat for removal of 16 trees. No further assessment in relation to impact to koala habitat was required as part of the proposal.

State Environmental Planning Policy No 55—Remediation of Land

The site has no previous potentially contaminating uses and therefore no further investigation in relation to contamination is warranted for this proposal.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

Development Control	Assessment Comments
Chapter 2 – Site Requirements	
2.2 Site Analysis, Local Character & Context	
2.2.1 Site Selection	The site has been selected due to ownership by Council and a community need being established since the bushfires for Clarence community. It is considered the site is suitable for the proposed community facility.
2.2.2 Site Analysis & Development Response	The development is site responsive given the design has been located at the front of the allotment where less removal of vegetation is required and less earthworks would be needed to level the site overall.
2.2.3 Local Character & Context	The local character of the area is large lot residential allotments with surrounding area all for residential uses. It is expected that the community facility will compliment these existing uses by providing a facility to allow social interaction for the Clarence community. However, the use has not been previously established in the area, an need for the use has been determined for a range of community uses and post disaster recovery assistance.

2.2.5 Materials	The materials chosen for the proposal are to ensure bushfire resistance and a more rural feel given the large lot residential development. The materials will be non-reflective and be softened by the surrounding bushland/ vegetation in the area.
2.3 Slope Response & Earthworks	
2.3.1 Earthworks	The development has been located on the allotment to minimise overall earthworks required. By locating the building at the front of the allotment will only require earthworks to level the allotment towards the rear. The earthworks will be battered appropriately so as not to impact directly on the adjoining landowners. The fill material will be required to be ENM or VENM with appropriate documentation to be submitted to Council.
2.4 Stormwater Management	Stormwater will be managed onsite using piping, water tank capture and a biofiltration system prior to discharge within the site that will not cause environmental impacts. This process has been assessed by Water NSW and found to be appropriate subject to conditions of consent.
2.5 Vehicle Access & Parking	
2.5.1 Guidelines & Standards	The proposed development will be required to meet the AS requirements as per the Engineers assessment.
2.5.2 Vehicle Access & Driveways	The proposed access has been assessed by Council; s Engineers for appropriate location and found to be adequate subject to conditions of consent.
2.5.3 Loading/Unloading, Delivery & Servicing Facilities	The site will have adequate access to allow for deliveries and unloading of any products used for events and uses of the building. There will be no ongoing deliveries required as part of the community facility.
2.5.4 Parking Location, Design & Circulation	Parking provisions have been assessed by Council's Engineering Officer in relation to design and layout for the site. Given the location the engineers have allowed for a non-sealed driveway development as the site will be used sporadically with the most impact being once a week for events if undertaken.

2.5.5 On-Site Parking Numbers	The proposed development requires a for community facilities 1 space per 10m ² or 1 space per 4 seats available whichever is greater. The overall floor space is 324m ² which requires 32 spaces. However as the proposal is for a maximum of 100 people, 25 spaces per 4 seats could be calculated. As the site is not expected to be used to the full 100 patrons, the requirement for additional two spaces are not warranted and the 30 spaces could be considered sufficient for the majority use of the site.
2.5.7 Bicycle Parking	The provision for bicycle parking for this development have not been provided although 1 for every 15 spaces is required by the DCP. It is considered given the location and type of development that bicycle parking would not be required. The development would not present itself to an easily accessible site for bicycle use given no provisions are within the area i.e. bike path. There is ample space on the site to store bicycles in an area that would not cause nuisance on the site if required, however designated bicycle parking will not be required for the development.
2.6 Pedestrian Access, Mobility & Safety	
The site will be easily accessed by pedestrians given the site will be levelled and carparking for disabled access provided at the front of the building near the primary entrance. Given the location of the proposal majority of patrons will travel by car, however immediate residents may access the site via walking which will be achievable with minimal impact to traffic movements.	
2.8 Utilities, Easements & Infrastructure	
2.8.1 Connection to Utilities	The development will have connection to electricity from the site and onsite effluent management system will be implemented for as reticulated sewer is not available.
2.8.3 On-Site Sewage Management	A Section 68 Application has been applied for as part of the proposal and been assessed as being appropriate for the site by Council's Building Officers and Water NSW.
2.9.6 Water Supply	Water will be provided by 2 x 50,000L metal tanks which is appropriate for the development.

2.10 Solid Waste Management	
The proposal will be self-managed in relation to solid waste. However appropriate conditions of consent will be implemented to ensure all waste is taken to a licenced facility and removed within 48 hours of major events for the site.	
2.10 Amenity/Buffers for Sensitive Uses	
2.10.1 Noise & Vibration	Noise is only expected to have an impact on the surrounding residents when larger events are being undertaken. A condition of consent will be imposed to ensure that impact does not exceed 35db(A) within bedrooms of adjoining residents between 10pm and 7am. The closest residents is over 110m from the development.
2.10.2 Air Emissions, Odour & Dust	The proposal may have impacts in relation to the production of dust during condition and operations. However, conditions of consent can be imposed to ensure that dust is reduced for the development if approved.
2.10.3 Buffers to Sensitive Land Uses	There are existing vegetation buffers between each residential adjoining use on the land and on adjoining lands that will assist with potential impacts.
2.10.4 Buffers & Landscaping	The site development includes landscaping after construction and existing buffers on the site exist with vegetation of the natural bushlands.
Development Control	Assessment Comments
Chapter 3 – Natural Environment & Hazards	
3.2 Bush Fire Prone Land	
The development has been referred to NSW RFS for assessment in relation to bushfire risks under Planning for Bushfire Protection 2019. As part of this process there is no objections raised subject to conditions of consent being implemented for the development.	
3.3 Biodiversity & Vegetation Clearing	
The proposal requires removal of understory and approximately 16 mature trees on the site. A flora and fauna assessment has been undertaken for the development which has found that the proposal will have minimal impact to the biodiversity of the area given it is approximately removing 0.3ha of vegetation. Conditions will be imposed to reflect the recommendations of the flora and fauna assessment if approved.	

3.4 Land & Soils	
Erosion and sedimentation controls will be implemented with conditions of consent imposed if approved. Water NSW have addressed potential impact of the proposal overall and is expected to be minimal impact subject to conditions.	
3.6 Ground & Surface Water Protection	
The proposal being for a community facility will have minimal impact on groundwater vulnerability. The development proposal to have an onsite effluent management system which has been assessed by Water NSW in relation to potential impact to the surrounding water catchments. It is expected that the proposal will have a neutral impact to the area and no impact to exiting groundwater of the area.	
Chapter 7 – Commercial, Community & Industrial Uses (& Advertising & Signage for all relevant uses)	
7.2 General Controls	
7.2.1 Site Analysis & Potential Land Use Conflicts	The development is suitable to the site and subject to conditions of consent will have minimal land use conflicts for a community facility.
7.2.2 Open (Outdoor) Storage, Utility, Waste & Service Areas	There is no proposed outdoor storage of materials and any waste produced at the site will be provided in closable receptacles and removed to a licensed facility. The bin area is to be screened from the street at the north side of the building. The development for a community facility will not require loading and unloading of materials or hazardous materials storage.
7.2.3 Landscaping & Tree Protection	The proposal is to remove approximately 16 mature trees and 0.3ha of understory on the allotment. Approximately 50% of the land will be retained as natural bushlands a maintained as part of landscaping of the site. A landscaping plan has been submitted to soften the development and includes shrubs due to bushfire requirements.
7.2.4 Fencing	No fencing is proposed as part of the development. Rural fencing exists for the site.
7.4 Commercial & Community Uses	
7.4.2 Building Setbacks (General)	The development is setback 20m from the front boundary in which there is an existing grass verge before the constructed road. This setback for the rural residential type environment is considered acceptable. The side setbacks are 10m from the north boundary and 23m from the south boundary.

	These setbacks are suitable for the type of development given the slope of the land and existing vegetation of the site.
7.4.6 Building Height, Bulk & Form	The building peak height is 5.52m to the ridge and is similar in size to surrounding shed developments. The proposed bulk and scale are considered appropriate for the development of the site.
7.4.7 Building Design, Articulation & Facades	The development is oriented towards the street to engage the residential area and design as a rural shed to fit the existing established rural residential character. The building design is appropriately articulated with the roofing design and openings at the streetscape.
7.4.9 Food Premises	The kitchen is to be used for the community use and not in a commercial capacity. The kitchen will comply with appropriate AS and food fit out requirements.
7.6 Advertising & Signage	
The development proposes a building identification sign of 1m by 6m to the front of the building. The sign is to identify the building and providing the ABCD Inc logo. This complies with the requirement of an advertisement integrated with the façade of the building. The sign is an above awning sign and will be flush with the wall. No illumination of the signage is proposed as part of the development.	
7.7 Other Use(s)	
7.7.1 Temporary Use of Land & Markets/Events	The development will comply with the provisions of CI2.8 of the LEP and has appropriately addressed the DCP requirements. Conditions of consent will be imposed if approved to ensure ongoing compliance for the market events.

5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

The development has been assessed against the appropriate regulations by Council's Building Officer. It is considered that the development will comply with regulations that apply to the land.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Adjoining Landuse: The adjoining landuses are for residential development with the closed dwelling being approximately 112m from the building. These landuses will continue with minimal impact given the sporadic use of the site. Large events will be controlled through conditions of consent to further minimise potential land use conflicts.

Services: The development will have adequate onsite services with connection to telecommunications and electricity available to the front of the site. Onsite effluent management system and water will be provided for the development. These services are considered suitable for the proposal subject to compliance with conditions of consent if approved.

Context and Setting: The proposed development will be located within an established residential area with the design, bulk and scale similar to surrounding shed developments. The proposal will be different to the surrounding residential development but is suitable to the site subject to conditions of consent.

Access: The access is from Petra Avenue and has been assessed by Council's Engineers. The access will be appropriate for the development and will be constructed in accordance with the appropriate AS.

Flora and Fauna: The development requires removal of approximately 0.3ha of vegetation including 16 mature trees. The remainder of the allotment will be maintained as natural bushland to reduce the impact of the proposal on the surrounding locality. A Flora and Fauna assessment has been provided with the application which found the scale and type of development will have minimal impact to the biodiversity of the area. Conditions will be imposed to further reduce potential impact of the development on the area if approved.

Social and Economic Impact: As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected a generally positive social and economic impact will result. The need for a community building was raised after the most recent bushfires and has been considered by the community. The use of the building by the Clarence community will be positive subject to compliance with conditions of consent to reduce potential impacts on the immediate residential area.

Soils: Onsite earthworks will be required to level the site for access, construction and car parking areas. The development may require fill to be transported to the site in which a Virgin Excavated Natural Material or Excavated Natural Material certificate will be required to be submitted prior to it being brought to the site. All earthworks will be controlled through sedimentation and erosion control measures and revegetation of the site through landscaping.

Water: The development has been assessed by Water NSW in relation to potential impacts to the receiving water catchments. Water NSW have no objection to the proposed development subject to conditions of consent being imposed to ensure a neutral or beneficial effect on water quality.

Air and Microclimate: The proposal will require earthworks of the site and may at times have increased traffic that may cause dust issues. Conditions of consent will be imposed to ensure dust is controlled within the site during construction and operations if approved.

Waste: Waste will be captured and treated onsite in relation to onsite effluent management for the toilet, kitchen and hand washing facilities. This has been assessed as adequate for the site under the Section 68 Application of the Local Government Act 1993. Solid waste will be captured onsite utilising lidded receptacles and removed from the site to a licenced facility accordingly.

Natural Hazards: The site is within a bushfire prone area and given the nature of the development was referred to NSW RFS for recommendations on the development. As a result no objection was provided subject to imposing appropriate conditions of consent to reduce potential bushfire risk and compliance with Planning for Bushfire Protection 2019.

Noise: Noise from the site may cause impacts to the immediate residents in the result of a larger event. It is proposed to impose conditions of consent to minimise these potential impacts through restricting number of patrons to the building, requiring a management plan for larger events and ensuring noise will not exceed more than 35dB(A) within a bedroom after 10pm to 7am. It is expected that the use of the site will be mainly in daylight hours and impacts in relation to noise not an ongoing occurrence for the site.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for residential pursuits with the size and nature of the development consistent with those in the surrounding area. The development will have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the site is considered to be suitable for the proposal.

5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was required to be referred to Water NSW, NSW Rural Fire Service, Council's Engineers, and Building Officers for assessment. No objections were received through these referral processes subject to the following comments and/or proposed conditions of consent if approved:

BUILDING RECOMMENDATIONS

The proposal provides for:

1. Construction of a community hall having a total area of approximately floor area 336m² comprising a main hall, kitchen, accessible sanitary facilities and storage 'loft'.
2. Construction of vehicular access driveways and onsite carparking spaces.
3. Installation of 2 x 50kL rainwater storage tanks for potable and firefighting use.
4. Construction of a 20m² stormwater biofiltration system.

Notes of Assessment

- No Construction Certificate has been submitted and therefore a detailed assessment against the provisions of the NCC has not been undertaken. However, noting the community use nature of this development, certain Advisory Notes (see below) are recommended to be imposed on the Development Consent to flag certain NCC

compliance related matters that should be addressed by the applicant in conjunction with the future CC application.

- Despite no mention within the SOEE, it is understood from previous discussions with ABCD Inc. that the proposed hall will be used for post disaster recovery purposes on an as needs basis. This use will affect the structural design requirements of the building come CC stage. It is requested that this be clarified by the applicant.
- A NorBE Assessment (see attached) has been carried out with a nominated development class of tourism/recreational/religious/educational. The NorBE Assessment indicates that Water NSW Concurrence is required.
- The application has been referred to NSW RFS for review.

Recommendations

- That the application be referred to Water NSW for concurrence. Please advise once Water NSW have provided concurrence to enable finalisation of S68164/22.
- That the applicant clarify whether the proposed hall will be used for post disaster recovery purposes. Please advise once the applicant has clarified.
- Please advise once a response from NSW RFS has been received.

Once the above matters have been addressed, no objections are raised to the proposed subject to the following conditions being imposed on the Development Consent:

GENERAL REQUIREMENTS

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK

2. Prior to commencing any construction works, the following requirements of the *Environmental Planning and Assessment Act 1979* are to be complied with:
 - a) A principal certifier is appointed in accordance with section 6.6(1) of the Act, and
 - b) If the principal certifier is not Council, Council has been notified of the appointment of the principal certifier no later than 2 days before building work commences in accordance with section 6.6(2) of the Act, and
 - c) A construction certificate has been issued for the building works in accordance with section 6.7 of the Act, and
 - d) Council has been given at least 2 days' notice of the intention to commence building works in accordance with section 6.6(2)(e) of the Act.
3. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
 - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
 - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
4. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.

5. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b) Stating that unauthorised entry to the work site is prohibited and
 - c) Showing the name, address and telephone number of the principle certifying authority for the work.The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
6. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

REQUIREMENTS DURING CONSTRUCTION

7. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
8. All work on site shall only occur between the following hours:
Monday to Friday 7.00am to 6.00pm
Saturday 8.00am to 1.00pm
Sunday and public holidays No work
9. Measures shall be implemented to minimize wind erosion and dust nuisance in accordance with the requirements of the manual – "Soils and Construction" (2004) (Bluebook)
10. A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works—
 - a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - b) could cause damage to adjoining lands by falling objects, or
 - c) involve the enclosure of a public place or part of a public place.
11. Fill imported to the site must be certified as uncontaminated by a Geotechnical Engineer and suitable for the design compaction requirements
12. The following survey reports (prepared by a practising registered Surveyor) are to be submitted to the Principal Certifier:
 - a) A Set-out survey showing the location of slab formwork is to be submitted (prior to pouring of concrete);

PLUMBING AND DRAINAGE REQUIREMENTS

13. Prior to commencement of any plumbing and/or drainage work, a proposed sanitary drainage diagram be submitted to Council for approval to demonstrate compliance with the Plumbing Code of Australia and AS3500. The diagram must include specific details of the proposed drainage configuration, pipe diameter, grade and pipe material (selected to withstand high temperature e.g. HDPE).
14. Prior to commencement of any plumbing and/or drainage work, a Notice of Works is to be submitted to Council from the licensed plumbing contractor in accordance with the Plumbing and Drainage Act 2011.

15. All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 1 & 2 and Comply with the Plumbing Code of Australia (PCA)
16. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.
Forty - eight (48) hours' notice shall be given to Council for inspection of the following:
 - Internal and external drainage lines prior to prior to backfilling.
 - The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged and under test.
 - Hot and cold water installations under test bucket pressure of 1500Kpa
 - On completion of all plumbing drainage and sanitary fixture installations.
17. Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.
18. Prior to the issue of an Occupation Certificate the applicant shall furnish Council with a Certificate of Compliance and approved drainage diagram (SSD) for all sanitary plumbing and drainage installations.

REQUIREMENTS PRIOR TO USE

19. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifier (PC). In this regard an application must be lodged with the PC in conjunction with any request to carry out a final inspection
20. Prior to the issue of any Occupation Certificate, the Onsite Wastewater Management System must be installed in accordance with the conditions of approval vide S68164/22. A satisfactory completion inspection of the Onsite Wastewater Management System must be carried out by Council in this regard.
21. Prior to the issue of any Occupation Certificate, the operation of the onsite sewage management system is subject to an Approval to Operate, issued by Council in accordance with Section 68 of the Local Government Act.
22. Prior to issue of any Occupation Certificate, the performance of fire safety measures listed in the current Fire Safety Schedule must be assessed and verified by the issue of a fire safety certificate that is prepared by suitably accredited practitioner (Fire Safety), engaged by the owner.

Such fire safety certificate is to be issued to the Principal Certifier in accordance with Clause 86 of the Environmental Planning & Assessment (Development Certificate and Fire Safety) Regulation 2021 (the Regulation).

Unless nominated otherwise by the current Fire Safety Schedule, at least once in every twelve (12) month period following the issue of the relevant Occupation Certificate, an Annual Fire Safety Statement must be issued to Council and to Fire & Rescue NSW (Locked Mail Bag 12, GREENACRE NSW 2190). A copy of such Fire Safety Schedule together with the current Annual Fire Safety Statement must be prominently displayed and maintained within the subject building. The Annual Fire Safety Statement issued by or on behalf of the owner of the building must state that:

- a) Each essential fire safety measure specified in the statement has been assessed by an accredited practitioner (fire safety) as capable of performing:
 - i. For an essential fire safety measure specified in the fire safety schedule – to a standard no less than that specified in the schedule, or

- ii. For an original measure within the meaning of section 81 – to a standard no less than that specified in the schedule, and
- b) The building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose grounds for a prosecution under s10.13(1)(d) of the Environmental Planning & Assessment Act 1979 and Part 15 of the Regulation.

ADVISORY NOTES

AN1. The following National Construction Code (NCC) matters are flagged for your pursuit and must be addressed in conjunction with any Construction Certificate application. Detailed architectural drawings must accompany the Construction Certificate application. Please note that this is not an exhaustive list of NCC related items:

- Section B – The building must be designed by a Practising Structural Engineer in accordance with Clauses B1.2 and B1.4 of the NCC Volume 1 2019, inclusive of an Importance Level 3.
- Section C – That Fire Hazard Properties of relevant elements comply with Clauses C1.10 and Specification C1.10 of the NCC Volume 1 2019.
- Section D – A minimum of 2 Exits complying with Clauses D1.2, D1.4, D1.5, D1.6 and D1.10 of the NCC Volume 1 2019 must be provided. Access for persons with a disability must be provided to and within all parts of the building normally used by the occupants in accordance and complying with Part D3 of the NCC Vol. 1 2019 and AS1428.1, including the accessible carparking space and associated path of travel to the principal pedestrian entrance doorway.
- Section E – A list of proposed/required fire safety measures to demonstrate compliance with the relevant clauses of Parts E1, E2 and E4 of the NCC Vol. 1 2019 is to be provided, including details to demonstrate compliance with NSW Table E2.2b of the NCC Vol. 1 2019.
- Section F – A Performance Solution Report addressing compliance with Performance Requirement FP1.4 (Weatherproofing of External Walls) is required to accompany the Construction Certificate. A Performance Solution Report addressing compliance with Performance Requirement FP3.1 (Room or Space Heights) associated with ceiling height within the 'storage loft' is required to accompany the Construction Certificate. Stair geometry and handrails/balustrades must comply with Part F2 of the NCC Vol.1 2019. Sarking must comply with Clause F1.6 of the NCC Vol. 1 2019. Damp proofing of the concrete slab on ground must comply with Clause F1.10 of the NCC Vol. 1 2019. Sanitary Facilities must comply with Part F2 of the NCC Vol. 1 2019 and AS1428.1.
- Section J – Details to demonstrate compliance with Parts J0, J1, J3, J5, J6 and J7 of the NCC Vol. 1 2019 are to be submitted to Council.
- Bushfire Compliance Annotations – applicable bushfire requirements are to be reflected on the CC architectural drawings.

AN2. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:

- (i) the method of protection and
- (ii) the date of installation of the system and
- (iii) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

AN3. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Trenches complete with reinforcing and prior to filling with concrete.

- c) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
- d) Slab base if no piers required and prior to placement of the membrane.
- e) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- f) Framing when external wall and roof cladding is in place and prior to internal linings.
- g) Wet area flashing prior to tiling or covering.
- h) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- i) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.

AN4. That every glazed door, glazed panel that is capable of being mistaken for a doorway or unimpeded path of travel and other glazed panel is to be glazed with safety glazing complying with the Building Code of Australia.

AN5. That all "wet area" floors, including concrete, shall be flashed to walls with approved material so as to effectively prevent moisture entering the structure. Particular attention is to be paid to the flashing of the shower recess. Any wet area flashing shall comply with AS 3740 "Waterproofing of Wet Areas within Residential Buildings".

ENGINEERING RECOMMENDATIONS

I refer to the abovementioned Development Application in regard to your referral dated 13 July 2022 and provide the following comments:

Note for Planner:

It is desirable to have a sealed parking area. However, considering it is in a rural area, the proposed gravel parking is supported according to merit-based assessment.

It is desirable to have maximum 1:4 batter adjacent to parking areas. The proposed 1:3 batter maybe a potential hazard for vehicles to use parking areas. Wheel stops have been conditioned to minimize the hazard.

The proposed temporary land use (markets) has adverse impact on vehicle manoeuvring. But it can be solved by non-engineering management, especially considering it is only maximum 52 days a year.

The proposed vehicle accesses along Petra Ave comply with AS2890.

It is recommended that the following conditions be placed on the Development Consent:

- The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors / Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.
- The proposed access driveways off Petra Ave are to provide a minimum entry splay of 6.0 metres in width. The access driveway shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface, and is to be (2) two-coat bitumen sealed (14/7mm pre-coated aggregate) from the edge of Petra Ave to the Property boundary or alternatively concreted.

- The Telecommunication Pit shall be relocated in accordance with the relevant Authority's regulations and standards due to the conflict between the pit and proposed northern driveway crossing. A minimum one (1) metre clearance shall be provided between proposed driveway crossings and any street tree/existing services. A trafficable pit may be acceptable subject to a consent from relevant Authority.
- Vehicular access and manoeuvring associated with the subject development shall be designed in accordance with AS 2890.1, AS 2890.2 and AS 2890.6.
- A wheel stop shall be installed for each proposed parking.
- The Applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.
- Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions and watercourses, and shall be regularly maintained by the Applicant, and retained until works have been completed and groundcover established.

WATER NSW REQUIREMENTS

The subject property, which has been inspected by Water NSW, is located within the Warragamba catchment which forms part of Sydney's water supply.

The following documents have been considered in its assessment of the application:

- Statement of Environmental Effects, Site Plans, Small Scale Stormwater Quality Modelling (S3QM) Certificate all prepared by Six B Design (all dated May 2022), and
- Wastewater Report prepared by Blue Mountains Geological and Environmental Services Pty Ltd (dated May 2022).

Water NSW's site inspection identified that the run-on from the neighbouring property, located in the north of the property (Lot 1 DP 719201), currently drains to the subject site. Water NSW considers that the upslope run-on should be diverted away so as not to impact site's stormwater management measures (i.e., biofiltration stormwater treatment system) and effluent management area (EMA).

Water NSW considers that the proposed EMA is over-sized considering there is only one event per month that generates peak wastewater loading, based on the provided information. Water NSW discussed this matter with the relevant consultant and suggested downsizing the EMA for sustainable long-term operation and maintenance. However, the consultant did not agree to downsize the EMA. This matter has been addressed in below conditions.

Based on Water NSW's site inspection and the information provided, the proposed development has been assessed by Water NSW as being able to achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW concurs with Council granting consent to the application subject to the following conditions:

General

1. The site layout and works shall be as specified in the Statement of Environmental Effects (dated May 2022) and shown on the Site Plan (Dwg No. 030422-DA01C, Amendment C, dated May 2022) both prepared by Six B Design. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under the State

Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.

Wastewater Management

2. The septic tank and an absorption trench shall be designed, located, and installed in accordance with the recommendations in the Wastewater Report (Ref No. 220503, dated May 2022) prepared by Blue Mountains Geological and Environmental Services Pty Ltd, and Designing and Installing On-Site Wastewater Systems (WaterNSW, 2019). The wastewater management system shall:
 - have a septic tank with a minimum volume of 3000 litres and be fitted with an outlet filter
 - ensure the effluent distribution pipe from the tank to the absorption trench:
 - is buried at a minimum depth of 300 mm (500 mm under access way), and
 - laid in a manner that provides protection against mechanical damage or deformation
 - have an absorption trench
 - with a total base area of 40 square metres e.g. one trench 20m long x 2m wide
 - located as shown on the Figure 1 of the report
 - fenced off/protected from livestock and vehicle
 - ensure that all effluent is fully assimilated within the boundaries of the property
 - have switching valves and/or a dosing/distribution mechanism installed and set up to ensure that the effluent is evenly distributed to all parts of the trench including during:
 - daily wastewater loads, and
 - peak wastewater loads
 - ensure all run-on and stormwater collected from roofs, access roads and other hard surface areas, particularly along northern property boundary, is diverted away from the trench, e.g. by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.
3. Appliances and fixtures with at least a four star ratings shall be installed in the building to minimise the volume of wastewater produced.
4. These conditions of consent relating to wastewater management shall be provided to the installers of the wastewater treatment and effluent management systems.
5. The on-site wastewater management system shall be maintained according to Section 5 of the Department of Local Government's guidelines On-site Sewage Management for Single Households (1998), AS/NZS 1547:2012 On-site Domestic Wastewater Management, and the manufacturer's specifications.

Reason for Conditions 2 to 5 – To ensure that the on-site wastewater management system is appropriately designed, located, and constructed so as to have a sustainable neutral or beneficial effect on water quality over the longer term.

Stormwater Management

6. All stormwater treatment and management measures shall be implemented as shown on the Site Plan (Dwg No. 030422-DA01C, Amendment C, dated May 2022) prepared by Six B Design. Stormwater management measures shall include:
 - pits, pipes
 - 2 x 50,000 litres rainwater tanks
 - 30 metres swale, and
 - biofiltration stormwater treatment system.
7. The biofiltration stormwater treatment system shall:

- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
- also incorporate the following:
 - a minimum surface and filter area of 20 square metres
 - extended detention depth of 200 mm
 - a filter depth (excluding transition layers) of 600 mm above the underdrains
 - a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
- be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
- ensure to direct all discharge and overflow to stabilised surface via appropriately armoured discharge points
- be accessible from driveway by machinery to facilitate cleaning, monitoring, and maintenance of the structures
- be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management
- be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised, and.
- be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised.

Reason for Conditions 6 & 7 – To ensure appropriate stormwater treatment and quality control measures are designed, implemented, and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

Others

8. No variation to stormwater treatment or management and wastewater treatment and effluent management systems that will have any impact on water quality shall be permitted without the agreement of Water NSW.
9. Council shall not issue an Occupation Certificate until Council has received the certification from:
 - the installers and approved the onsite wastewater management system under the Local Government Act 1993 as being consistent with these conditions, and
 - a suitably qualified stormwater consultant or engineer in writing that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Operational Environmental Management Plan

10. An Operational Environmental Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:
 - be prepared prior to the issuance of an Occupation Certificate
 - include the details on the location and nature of stormwater management structures such as pits, pipes, swale, biofiltration stormwater treatment, and rainwater collection system
 - outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
 - identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
 - include checklists for recording inspections and maintenance activities, particularly for biofiltration stormwater treatment system.

11. All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan.

Reason for Conditions 8 to 11 – To ensure there is an overall and sustainable neutral or beneficial impact on water quality during all phases of the proposed development Construction Activities

12. An Erosion and Sediment Control Plan shall be prepared for all works required as part of the development by a person with knowledge and experience in the preparation of such plans. The Plan shall meet:
 - the requirements outlined in Chapter 2 of NSW Landcom’s Soils and Construction: Managing Urban Stormwater (2004)
 - be prepared prior to Council issue a Construction Certificate; and be to the satisfaction of Council, and
 - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain.
13. The Erosion and Sediment Control Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and groundcover established.

Reason for Conditions 12 & 13 – To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation, and pollution within or from the site during this phase.

NSW RURAL FIRE SERVICE REQUIREMENTS

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted and provides the following recommended conditions:

General Conditions

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of developments.

1. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.
Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.

Asset Protection Zones

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

2. From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire property must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:
 - tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of 2m above the ground;
 - tree canopies should be separated by 2 to 5m;
 - preference should be given to smooth barked and evergreen trees;

- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Construction Standards

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

3. New construction must comply with sections 3 and 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

Access – Property Access

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

4. Property access roads must comply with the following requirements of Table 7.4a of *Planning for Bush Fire Protection 2019*:
 - property access roads are two-wheel drive, all weather roads;
 - the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes).
 - there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
 - minimum 4m carriageway width (service access excluded from this requirement);
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - the crossfall is not more than 10 degrees; and,
 - maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

Water and Utility Services

Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.

5. The provision of water, electricity and gas must comply the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:
 - A minimum 10,000 litre minimum capacity static water supply (SWS) must be provided on site;
 - a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure;
 - 65mm Storz fitting with a ball valve is fitted to the outlet;
 - ball valve and pipes are adequate for water flow and are metal;
 - supply pipes from SWS to ball valve have the same bore size to ensure flow volume;

- underground tanks have an access hole of 200mm and a hardened ground surface for truck access is supplied within 4m to allow tankers to refill direct from the tank;
- above-ground tanks are manufactured from concrete or metal;
- raised tanks have their stands constructed from non combustible material or - bush fire-resisting timber (see Appendix F of AS 3959);
- unobstructed access can be provided at all times;
- underground tanks are clearly marked;
- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

PUBLIC SUBMISSIONS

The application was notified to adjoining and adjacent landowners for a period of 14 days in accordance with the public participation plan. As a result of this notification period 2 submissions have been received (one outside the notification period) with details summarised below:

- Colour of material to be used and screening of the development to adjoining neighbours.
- Noise issues during events and operating hours
- That the rear portion of the property be maintained
- External lighting impacts on adjoining residents
- The size of the shed being 18m x 18m is excessive for a rural area
- The development will interfere with the natural beauty of the area
- Removal of vegetation will impact on the wildlife and natural growth of the bushland given it has only just started to regenerate after the bushfires.
- A whole ecosystem is being removed as part of this development and further environmental studies should be undertaken.
- A smaller construction on the northern side of the allotment would be more beneficial.
- 30 carspaces will cause large gatherings with noise, car fumes and not suitable to the existing peaceful area.

Conditions of consent to minimise potential impacts to sensitive receivers is proposed through the following:

- The proposed use is for a Community Facility with the site to be managed by a non-for-profit community organisation or public authority and no commercial or residential uses are permitted under this consent. The maximum number of patrons to the site is to be no more than 100 people.

- That all external lighting be directed within the property boundaries ensuring all lighting is downwards pointing. No lighting is to be directed to the street or adjoining neighbours that would cause a nuisance to those receivers.
- Due to the proximity to residents, noise is not to exceed, in any bedroom, 35dB(a) between 10pm to 7am.
- Markets and large events are to be limited to no more than 52 days of each year. Every market event is to ensure that the site is returned to its previous condition including, but not limited to; clean up of the site in relation to waste, temporary structures removed and rehabilitation of the site.
- That any mature, hollow bearing trees requiring removal are inspected for the presence of any fauna species, and if any found during the removal process, WIRES is contacted
- Weeding of invasive weed species on the lot is to be carried out, and maintenance of native species understory implemented at minimum on an annual basis.
- Disposal of any waste produced at the site is the responsibility of the operator/community organisation and is to be removed to an appropriate licenced facility. Any waste resulting from larger events on the premises are to be removed from the site within 48 hours of the events finish to minimise potential impacts to the surrounding area.
- The Applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site. Further controls may be necessary during larger events to minimise dust due to traffic movements and is the responsibility of onsite management.
- Landscaping be implemented for as per the landscaping plan prior to Occupation Certificate. Vegetation within the existing bushland is to be retained in perpetuity in a way that would not cause nuisance to adjoining residents by overgrown vegetation and meets the requirements set by NSW Rural Fire Service within this consent.

Proposed conditions of consent have been formulated to reduce noise, dust, erosion and environmental impacts.

It is expected that the site will not be in continuous use given the nature of the development as a community facility and major events would happen no more than 52 days of the year. These larger events will be controlled to minimise impact on the surrounding residential landowners through maximum numbers, clean up requirements and parking controls and is considered appropriate scale for the site.

5.3.9 The public interest

The public interest is best served by the orderly and economic use of land for permissible uses and that does not impact unreasonably on the use and development of surrounding land.

The use of the site for a community facility will meet the needs put forward by the Clarence community as a result of the most recent bushfires and will provide a positive local space. The proposal is expected to have a positive social impact to the area overall.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA130/22 is approved subject to conditions set out in Schedule A.

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.

Plan No.	Plan Name	Rev	Date

2. The proposed use is for a Community Facility with the site to be managed by a non-for-profit community organisation or public authority and no commercial or residential uses are permitted under this consent. The maximum number of patrons in the building is to be no more than 100 people.
3. An events calendar is to be made available to the residents of Clarence through a notice board, online access or letterbox drop to provide details of upcoming events on the site. Larger events over an expected participation of 80 or more people should be notified to Council and include a plan of management for waste, noise, capacity control, food, signage, parking and other services at least one week prior to the event.
4. That all external lighting be directed within the property boundaries ensuring all lighting is downwards pointing. No lighting is to be directed to the street or adjoining neighbours that would cause a nuisance to those receivers.
5. Due to the proximity to residents, noise is not to exceed, in any bedroom, 35dB(a) between 10pm to 7am.
6. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
7. The Applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site. Further controls may be necessary during larger events to minimise dust due to traffic movements and is the responsibility of onsite management.
8. Markets and large events are to be limited to no more than 52 days of each year. Every market event is to ensure that the site is returned to its previous condition including, but not limited to; clean up of the site in relation to waste, temporary structures removed and rehabilitation of the site.

Environmental Requirements

9. That any mature, hollow bearing trees requiring removal are inspected for the presence of any fauna species, and if any found during the removal process, WIRES is contacted.
10. Weeding of invasive weed species on the lot is to be carried out, and maintenance of native species understory implemented at minimum on an annual basis.
11. Fill material used must be virgin excavated natural material (VENM) or excavated natural material (ENM) within the meaning of the *Protection of Environmental Operations Act 1997* (POEO) or any other waste derived material subject of a resource recovery exemption under the Protection of the *Environment Operations (Waste) Regulation 2014* that is permitted to be used as fill material. Note: Any waste-derived material subject of resource recovery exemption received at the development site must be accompanied by documentation as to the materials compliance with the exemption conditions and must be provided to Council.
12. Disposal of any waste produced at the site is the responsibility of the operator/community organisation and is to be removed to an appropriate licenced facility. Solid waste on the site is to be placed in closable receptacles. Any waste resulting from larger events on the premises are to be removed from the site within 48 hours of the events finish to minimise potential impacts to the surrounding area.
13. Landscaping to be implemented for as per the landscaping plan prior to Occupation Certificate. Vegetation within the existing bushland is to be retained in perpetuity in a way that would not cause nuisance to adjoining residents by overgrown vegetation and meets the requirements set by NSW Rural Fire Service within this consent.

Engineering Requirements

14. The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors / Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.
15. The proposed access driveways off Petra Ave are to provide a minimum entry splay of 6.0 metres in width. The access driveway shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface, and is to be (2) two-coat bitumen sealed (14/7mm pre-coated aggregate) from the edge of Petra Ave to the Property boundary or alternatively concreted.
16. The Telecommunication Pit shall be relocated in accordance with the relevant Authority's regulations and standards due to the conflict between the pit and proposed northern driveway crossing. A minimum one (1) metre clearance shall be provided between proposed driveway crossings and any street tree/existing services. A trafficable pit may be acceptable subject to a consent from relevant Authority.
17. Vehicular access and manoeuvring associated with the subject development shall be designed in accordance with AS 2890.1, AS 2890.2 and AS 2890.6.

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Section 94

18. Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 7.12 contribution of \$2,974.70, in accordance with the Lithgow City Council Section 94A (Section 7.12) Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.

REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK

19. Prior to commencing any construction works, the following requirements of the *Environmental Planning and Assessment Act 1979* are to be complied with:
- a) A principal certifier is appointed in accordance with section 6.6(1) of the Act, and
 - b) If the principal certifier is not Council, Council has been notified of the appointment of the principal certifier no later than 2 days before building work commences in accordance with section 6.6(2) of the Act, and
 - c) A construction certificate has been issued for the building works in accordance with section 6.7 of the Act, and
 - d) Council has been given at least 2 days' notice of the intention to commence building works in accordance with section 6.6(2)(e) of the Act.
20. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
- a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
 - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.
- Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
21. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.
22. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
- a) Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b) Stating that unauthorised entry to the work site is prohibited and
 - c) Showing the name, address and telephone number of the principle certifying authority for the work.
- The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
23. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

REQUIREMENTS DURING CONSTRUCTION

24. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
25. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work
26. Measures shall be implemented to minimize wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook)
27. A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works—
 - a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - b) could cause damage to adjoining lands by falling objects, or
 - c) involve the enclosure of a public place or part of a public place.
28. Fill imported to the site must be certified as uncontaminated by a Geotechnical Engineer and suitable for the design compaction requirements
29. The following survey reports (prepared by a practising registered Surveyor) are to be submitted to the Principal Certifier:
 - a) A Set-out survey showing the location of slab formwork is to be submitted (prior to pouring of concrete);

PLUMBING AND DRAINAGE REQUIREMENTS

30. Prior to commencement of any plumbing and/or drainage work, a proposed sanitary drainage diagram be submitted to Council for approval to demonstrate compliance with the Plumbing Code of Australia and AS3500. The diagram must include specific details of the proposed drainage configuration, pipe diameter, grade and pipe material (selected to withstand high temperature e.g. HDPE).
31. Prior to commencement of any plumbing and/or drainage work, a Notice of Works is to be submitted to Council from the licensed plumbing contractor in accordance with the Plumbing and Drainage Act 2011.
32. All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 1 &2 and Comply with the Plumbing Code of Australia (PCA)
33. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

34. **Forty - eight (48) hours' notice shall be given to Council for inspection of the following:**
- Internal and external drainage lines prior to prior to backfilling.
 - The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged and under test.
 - Hot and cold water installations under test bucket pressure of 1500Kpa
 - On completion of all plumbing drainage and sanitary fixture installations
35. Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.
36. Prior to the issue of an Occupation Certificate the applicant shall furnish Council with a Certificate of Compliance and approved drainage diagram (SSD) for all sanitary plumbing and drainage installations.

REQUIREMENTS PRIOR TO USE

37. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifier (PC). In this regard an application must be lodged with the PC in conjunction with any request to carry out a final inspection
38. Prior to the issue of any Occupation Certificate, the Onsite Wastewater Management System must be installed in accordance with the conditions of approval vide S68164/22. A satisfactory completion inspection of the Onsite Wastewater Management System must be carried out by Council in this regard.
39. Prior to the issue of any Occupation Certificate, the operation of the onsite sewage management system is subject to an Approval to Operate, issued by Council in accordance with Section 68 of the Local Government Act.
40. Prior to issue of any Occupation Certificate, the performance of fire safety measures listed in the current Fire Safety Schedule must be assessed and verified by the issue of a fire safety certificate that is prepared by suitably accredited practitioner (Fire Safety), engaged by the owner.

Such fire safety certificate is to be issued to the Principal Certifier in accordance with Clause 86 of the Environmental Planning & Assessment (Development Certificate and Fire Safety) Regulation 2021 (the Regulation).

Unless nominated otherwise by the current Fire Safety Schedule, at least once in every twelve (12) month period following the issue of the relevant Occupation Certificate, an Annual Fire Safety Statement must be issued to Council and to Fire & Rescue NSW (Locked Mail Bag 12, GREENACRE NSW 2190). A copy of such Fire Safety Schedule together with the current Annual Fire Safety Statement must be prominently displayed and maintained within the subject building. The Annual Fire Safety Statement issued by or on behalf of the owner of the building must state that:

- a) Each essential fire safety measure specified in the statement has been assessed by an accredited practitioner (fire safety) as capable of performing:
- i. For an essential fire safety measure specified in the fire safety schedule – to a standard no less than that specified in the schedule, or

- ii. For an original measure within the meaning of section 81 – to a standard no less than that specified in the schedule, and
- b) The building has been inspected by an accredited practitioner (fire safety) and was found, when it was inspected, to be in a condition that did not disclose grounds for a prosecution under s10.13(1)(d) of the Environmental Planning & Assessment Act 1979 and Part 15 of the Regulation.

WATER NSW REQUIREMENTS

General

41. The site layout and works shall be as specified in the Statement of Environmental Effects (dated May 2022) and shown on the Site Plan (Dwg No. 030422-DA01C, Amendment C, dated May 2022) both prepared by Six B Design. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

Wastewater Management

42. The septic tank and an absorption trench shall be designed, located, and installed in accordance with the recommendations in the Wastewater Report (Ref No. 220503, dated May 2022) prepared by Blue Mountains Geological and Environmental Services Pty Ltd, and Designing and Installing On-Site Wastewater Systems (WaterNSW, 2019). The wastewater management system shall:
- have a septic tank with a minimum volume of 3000 litres and be fitted with an outlet filter
 - ensure the effluent distribution pipe from the tank to the absorption trench:
 - is buried at a minimum depth of 300 mm (500 mm under access way), and
 - laid in a manner that provides protection against mechanical damage or deformation
 - have an absorption trench
 - with a total base area of 40 square metres e.g. one trench 20m long x 2m wide
 - located as shown on the Figure 1 of the report
 - fenced off/protected from livestock and vehicle
 - ensure that all effluent is fully assimilated within the boundaries of the property
 - have switching valves and/or a dosing/distribution mechanism installed and set up to ensure that the effluent is evenly distributed to all parts of the trench including during:
 - daily wastewater loads, and
 - peak wastewater loads
 - ensure all run-on and stormwater collected from roofs, access roads and other hard surface areas, particularly along northern property boundary, is diverted away from the trench, e.g. by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.
43. Appliances and fixtures with at least a four star ratings shall be installed in the building to minimise the volume of wastewater produced.
44. These conditions of consent relating to wastewater management shall be provided to the installers of the wastewater treatment and effluent management systems.
45. The on-site wastewater management system shall be maintained according to Section 5 of the Department of Local Government's guidelines On-site Sewage Management for Single Households (1998), AS/NZS 1547:2012 On-site Domestic Wastewater Management, and the manufacturer's specifications.

Stormwater Management

46. All stormwater treatment and management measures shall be implemented as shown on the Site Plan (Dwg No. 030422-DA01C, Amendment C, dated May 2022) prepared by Six B Design. Stormwater management measures shall include:
- pits, pipes
 - 2 x 50,000 litres rainwater tanks
 - 30 metres swale, and
 - biofiltration stormwater treatment system.
47. The biofiltration stormwater treatment system shall:
- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
 - also incorporate the following:
 - a minimum surface and filter area of 20 square metres
 - extended detention depth of 200 mm
 - a filter depth (excluding transition layers) of 600 mm above the underdrains
 - a filter media consisting of a clean sandy loam with a certified median particle diameter of 0.5 mm, a maximum orthophosphate concentration of 40 mg/kg and a maximum total nitrogen concentration of 400 mg/kg
 - be planted with appropriate deep-rooted, moisture-tolerant vegetation protected by rock mulch (grass and turf is not appropriate vegetation and organic mulch is not suitable)
 - ensure to direct all discharge and overflow to stabilised surface via appropriately armoured discharge points
 - be accessible from driveway by machinery to facilitate cleaning, monitoring, and maintenance of the structures
 - be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management
 - be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised, and.
 - be constructed after all hardstand areas have been paved or sealed and all ground surfaces have been stabilised.

Others

48. No variation to stormwater treatment or management and wastewater treatment and effluent management systems that will have any impact on water quality shall be permitted without the agreement of Water NSW.
49. Council shall not issue an Occupation Certificate until Council has received the certification from:
- the installers and approved the onsite wastewater management system under the Local Government Act 1993 as being consistent with these conditions, and
 - a suitably qualified stormwater consultant or engineer in writing that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

Operational Environmental Management Plan

50. An Operational Environmental Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- be prepared prior to the issuance of an Occupation Certificate

- include the details on the location and nature of stormwater management structures such as pits, pipes, swale, biofiltration stormwater treatment, and rainwater collection system
- outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
- identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
- include checklists for recording inspections and maintenance activities, particularly for biofiltration stormwater treatment system.

51. All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan.
52. An Erosion and Sediment Control Plan shall be prepared for all works required as part of the development by a person with knowledge and experience in the preparation of such plans. The Plan shall meet:
- the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
 - be prepared prior to Council issue a Construction Certificate; and be to the satisfaction of Council, and
 - include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain.
53. The Erosion and Sediment Control Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and groundcover established.

RURAL FIRE SERVICE REQUIREMENTS

General Conditions

54. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. The Bush Fire Emergency Management and Evacuation Plan should include planning for the early relocation of occupants.
- Note: A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to occupation of the development.*

Asset Protection Zones

55. From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entire property must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:
- tree canopy cover should be less than 15% at maturity;
 - trees at maturity should not touch or overhang the building;
 - lower limbs should be removed up to a height of 2m above the ground;
 - tree canopies should be separated by 2 to 5m;
 - preference should be given to smooth barked and evergreen trees;
 - large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;

- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover;
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.
- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Construction Standards

56. New construction must comply with sections 3 and 7 (BAL 29) Australian Standard AS3959-2018 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and Section 7.5 of *Planning for Bush Fire Protection 2019*.

Access – Property Access

57. Property access roads must comply with the following requirements of Table 7.4a of *Planning for Bush Fire Protection 2019*:
- property access roads are two-wheel drive, all weather roads;
 - the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes).
 - there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available;
 - minimum 4m carriageway width (service access excluded from this requirement);
 - a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches;
 - curves have a minimum inner radius of 6m and are minimal in number to allow for rapid access and egress;
 - the crossfall is not more than 10 degrees; and,
 - maximum grades for sealed roads do not exceed 15 degrees and not more than 10 degrees for unsealed roads.

Note: Some short constrictions in the access may be accepted where they are not less than 3.5m wide, extend for no more than 30m and where the obstruction cannot be reasonably avoided or removed. The gradients applicable to public roads also apply to community style development property access roads in addition to the above.

Water and Utility Services

58. The provision of water, electricity and gas must comply the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*:
- A minimum 10,000 litre minimum capacity static water supply (SWS) must be provided on site;
 - a connection for firefighting purposes is located within the IPA or non-hazard side and away from the structure;
 - 65mm Storz fitting with a ball valve is fitted to the outlet;
 - ball valve and pipes are adequate for water flow and are metal;
 - supply pipes from SWS to ball valve have the same bore size to ensure flow volume;
 - underground tanks have an access hole of 200mm and a hardened ground surface for truck access is supplied within 4m to allow tankers to refill direct from the tank;
 - above-ground tanks are manufactured from concrete or metal;
 - raised tanks have their stands constructed from non combustible material or - bush fire-resisting timber (see Appendix F of AS 3959);
 - unobstructed access can be provided at all times;
 - underground tanks are clearly marked;

- all exposed water pipes external to the building are metal, including any fittings;
- where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; any hose and reel for firefighting connected to the pump shall be 19mm internal diameter;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal;
- polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

ADVISORY NOTES

- AN1. The following National Construction Code (NCC) matters are flagged for your pursual and must be addressed in conjunction with any Construction Certificate application. Detailed architectural drawings must accompany the Construction Certificate application. Please note that this is not an exhaustive list of NCC related items:
- Section B – The building must be designed by a Practising Structural Engineer in accordance with Clauses B1.2 and B1.4 of the NCC Volume 1 2019, inclusive of an Importance Level 3.
 - Section C – That Fire Hazard Properties of relevant elements comply with Clauses C1.10 and Specification C1.10 of the NCC Volume 1 2019.
 - Section D – A minimum of 2 Exits complying with Clauses D1.2, D1.4, D1.5, D1.6 and D1.10 of the NCC Volume 1 2019 must be provided. Access for persons with a disability must be provided to and within all parts of the building normally used by the occupants in accordance and complying with Part D3 of the NCC Vol. 1 2019 and AS1428.1, including the accessible carparking space and associated path of travel to the principal pedestrian entrance doorway.
 - Section E – A list of proposed/required fire safety measures to demonstrate compliance with the relevant clauses of Parts E1, E2 and E4 of the NCC Vol. 1 2019 is to be provided, including details to demonstrate compliance with NSW Table E2.2b of the NCC Vol. 1 2019.
 - Section F – A Performance Solution Report addressing compliance with Performance Requirement FP1.4 (Weatherproofing of External Walls) is required to accompany the Construction Certificate. A Performance Solution Report addressing compliance with Performance Requirement FP3.1 (Room or Space Heights) associated with ceiling height within the 'storage loft' is required to accompany the Construction Certificate. Stair geometry and handrails/balustrades must comply with Part F2 of the NCC Vol.1 2019. Sarking must comply with Clause F1.6 of the NCC Vol. 1 2019. Damp proofing of the concrete slab on ground must comply with Clause F1.10 of the NCC Vol. 1 2019. Sanitary Facilities must comply with Part F2 of the NCC Vol. 1 2019 and AS1428.1.
 - Section J – Details to demonstrate compliance with Parts J0, J1, J3, J5, J6 and J7 of the NCC Vol. 1 2019 are to be submitted to Council.
 - Bushfire Compliance Annotations – applicable bushfire requirements are to be reflected on the CC architectural drawings.
- AN2. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:
- (i) the method of protection and
 - (ii) the date of installation of the system and
 - (iii) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity
- AN3. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a) Pier holes/pad footings before filling with concrete.
 - b) Trenches complete with reinforcing and prior to filling with concrete.
 - c) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
 - d) Slab base if no piers required and prior to placement of the membrane.

- e) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- f) Framing when external wall and roof cladding is in place and prior to internal linings.
- g) Wet area flashing prior to tiling or covering.
- h) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- i) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections

- AN4. That every glazed door, glazed panel that is capable of being mistaken for a doorway or unimpeded path of travel and other glazed panel is to be glazed with safety glazing complying with the Building Code of Australia.
- AN5. That all "wet area" floors, including concrete, shall be flashed to walls with approved material so as to effectively prevent moisture entering the structure. Particular attention is to be paid to the flashing of the shower recess. Any wet area flashing shall comply with AS 3740 "Waterproofing of Wet Areas within Residential Buildings".