

DEVELOPMENT ASSESSMENT REPORT – DA137/22 - PROPOSED HARDWARE AND BUILDING SUPPLIES (BUNNINGS) AND ASSOCIATED WORKS, Lot 26 DP 1244557, 21 WILLOWBANK AVENUE, SHEEDYS GULLY

1. PROPOSAL

Council is in receipt of a Development Application DA137/22 from Ceedive Pty Ltd for the development of a Bunnings Store on land known as Lot 26 DP 1244557, 21 Willowbank Avenue, Sheedys Gully.

The proposed development is to be situated on a new lot approved by Council under Development Consent 003/07DA on 24/11/2008 for a two lot subdivision (as modified in 2017 and 2022). The new lot will be 1.46ha in size, will be wholly contained within the B4 Mixed Use zone and will be accessed by an extension of Valley Drive.

The proposed development is a large floor plate retail development to be occupied by a hardware and building supplies business (Bunnings). The building footprint is 6214m² in size, with a retail floor area of 6020m². The building will comprise a retail warehouse area, a trade area and a nursery, typical of other Bunnings developments.

The building will have a wall/roof height of 8.39m. The building will contain advertising signage and a pylon sign with a height of 15m is proposed. Car parking for one hundred and seventeen (117) vehicles (including five (5) accessible spaces and six (6) trailer bays) is proposed. Facilities for deliveries of materials to and from the development have been provided in a manner that is separate from public access and car parking areas. Two large water tanks for the fire sprinkler system are also proposed at a height of 12m.

No major earthworks are required for the development, with bulk earthworks having been approved as part of Development Consent 003/07DA and MODDA048/22. Some minor earthworks for building foundations and stormwater drainage is required as part of this proposal. The development will be connected to reticulated water, sewer, power and telecommunications services.

A new road will be constructed from Valley Drive that will ultimately be connected to Silcock Street and Hill Street in accordance with the Pottery Estate Indicative Structure Plan in Chapter 9 of the Lithgow Development Control Plan.

Hours of operation for the development are proposed to be:

- 6am – 10pm Monday to Friday;
- 6am – 7pm Saturday, Sunday and Public Holidays.

Previous Approvals

Development consent (003/07DA) was granted on 24 November 2008 for a two lot subdivision and bulk earthworks. The consent was modified in 2017 for additional earthworks and in 2022 to reduce and regularise the shape of the proposed new lot.

A further modification application (MODDA048/22) for additional earthworks has recently been submitted and approved.

Consent Authority

Lithgow City Council is the consent authority for the development application. As the ownership of the land includes a current Lithgow City Councillor, the application is required to be determined at a Council meeting.

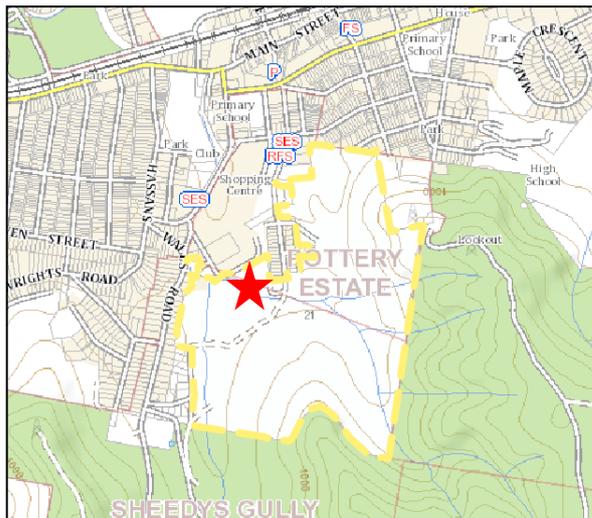
2. SUMMARY

To assess and recommend determination of DA137/22. Recommendation will be for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

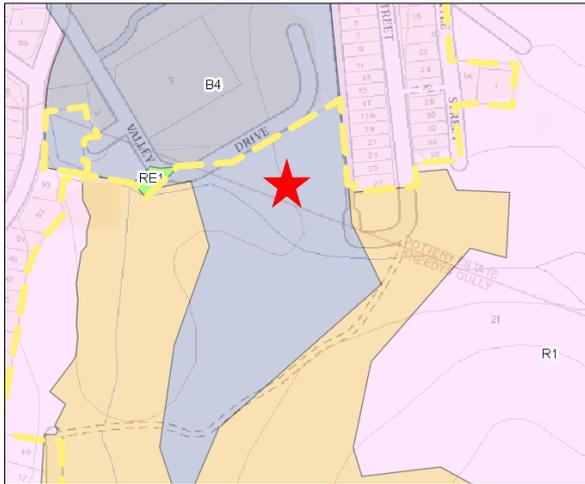
Legal Description : Lot 26 DP 1244557
Property Address : 21 Willowbank Avenue, Sheedys Gully

The location of the proposal is shown in the following map (identified by the red star):



4. ZONING

Lot 26 DP 1244557 contains a mix of zones, including R1 General Residential, C3 Environmental Management and B4 Mixed Use. The proposed lot on which this development will be located is entirely within the B4 Mixed Use zone in accordance with the *Lithgow Local Environmental Plan 2014* (LEP), as shown in the following map:



5. PERMISSIBILITY

The proposed use is defined as hardware and building supplies, which is permitted with consent in the B4 Mixed Use zone. A hardware and building supplies is a type of retail premises, which is a type of commercial premises. As a commercial premises is listed as a permitted use in the B4 zone, so too is a retail premises and therefore a hardware and building supplies.

The use also includes a garden centre (which is separately defined in the LEP and is also permitted with consent in the B4 zone), however it is considered that this use is ancillary to the hardware and building supplies use.

The definitions of the proposed uses are provided below.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note—Hardware and building supplies are a type of retail premises—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may include a restaurant or cafe and the sale of any of the following—

(a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,

(b) pets and pet supplies,

(c) fresh produce.

Note—Garden centres are a type of retail premises—see the definition of that term in this Dictionary.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following—

(d) garden centres,

(e) hardware and building supplies, but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note—Retail premises are a type of commercial premises—see the definition of that term in this Dictionary.

commercial premises means any of the following—

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.*

5.1 POLICY IMPLICATIONS (OTHER THAN DCPs)

Lithgow Community Participation Plan

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA) and prescribes certain types of development as exempt from requiring notification. The proposed development is not exempt from notification. Therefore, adjoining landowners have been notified of the proposal as part of this process.

Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land

This Policy states that where a Councillor is the owner of the land to which the application relates, the application must be determined by referring to a supervising delegated officer or the General Manager or if the application has been called in, the Council. As the ownership of the land includes a current Lithgow City Councillor, the application is required to be determined at a Council meeting.

5.2 FINANCIAL IMPLICATIONS

Section 94A (Section 7.12) Development Contributions Plan 2015

The Section 94A (Section 7.12) plan applies to this development given it is for a commercial development (hardware and building supplies) at an estimated cost of \$8,333,336.00, using the below levies:

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

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

- Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A (Section 7.12) contribution of \$83,333.36, 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.

Development Servicing Plan for Water Supply and Sewerage

The development will be subject to headworks contributions. Appropriate conditions have been included in Schedule A.

5.3 LEGAL IMPLICATIONS

Conveyancing Act 1919

The subject land contains no easements or restrictions on title.

Local Government Act 1993

The proposal will require Section 68 approval for connection to water, sewer and stormwater services. A Section 68 application has been submitted concurrently with this development application and appropriate conditions are included in Schedule A.

Biodiversity Conservation Act 2016

The site of the proposed development is vacant and contains no native vegetation. The broader site does contain some native vegetation however the site is not mapped on the Biodiversity Values Map. Given there is no clearing of vegetation, the proposal will have no direct impact on threatened species or their habitat. The development will connect into existing or extended reticulated services for sewer and stormwater and will therefore have no indirect impact on biodiversity. The proposal is considered acceptable having regard to the provisions of the Biodiversity Conservation Act 2016.

Coal Mine Subsidence Compensation Act 2017

The subject land is located within the Lithgow Mine Subsidence District and is Integrated Development as an approval is required under Section 22 of the Coal Mine Subsidence Compensation Act 2017. The application was referred to Subsidence Advisory NSW who have provided General Terms of Approval for the development. These have been included with the recommended conditions of consent.

Rural Fires Act 1997

The proposed development is not a special fire protection purpose and therefore does not require a Bush Fire Safety Authority under the Rural Fires Act 1997.

Water Management Act 2000

The NSW hydroline spatial data map shows a watercourse traversing the subject land. However, as a result of the bulk earthworks undertaken on the site under a separate approval, this watercourse no longer exists. The development therefore proposes no works within 40m of a watercourse and the development does not require a Controlled Activity Approval under the Water Management Act 2000.

Environmental Planning and Assessment Act 1979

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	B4 Mixed Use	Yes
5.10	Heritage Management	Yes
7.1	Earthworks	Yes
7.3	Stormwater management	Yes
7.4	Terrestrial Biodiversity	Yes
7.5	Groundwater vulnerability	Yes
7.7	Sensitive Lands	Yes
7.10	Essential Services	Yes
7.12	Development in Pottery Estate	Yes

The objectives of the B4 Mixed Use Zone are as follows:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To promote development that does not detract from the role of the town centre core commercial precincts.*
- *To promote the retention and reuse of heritage items as well as the retention of established buildings that contribute positively to the heritage and cultural values of lands at Portland.*
- *To maintain or improve the water quality of receiving water catchments.*

The proposal is considered to be consistent with the objectives of the zone by providing an appropriate commercial land use in an appropriate location. The type of development proposed is suited to vehicular access given the bulky nature of many of the items sold and for the servicing of tradespeople. The proposal will not detract from the role of the Lithgow Town Centre for core commercial purposes.

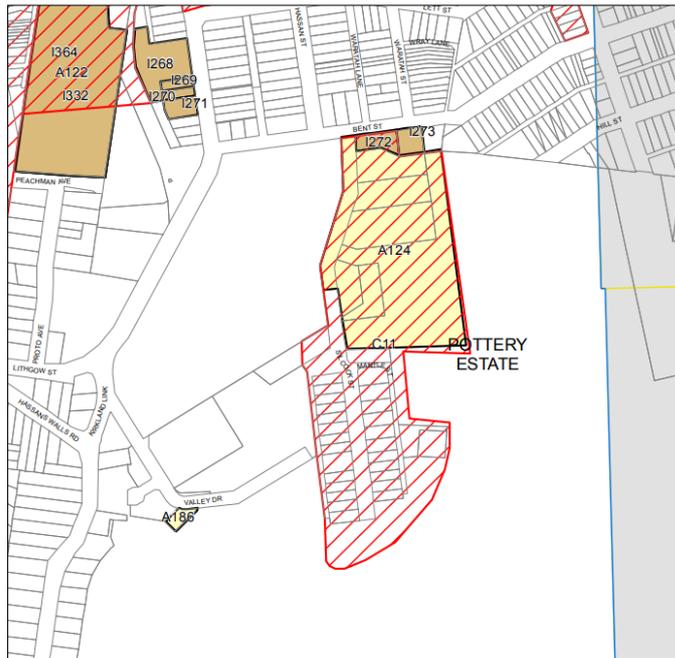
Clause 5.10 – The subject land contains a part of two sites listed in Schedule 5 of the Lithgow Local Environmental Plan 2014, being:

Archaeological Site A124: Lithgow Valley Pottery and Brickworks
Heritage Conservation Area C11: Pottery Estate

Both of the above are listed as being of State significance, with item A124 listed on the State Heritage Register.

The site also adjoins another listed archaeological site, being A186, the Lithgow Valley Colliery Quoits Field, listed as an item of local significance.

The following map identifies the heritage items:



No part of the proposed development encroaches into the mapped areas. The proposed development is approximately 160m from the mapped archaeological site. The application was referred to Heritage NSW who confirmed that the proposed development is not Integrated Development.

The proposed development is approximately 20m from the Pottery Estate heritage conservation area. Between the subject development and the dwellings in the Pottery Estate is an embankment with the dwellings sitting above.

The development is also approximately 20m from the adjoining Quoits field archaeological site.

The following map shows how the subject land relates to the Pottery Estate heritage conservation area and the Quoits field archaeological site:



A Statement of Heritage Impact was submitted with the development application. The report concluded that:

1. *Lithgow Valley Colliery & Pottery site;*
 - a. *The development is located well away from this location and will have no physical impact or impact on the curtilage of the place.*
 - b. *Due to its separation from the site by both distance and elevation the development will have no negative impact on any of the aspects of significance ascribed to this place.*
2. *Silcock Street Heritage Conservation Area;*
 - a. *The development will have no impact on the assessed characteristics of this precinct.*
 - b. *The development will enhance one assessed characteristic of the precinct: "It is also of interest that the estate is separated from other housing and continues to be surrounded by commercial and industrial development. The character of the estate, through its isolation, will remain"*
3. *Lithgow Valley Colliery Quoits Field;*
 - a. *The development has been positioned to avoid disturbance of the quoits field site.*
 - b. *The location of an access roadway and carparks on the western side of the development will protect the visual curtilage of quoits field precinct.*

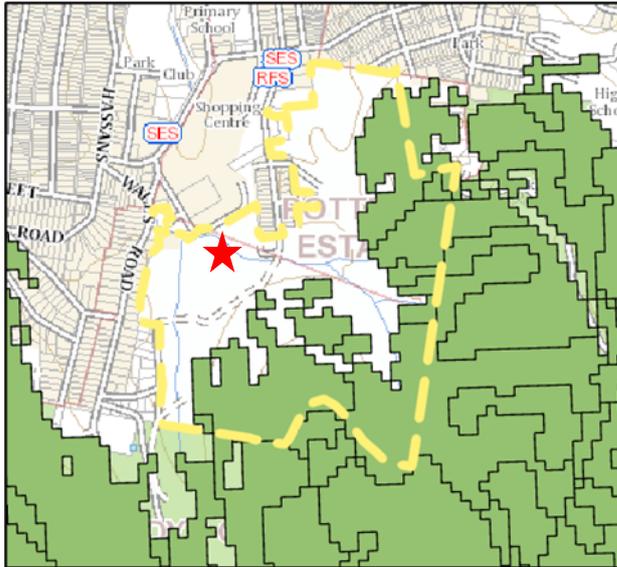
The Statement of Heritage Impact also states that "*there is potential that construction traffic could accidentally damage the quoits field site. This area should be fenced and protected prior to commencement of the development.*" A condition relating to this matter is recommended.

Subject to the above referenced condition, it is considered that the proposal will have no detrimental impact on the significance of the adjoining heritage items and conservation areas.

Clause 7.1 – Bulk earthworks to create a level pad for development has been undertaken under a separate development consent. Minor additional earthworks for building foundations, site services and stormwater drainage will be required. The extent of additional earthworks is therefore minimal and it is considered that the proposal will have minimal impacts on drainage patterns and soil stability in the locality of the development. There are no waterways or environmentally sensitive areas in the vicinity of the development. Standard conditions regarding erosion and sediment control are recommended.

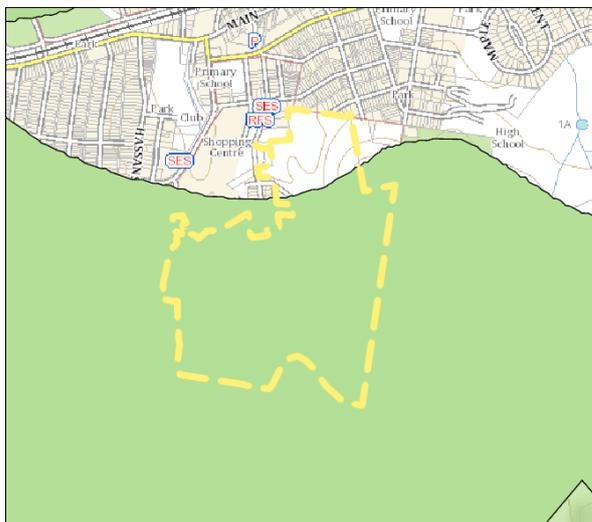
Clause 7.3 – The proposal involves stormwater detention and treatment devices on the site to manage stormwater from the development. In addition, a series of stormwater treatment devices are proposed within the new road reserve to treat stormwater runoff from the road. Council's Engineers have assessed the proposal and have deemed it satisfactory subject to conditions.

Clause 7.4 - The site of the proposed development is vacant and contains no native vegetation. The broader site does contain some native vegetation, as shown on the map below.



Given there is no clearing of vegetation, the proposal will have no direct impact on terrestrial biodiversity. The development will connect into existing or extended reticulated services for sewer and stormwater and will therefore have no indirect impact on biodiversity. The proposal is considered acceptable having regard to the provisions of clause 7.3.

Clause 7.5 – The subject land is mapped as groundwater vulnerable as shown on the map below.



With minimal cut and fill and the connection of services into reticulated systems, the proposal is unlikely to have any impacts on groundwater.

Clause 7.7 – Part of the site is mapped on the Environmentally Sensitive Areas – Land Overlay Map. Clause 7.7 (3) states that, before determining a development application for development on land to which this clause applies, the consent authority must consider whether the development is likely to have any adverse impact on the following—

- (a) any land with slopes greater than 25%,
- (b) any land subject to high erosion potential,

- (c) any land subject to salinity or impeded drainage,
- (d) any land subject to regular or permanent inundation,
- (e) any significant karst environment (including ecological, air quality and movement, water quality, biodiversity, geodiversity (geomorphical and geological), heritage, recreational and sociological values).

The subject land is flat, does not have high erosion potential, is not subject to salinity or impeded drainage or permanent inundation and is not a karst environment. The proposal is considered satisfactory having regard to clause 7.7.

Clause 7.10 – The proposal will be connected to all essential services.

Clause 7.12 – Clause 7.12 (3) states that development consent must not be granted for development on land to which this clause applies unless the consent authority has taken into consideration a development control plan approved by the Council for that purpose.

Council has adopted relevant DCP provisions for the Pottery Estate in Chapter 9 of the Lithgow DCP. Development consent can therefore be granted to the proposed development. An assessment of the proposal against Chapter 9 of the DCP is provided below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 8 of this SEPP relates to the Sydney Drinking Water Catchment. The application was referred to Water NSW who advised that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. Conditions recommended by Water NSW have been included in Schedule A.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of this SEPP relates to remediation of contaminated land. A Preliminary Contamination Investigation report was submitted with the development application. The report provides the following site history.

"The Lithgow Valley Colliery operated on the site and surrounding areas which operated in the early 1900's. Mine shafts were located under the site. The site was used for equipment storage and processing equipment is located further to the west. A presumed conveyor belt was identified on the site in the 1975 aerial image. The site appeared vacant and has been disturbed by tracks.

Due to the subsidence risks remediation of the site was undertaken in 2019. The coal was removed from under the site by open cut excavation after removal of 2m covering clay and sandstone overburden. The coal seam was approximate 2m thick and completely removed. Several original mine shaft were intercepted in the coal removal works. The area was remediated by backfilling with crushed sandstone and sandy clay overburden from adjacent areas.

No underground storage tanks (UST) or contaminating industrial activities were identified as occurring on the site from the review of site history."

The report states that the land has been vacant since at least 1966 and since that time the only activity has been the removal of coal from the land and remediation by backfilling.

Soil sampling was undertaken on the site. Fill material comprising dark brown to yellow brown gravelly clayey sand to sandy clay was identified to a depth of approximately 4m over gravelly sand and sandstone. Trace amounts of chitter and foreign brick materials were identified in some boreholes.

The report made the following conclusions:

"Levels of all potential contaminants of concern in the soil samples were less than adopted thresholds for commercial land-use. The level of copper in the groundwater sample collected was above the aquatic freshwater ecosystem trigger value for protection of 95% of species. The level of zinc in the groundwater sample collected was above the aquatic freshwater ecosystem hardness-modified trigger value for protection of 95% of species. Elevated environmental background and regional levels of copper and zinc are typical in the locality and no ecological impacts are expected. Levels of all other potential contaminants of concern in the groundwater samples were below the level of detection and less than adopted thresholds for commercial land-use."

The report concludes that the site is suitable for commercial land use and recommends an unexpected finds procedure should be developed for implementation during future development works. A condition has been included in Schedule A.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of this SEPP relates to advertising and signage. Section 3.6 of the SEPP states that *'a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—*

- (a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5."*

The relevant objectives are as follows:

- (a) to ensure that signage (including advertising)—*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish.*

Comment – The development includes signage on the building and one 15m high pylon sign at the corner of Valley Drive and the proposed new road. A visual analysis of the proposed pylon sign has been undertaken demonstrating that the sign will not be overly visible from key vantage points in the locality. An addendum to the Statement of Heritage Impact was also provided to assess the impact of the sign on nearby heritage items and conservation areas. The following photographs represent the sign in its proposed location:



View of proposed pylon sign from laneway at rear of Silcock Street dwellings. Given the orientation of the sign, it will be barely visible from this location.



View of location of sign from Lithgow and Bent Streets. The sign will not be visible from this location.



View from Lithgow and Mort Streets. The top of the sign will be visible above rooftops, but will not be obtrusive.



View from Lithgow Street and Valley Drive. The sign will be barely visible behind existing vegetation.

Based on the above, it is considered that the proposed signage is consistent with the objectives of the SEPP.

The following table addresses the assessment criteria in Schedule 5 of the SEPP.

Assessment Criteria	Comment
<p>1 Character of the area</p> <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signage is consistent with typical large format retail signage. While the proposed pylon sign is higher than other similar signs in the vicinity, it is considered that the location and height of the sign is appropriate and it has been demonstrated in the visual analysis that it will not be overly visible from important vantage points.</p>
<p>2 Special areas</p> <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposed sign will have no significant impact on the outlook from the Silcock Street heritage conservation area. While the sign is tall, it will not penetrate the skyline and the proposed colours will blend with the distant vegetation.</p>
<p>3 Views and vistas</p> <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed sign will have no significant impact on views or vistas.</p>
<p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>As demonstrated by the visual analysis, the proposed pylon sign is appropriate in scale, proportion and form. The additional height does facilitate wayfinding to the site. From some viewpoints, the sign does protrude above rooflines, however the extent of the protrusion is relatively small.</p>
<p>5 Site and building</p> <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? 	<p>The scale and location of the proposed signage is compatible with the scale and form of the building and the size and location of the site.</p>

<ul style="list-style-type: none"> Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	
<p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	Yes
<p>7 Illumination</p> <ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	<p>The building and pylon signs will be externally illuminated via overhead LED lighting. The lighting will be directed downwards and towards the face of the sign thus minimising any glare when viewed from surrounding properties.</p> <p>The lights can be programmed to be switched off once trading has ceased.</p>
<p>8 Safety</p> <ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposed signs will not reduce safety for users of the local road network.

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 is suitable for the proposed development being appropriately zoned. The development will have minimal impacts on adjoining properties or the environment. Access for heavy vehicles is appropriately provided.

2.2.2 Site Analysis & Development Response	The application was accompanied by a site analysis and the development has adequately responding to the site analysis and surrounding site context.
2.2.3 Local Character & Context	The proposed development is considered suitable having regard to the local context.
2.2.4 Visually Prominent Sites	Not applicable.
2.2.5 Reflective Materials	Reflective materials are not proposed.
2.3 Slope Response, Earthworks and Retaining Walls	
2.3.1 Earthworks	Bulk earthworks for the site have been approved under a separate development application. Minimal additional earthworks for building foundations is required. The proposal will therefore have minimal impacts on drainage patterns or adjoining properties.
2.3.2 Retaining Walls	Not applicable.
2.4 Stormwater Management	The proposal involves collection and storage of roofwater in tanks and discharge via bioretention basins. The proposal is considered satisfactory in relation to stormwater management.
2.5 Vehicle Access & Parking	
2.5.1 Guidelines & Standards	The proposal can comply with the relevant guidelines and standards.
2.5.2 Vehicle Access & Driveways	The proposal is considered satisfactory with regards to access.
2.5.3 Loading/Unloading, Delivery & Servicing Facilities	The development is designed to adequately provide for loading and unloading of heavy vehicles.
2.5.4 Parking Location, Design & Circulation	The proposal is considered satisfactory in relation to parking design and circulation.
2.5.5 On-Site Parking Numbers	The proposal significantly exceeds the minimum parking requirement. The DCP requires 48 spaces (at 1 space per 130m ²). The proposal provides 114 spaces.

2.5.6 Exemptions to Off-Street Car Parking Requirements	Not applicable.
2.5.7 Bicycle Parking	Dedicated bicycle parking facilities are not proposed to be provided. As the proposed use is not likely to generate demand for cycle access, the proposal is considered satisfactory.
2.6 Pedestrian Access, Mobility & Safety	
2.6.1 Accessibility	The proposal will comply with the relevant accessibility standards.
2.6.2 Pedestrians	The proposal is considered satisfactory with separate pedestrian access at the main entry and marked pedestrian crossings of the internal parking aisles to the main entrance.
2.6.3 Street Numbering & Letterboxes	Not applicable.
2.7 Designing for Crime Prevention	
2.7.1 Crime Risk Assessment	A formal crime risk assessment is not considered necessary for the development. The proposed development will provide good natural surveillance of the parking area and the building entrance. Access control is proposed at building entrances and the rear loading/unloading area.
2.8 Utilities, Easements & Infrastructure	
2.8.1 Connection to Utilities	The development will be connected to all available utilities.
2.8.2 Building Near Utilities/Easements/Drainage Lines	The proposed development will not encroach or affect any utilities, easements or drainage lines.
2.8.3 On-Site Sewage Management	Not applicable.
2.8.4 Liquid Trade Waste	Not applicable.
2.8.5 Re-Use of Waste Water	The proposal does not include the re-use of waste water.
2.8.6 Water Supply	Not applicable, however the proposal involves the use of water tanks to capture rainwater for re-use.
2.9 Solid Waste Management	
2.9.1 Hazardous Materials & Asbestos	Not applicable.

2.9.2 Solid Waste Management Plan – Larger Developments	The application was accompanied by a waste management plan. Proposed waste management measures are considered satisfactory.
2.9.3 Waste Storage & Collection – Larger Developments	Not applicable.
2.10 Amenity/Buffers for Sensitive Uses	
2.10.1 Noise & Vibration	An Operational Noise Emission Assessment was submitted with the development application. The assessment recommends roof fans and plant areas to be acoustically treated so that combined noise levels from fans and plant at residences do not exceed 27 dB(A) and a 3m fence / noise barrier on the eastern side of the site for a distance of 150 m. These recommendations have been included as conditions in Schedule A.
2.10.2 Air Emissions, Odour & Dust	Not applicable.
2.10.3 Buffers to Sensitive Land Uses	Not applicable.
2.10.4 Buffers & Landscaping	Not applicable.
2.10.5 Agriculture & Right to Farm	Not applicable.
2.11 Water & Energy Efficiency	The proposal involves the use of water tanks to capture rainwater for re-use.

Development Control	Assessment Comments
Chapter 3 – Natural Environment & Hazards	
3.2 Bush Fire Prone Land	The subject land is partly bushfire prone. A bushfire assessment was provided with the development application demonstrating that the proposal can meet Planning for Bushfire Protection 2019.
3.3 Biodiversity & Vegetation Clearing	No native vegetation is proposed to be removed to facilitate the development. The proposal is considered satisfactory with regards to biodiversity.
3.4 Land & Soils	The proposal will have minimal impacts on land and soils. The site is not contaminated and is suitable for the proposed use. The subject land is flat,

	does not have high erosion potential, is not subject to salinity or impeded drainage or permanent inundation and is not a karst environment. The proposal is considered satisfactory having regard to land and soils.
3.5 Flood Prone Land	Not applicable.
3.6 Ground & Surface Water Protection	The proposal will have minimal impacts on ground or surface water.
3.7 Mine Subsidence Risk	The subject land is with a mine subsidence district. The development application was referred to Subsidence Advisory NSW who have provided General Terms of Approval for the development.

Development Control	Assessment Comments
Chapter 4 - Heritage	
4.3.1 Defining Terms	Noted. The proposed development meets the definition for being in the vicinity of a heritage item or a heritage conservation area.
4.3.2 Design and Character	<p>A Statement of Heritage Impact was submitted with the development application stating that the proposed development will not impact directly on either of the places of cultural heritage significance located nearby. There is, however, a potential for impact on the curtilage of both or either.</p> <p>The assessment considers that the proposed development is located at such a distance and designed to such a height that will not detrimentally impact on the assessed cultural heritage significance of the Lithgow Valley Colliery & Pottery site or the Silcock Street Heritage Conservation Area. This is partly a benefit of the elevation of the site on which the development will be located, which substantially mitigates any impact on the curtilage of either place.</p> <p>There is potential that construction traffic could accidentally damage the quoits field site. This area should be fenced and protected prior to</p>

	commencement of the development. A condition to this effect is recommended.
4.3.3 Scale and Form	These controls are not considered applicable to the proposed development.
4.3.4 Siting and Setbacks	The proposed development has an appropriate setback to the Pottery Estate (Silcock Street) Heritage Conservation Area.
4.3.5 Detailing	These controls are not considered applicable to the proposed development.
4.3.6 Materials, Finishes and Colour Schemes	These controls are not considered applicable to the proposed development.
4.3.7 Roofs and Chimneys	These controls are not considered applicable to the proposed development.
4.3.8 Verandahs and Balconies	These controls are not considered applicable to the proposed development.
4.3.9 Garages, Carports, Car spaces and Driveways	These controls are not considered applicable to the proposed development.
4.3.10 Fences	These controls are not considered applicable to the proposed development.
4.3.11 Gardens, Garden Elements and Swimming Pools	These controls are not considered applicable to the proposed development.
4.3.12 Access and Mobility	These controls are not considered applicable to the proposed development.
4.3.13 Commercial Properties	These controls are not considered applicable to the proposed development.
4.3.14 Service and New Technologies	These controls are not considered applicable to the proposed development.

Development Control	Assessment Comments
Chapter 7 – Commercial, Community & Industrial Development (including Advertising/Signage)	
7.2 General Controls	
7.2.1 Site Analysis & Potential Land Use Conflicts	The application was accompanied by a site analysis and the development has adequately responding to the site analysis and surrounding site context. The proposal raises no land use conflict concerns.
7.2.2 Open (Outdoor) Storage, Utility, Waste & Service Areas	Any external storage of items and waste will be undertaken in the service area at the rear of the building and will not be visible from public places. Loading and unloading of goods is appropriately catered for on the site.
7.2.3 Landscaping and Tree Protection	The site is cleared of native vegetation. A Landscape Plan was submitted with the development application demonstrating appropriate landscaping along all street frontage and integrated with the car parking area, predominantly utilising native trees, shrubs and groundcovers. Minimal landscaping is provided along the eastern boundary of the site adjoining the Silcock Street heritage conservation area, however there is an embankment between the development and the dwellings in the HCA that can be landscaped appropriately. A condition requiring appropriate landscaping of the embankment is recommended.
7.2.4 Fencing	No fencing is proposed to street frontages. Side boundary security and acoustic fencing is proposed. The proposal is considered satisfactory in relation to fencing.
7.2.5 Ancillary Dwelling(s)	Not applicable
7.4 Commercial & Community Uses	
7.4.1 Key Business Precincts	The character statement for the B4 Mixed Use zone states that these precincts are mixed-use precincts outside the CBD or in 'satellite' large format retail areas that are intended to supplement key town centres (e.g.,

	<p>Portland/ Lithgow - Main St (west) & Lithgow Valley & Pottery Plaza retail developments). Council encourages future development of these areas for larger-format/footprint retail and commercial uses that do not undermine the Zone B2 CBD or main street area(s) and would not otherwise fit within historic town centre areas as well as a mix of appropriate well-designed medium density residential development.</p> <p>The proposed development is consistent with this character statement.</p>
7.4.2 Building Setbacks (General)	The proposed development has appropriate setbacks, consistent with similar developments in the B4 zone.
7.4.3 Setbacks – Zone B2 Local Centre	Not applicable.
7.4.4 Setbacks – Zone RU5 Village	Not applicable
7.4.5 Setbacks – Other Business Zones or Areas	The proposed development has appropriate setbacks, consistent with similar developments in the B4 zone.
7.4.6 Building Height, Bulk & Form	The proposed development has an appropriate height, bulk and form, consistent with similar developments in the B4 zone.
7.4.7 Building Design, Articulation & Facades	The proposed development is a typical Bunnings style warehouse-scale building. The building design, articulation and facades are considered appropriate, consistent with other developments in the B4 zone.
7.4.8 Structures over Public Footpaths/Roads (Awnings & Balconies)	Not applicable.
7.4.9 Food Premises	Not applicable
7.5 Advertising & Signage	
7.5.1 General	Advertising details are included with the development application.
7.5.2 SEPP 64 – Advertising & Signage	See above assessment.

7.5.3 Prohibited Signs	<p>The DCP states that a pylon sign higher than 8m is unlikely to be acceptable to Council for all uses.</p> <p>The proposed sign is higher than 8m, being 15m in height. A visual assessment of the proposed sign has been provided with the development application demonstrating that the proposed sign will not be overly visible from key vantage points. Given the location and size of the site, the height of the pylon sign is considered acceptable. It is not considered that approval of this sign will represent a precedence for other signs of a similar size. Any future proposals would need to also present a visual analysis to demonstrate that the proposed sign is acceptable in the circumstances.</p>
7.5.4 Location of Signage	All proposed signage is located on the site of the development.
7.5.5 General Controls for Advertising & Signage - Commercial and Retail	These controls are not considered relevant to the proposed development. The proposed number of signs is considered reasonable having regard to the nature of the use and the size of the building.
7.5.6 Type of Signage	One pylon sign is proposed. As discussed above, the height of the sign is considered reasonable for the location and the nature of the development.

Development Control	Assessment Comments
Chapter 9 – Pottery Estate Precinct	
9.2 Site Requirements (All Development)	
9.2.1 Vision	<p>The vision for the Pottery Estate is that the area <i>represents a development opportunity of a site located adjacent to the Valley Plaza and in close proximity to the Lithgow town centre. It is well positioned to provide a mix of housing, employment, and retail services with access to public transport, the local and regional road network and existing services and facilities.</i></p>

	<p>The proposed development is consistent with the vision and does not encroach onto the special heritage areas identified as the north and south precincts.</p>
9.2.2 Development Principles	<p>The proposed development is considered to be consistent with the development principles in that it is a suitable development on appropriately zoned land with minimal impacts on the heritage or environmental values of the precinct.</p>
9.2.3 Indicative Structure Plan	<p>The proposed development is considered to be consistent with the indicative structure plan (copied below this table).</p>
9.2.4 Local Character and Context	<p>The character for the B4 Mixed Use zone is described as:</p> <p><i>Large retail format along Valley Drive is consistent in scale with the Lithgow Valley Shopping Centre – high single storey buildings with limited street activation. This is consistent with the public realm in this area which is oriented toward vehicular traffic rather than pedestrians.</i></p> <p><i>Consideration should be given to the B4 site's proximity to the adjacent Silcock Street Heritage Conservation Area with respect to landscape setbacks/building height/roof design/plant/signage and resulting outlook from the neighbouring single storey houses; and to the heritage significance of the adjacent (former) Quoits Field RE1 zoned parcel which sites immediately outside the Pottery Estate Precinct.</i></p> <p>The proposed development is consistent with the above character statement. A small number of roof mounted mechanical equipment is proposed. Due to acoustic treatment requirements, the plant will appear as relatively small boxes. It is considered that they will have no significant impact on the outlook from the adjoining dwellings.</p>

	Given the orientation of the proposed pylon sign, it will not be overly visible from the heritage conservation area.
9.2.5 Slope Response and Earthworks	These controls do not apply to the subject land.
9.2.6 Stormwater and Water Quality Management	See comments in relation to Chapter 2.4 of the DCP above.
9.2.7 Vehicle Access and Parking	These controls do not apply to the subject land.
9.2.8 Utilities, Easements and Infrastructure	These controls do not apply to the subject land.
9.3 Natural Environment and Hazard Management	
9.3.1 Mine Subsidence and Site Stability Constraints	See comments in relation to Chapter 3.7 of the DCP above.
9.3.2 Contaminated Land	See comments in relation to Chapter 3.4 of the DCP above.
9.3.3 Sensitive Land Areas	See comments in relation to Chapter 3.4 of the DCP above.
9.3.4 Vegetation Management and Biodiversity	The subject land is identified on the Ecological Constraints Map in the DCP as a low constraint area. The proposal is considered acceptable having regard to biodiversity.
9.3.5 Bushfire Prone Land	See comments in relation to Chapter 3.2 of the DCP above.
9.3.6 Flood Prone Land	See comments in relation to Chapter 3.5 of the DCP above.
9.3.7 Ground and Surface Water Protections	See comments in relation to Chapter 3.6 of the DCP above.
9.4 Heritage and Cultural Conservation	
9.4.1 Introduction	Noted. The subject land is not identified as having heritage significance.
9.4.2 Development Consent Requirements	A statement of heritage impact was submitted with the development application.
9.4.3 Aboriginal Places of Heritage Significance	Noted, given the bulk earthworks have been assessed under a separate development application, and minimal additional earthworks are required for building foundations, no further

	assessment of Aboriginal cultural heritage is considered warranted.
9.4.4 Non-Indigenous Archaeology and Heritage	<p>The subject land is not identified as having any archaeological sensitivity.</p> <p>The DCP states that "<i>for development in the adjacent B4 zone, suitable landscape setbacks (minimum 5m width) and maximum building heights set below that of the Silcock Street cottages are required to ensure visual outlook from the cottages and adjacent 6m wide laneway is not dominated by commercial built form</i>".</p> <p>Landscaping of the embankment between the proposed development and the houses on Silcock Street will ensure compliance with the above requirement.</p>
9.5 Subdivision, Roads and Public Domain	
9.5.1 Introduction	Noted
9.5.2 Site Selection and Design Response	Not applicable.
9.5.3 Lot Area, Dimensions and Suitability	Not applicable.
9.5.4 Utilities and Easements	Not applicable.
9.5.5 Residential Subdivision	Not applicable.
9.5.6 Road Hierarchy and Design	The proposal is on a lot that has been granted development consent for subdivision, facilitating a part of the collector road identified in the Access and Circulation Plan. The proposed development provides access from the new road and is therefore consistent with the DCP.
9.5.7 Pedestrian and Cycle Networks	The DCP does not identify a pedestrian or cycle link through the subject land.
9.5.8 Community and Open Space Network	The DCP does not identify any future open space on the subject land.
9.7 Business/Mixed Use Development	
9.7.1 Introduction	Noted.
9.7.2 Additional Controls for B4 Zone	The DCP contains the following controls:

- 1. Building height is 10m maximum in accordance with Lithgow DCP Chapter 9 controls except within 20m of the eastern boundary of the B4 zone, any building shall be set below the eave height of the adjacent Silcock Street cottages located within the adjacent HCA "C11".*

With a building height of 8.39m, the proposal complies.

- 2. The visual impact of external infrastructure/services (including air conditioning units, plant rooms, ducting etc) must be minimised when viewed from the adjacent HCA "C11".*

A small number of roof mounted mechanical equipment is proposed. Due to acoustic treatment requirements, the plant will appear as relatively small boxes. It is considered that they will have no significant impact on the outlook from the adjoining dwellings.

- 3. A minimum 5m wide landscape buffer and minimum 10m setbacks to the main building are to be provided along the eastern boundary of the B4 zone where the site abuts the HCA "C11"*
- 4. A minimum 5m wide buffer landscape strip is to be provided along the eastern edge of the B4 zone where it abuts the HCA "C11" and Silcock Street cottages.*

With the embankment between the development and the cottages, the proposal complies. A condition requiring appropriate landscaping of the embankment is recommended.

- 5. Any fencing abutting the "HCA 11", must not exceed 1.8m*

	<p><i>above existing ground level of the shared boundary with the Silcock Street cottages. Design/colour/materials requirements shall be sympathetic to the heritage significant cottages.</i></p> <p>Proposed acoustic fencing on the eastern boundary of the site will not abut the HCA and will sit well below the ground level of the cottages.</p> <p>6. <i>Signage is to be of a high-quality design that does not detract from the heritage character and amenity of the adjacent housing.</i></p> <p>Given the lower elevation of the site compared to the adjacent housing and the orientation of the development away from the houses, proposed building signage will not have a detrimental impact on the character and amenity of the houses.</p> <p>Given the orientation of the proposed pylon sign, it will not be overly visible from the heritage conservation area.</p>
--	---

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

Nil

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 development is located in a commercial area. Adjoining land is a mix of commercial, residential and bushland. It is considered that the proposal has been designed to ensure minimal land use conflicts.

Services: The development will be connected to all essential services.

Context and Setting: The proposed development will be located within a commercial area and will have no major impact on the context and setting of the area. The development has been designed to complement existing features of similar development in the area.

Access: Access is deemed to be satisfactory.

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.

Soils: The development will have minimal impact on soils, the site is not known to be contaminated and erosion and sediment control will be managed during construction.

Water: The application was referred to Sydney Water who have advised that the development can achieve a neutral or beneficial effect on water quality.

Air and Microclimate: The proposal will have no significant impacts on air quality or the micro-climate.

Waste: Waste will be managed by each individual unit occupier and collected by Council's regular collection service.

Natural Hazards: The site is bushfire prone. A bushfire assessment was provided with the development application demonstrating that the proposal can meet Planning for Bushfire Protection 2019. The land is not flood prone.

Noise and Vibration: Noise and vibration during construction can be managed through standard conditions of consent. Noise from operation of the use will be managed through conditions of consent, as recommended by the acoustic report submitted with the development application.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for commercial and residential pursuits with the size and nature of the development consistent with existing commercial developments in close proximity. 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

Subsidence Advisory NSW

The application was referred to Subsidence Advisory NSW who have provided General Terms of Approval, included in Schedule A.

Water NSW

The application was referred to Water NSW who have advised that the proposed development can achieve a neutral or beneficial effect on water quality subject to recommended conditions, which have been included in Schedule A.

Heritage

The application was referred to Heritage NSW who confirmed that the proposed development is not Integrated Development.

Council's Water and Wastewater Officer

Council's Water and Wastewater officer has reviewed the proposal and recommended conditions of consent that are included in Schedule A.

Council's Engineer

Council's Building Officer

Council's Building Officer has reviewed the proposal and recommended conditions of consent that are included in Schedule A.

Council's Water and Sewer Officer

Council's Water and Sewer officer has reviewed the proposal and recommended conditions of consent that are included in Schedule A.

PUBLIC SUBMISSIONS

Six submissions were received to the notification of the development application. Three submissions were in support of the development and two opposed the development. The sixth submission was not opposed to the development but raised issues to address.

The issues raised in the two submissions opposing the development are addressed below.

Issue 1: Scale of development incompatible with area, being between two residential areas.

Comment: The site is zoned for large format retail development. The development is considered appropriate for the zone.

Issue 2: The development is located in a mine subsidence area.

Comment: The application was referred to Subsidence Advisory NSW who have provided General Terms of Approval.

Issue 3: The development is close to St Patricks Primary School. School traffic has not been considered. Young children walk to and from school crossing Hassans Walls Road and Valley Drive. The proposal will increase traffic, cause long queues and wait times, increase the potential for accidents and cause commercial traffic to use residential streets.

Comment: The Traffic Impact Assessment was based on traffic counts undertaken at 8-9am and 3-4pm on 21 December 2021, during school holidays. To confirm the findings of the Traffic Report, Council's Engineering Officer undertook an independent traffic survey in relation to peak-hour traffic on 14 September 2022, during school term. The results matched the data in the consultant's traffic survey. Therefore, the timing of the traffic survey is not considered an issue. The Traffic Impact Assessment also demonstrated that all intersections will continue to operate with a good level of service. Council's Engineering Officer has assessed the proposal and considered the issues raised in submissions and has advised that the increase in traffic will not trigger the need for any intersection upgrades and the extent of any additional vehicle queuing will not cause any risk to road users and the public.

Issue 4: Council needs to reconsider access to the Bunnings site.

Comment: Council has recently adopted a new Development Control Plan for the Pottery Estate that includes an Access and Circulation Plan. The proposed access arrangements for the Bunnings development is consistent with the DCP requirements.

Issue 5: Impacts on residential amenity from light and noise pollution, including concern about the proposed hours of operation.

Comment: Conditions to ensure minimal amenity impacts are recommended, such as in relation to hours of operation (including loading and unloading), acoustic treatment of mechanical plant and lighting.

The proposed hours of operation for the development are:

- 6am – 10pm Monday to Friday;
- 6am – 7pm Saturday, Sunday and Public Holidays.

It is considered that operation to 10.00pm on Mondays to Fridays is excessive and will cause undue nuisance to surrounding residences. The proposed 6.00am start is appropriate for the type of use, allowing tradespeople to source materials for their daily work. The adjoining Aldi supermarket is approved to operate from 8.30am to 8.00pm Mondays to Fridays. It is considered appropriate that the closing time on Mondays to Fridays be consistent, therefore it is proposed to include a condition limiting the hours of operation to the following:

- 6am – 8pm Monday to Friday;
- 6am – 7pm Saturday, Sunday and Public Holidays.

Issue 6: Impacts on the natural environment, including wildlife at Hassans Walls Reserve, and the use of the Reserve by local residents

Comment: The land is suitable zoned for the proposed development and is clear of any native vegetation. It is not considered that the construction and operation of the proposed development will have any significant impact on native flora or fauna or on the use of Hassans Walls Reserve.

Issue 7: Potential conflict of interest

Comment: The development application will be determined in accordance with Council's policies and the relevant legislation.

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 proposal is considered to be in the public interest as it provides a suitable commercial development on commercial land in compliance with the LEP development standards and in a manner that has minimal impacts on the environment or the amenity of the locality.

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

Schedule A

Conditions of Consent (Consent Authority) and General Terms of Approval (Subsidence Advisory NSW)

GENERAL REQUIREMENTS

1. Approved Development

The development is to take place in accordance with the approved plans containing Council's stamp and all associated documentation submitted with the application, except as modified in red by Council and/or by any conditions of this consent.

Plan No. and Title	Prepared/Drawn by	Rev	Date
1471-JRB-A-DR-04-00-01 Site Plan	John R Brogan & Associates	12	21/12/22
1471-JRB-A-DR-10-00-00 Ground Floor	John R Brogan & Associates	A	26/06/22
1471-JRB-A-DR-10-03-00 Roof Level	John R Brogan & Associates	A	26/06/22
1471-JRB-A-DR-30-00-01 Building Elevations	John R Brogan & Associates	A	26/06/22
1471-JRB-A-DR-400001 Building Sections	John R Brogan & Associates	A	26/06/22
2813 LP-00 Landscape Site Plan	John Lock & Associates	C	22/06/22
2813 LP-02 Landscape Details	John Lock & Associates	C	22/06/22
Conceptual Stormwater Management Plan	Calare Civil	P7	27/06/22
Operational Noise Emission Assessment	Acoustic Dynamics	1	26/06/22
Bush Fire Assessment Report	Statewide Bushfire Consulting	2	24/06/22
Preliminary Contamination Assessment	Envirowest Consulting	0	08/03/22
Geotechnical Site Investigation Report	Envirowest Consulting	0	10/12/21
Statement of Heritage Impact	High Ground Consulting		25/06/22
Statement of Environmental Effects	PGH Environmental Planning	B	11/07/22
Traffic Impact Assessment	The Transport Planning Partnership	03	19/01/23
Waste Management Plan	Project Innovations Pty Ltd		21/06/22

Addendum to Statement of Heritage Impact – Pylon Sign	Highground Consulting		28/01/23
---	-----------------------	--	----------

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

Subsidence Advisory NSW (General Terms of Approval)

3. General

Plans, Standards and Guidelines

These General Terms of Approval (GTAs) only apply to the development described in the plans and associated documentation relating to DA137/22 and provided to Subsidence Advisory NSW.

Any amendments or subsequent modifications to the development may render these GTAs invalid.

If the proposed development is amended or the development consent modified, Subsidence Advisory NSW must be notified to determine if any variations to these GTAs are required.

4. This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.

5. Prior to Commencement of Construction

Submit a proposal to remove the risk of mine subsidence under all trafficable areas and buildings by a suitable means, such as over excavation of the mine workings or grouting.

Submit for acceptance by Subsidence Advisory NSW prior to commencing work a:

- a. Excavation plan, showing areas where the coal seam is planned to be excavated and methodology to carry out works.

Or alternatively:

- a. Grout Design; including grout locations (dimensioned in plan), and design parameters for any residual mine subsidence if required.
- b. Grout Implementation Plan; including a site plan (showing property boundaries), grout locations (dimensioned in plan), proposed bore locations, and grout designer's endorsement.
- c. Grout Verification Plan; showing the location of verification holes and the grout designer's endorsement.

6. On completion of excavating / grouting submit a Completed Works Report endorsed by the verification engineers for compliance with the accepted remediation plan.

7. Post Construction

Upon completion of construction, work-as-executed certification by a qualified engineer will be required by Subsidence Advisory NSW confirming that construction was in accordance with the plans accepted by Subsidence Advisory NSW.

Water NSW Conditions

8. **General**

The site layout and works shall be as specified in the Statement of Environmental Effects (Report No. SEE 21-0933_Bunnings Store, Version B, dated 11/07/2022) prepared by PGH Environmental Planning and shown on the Site Plans (Drawing Numbers: 1471-JRBA-DR-04-00-01, Rev 12; 1471-JRB-A-DR-10-00-00, Rev A; and 1471-JRB-A-DR-10-03-00, Rev. A dated 26/06/22) prepared by John R Brogan Associates Pty Ltd. No revised site layout, staging or external works that will have impact on water quality, shall be permitted without the agreement of Water NSW.

9. **Stormwater Management**

All stormwater treatment and management measures, as specified in the Concept Stormwater Management Plan (Ref: 2021.1178, Rev. P7, dated 10/10/22) and shown on the Stormwater Layout Plans and Bio-retention Details (Job No. 2021.1178, DWG. Nos. SW01 to SW08, Issue P7, dated 10/10/22) both prepared by Calare Civil Pty Ltd, shall be incorporated in the final stormwater drainage plan. The final stormwater drainage plan shall:

- be prepared in consultation with Water NSW prior to the issuance of a Construction Certificate and approved by the Principal Certifying Authority (PCA)
 - have stormwater management measures including:
 - pits and pipes
 - inlet filters (Stormsacks or Water NSW endorsed equivalent)
 - five media cartridge filters (ZPG StormFilters or Water NSW endorsed equivalent)
 - four 22,500 litres rainwater tanks for nursery irrigation and reuse
 - a 3,000 litres rainwater tank for toilet flushing
 - bioretention basins (Basins 01 to 04) for Bunnings Site, with a minimum combined total filter area of 520 square metres
 - bioretention basins for private access road, with a minimum combined total filter area of 65 square metres, and
 - detailed treated stormwater discharge points design
 - show the location of on-site detention basin equipped with media cartridge filters
 - address ownership and maintenance of stormwater management measures associated with private access road with Council, and
 - be implemented.
10. The private access road and hardstand areas on Bunnings Site including car parks shall be sealed and drain to stormwater pits fitted with inlet filters (Stormsacks or Water NSW endorsed equivalent) and directed to the bioretention basins on the site.
11. Nursery stormwater run-off, leachate, wash water used in cleaning the floors of the nursery shall not be discharged to the Council's stormwater system without treatment via media cartridge filters.
12. Each bioretention basin for Bunnings Site shall also:
- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
 - have dimensions as per the Table 3 of the Bioretention Details (Job No. 2021.1178, DWG. No. SW07, Issue P7, dated 10/10/22)
 - have 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 Council's stormwater system via pits and pipes
- be accessible from road or hardstand areas 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.

13. Each bioretention basin for private access road shall also:

- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne et al, 2015, Melbourne, CRC for Water Sensitive Cities)
- have dimensions as per the Table 3 of the Bioretention Details (Job No. 2021.1178, DWG. No. SW07, Issue P7, dated 10/10/22)
- 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 Council's stormwater system via pits and pipes
- be accessible from road or hardstand areas 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.

14. A rainwater collection and reuse system for nursery irrigation and reuse shall be installed that:

- have rainwater tanks with a minimum total capacity of 90,000 litres above any volume required for mains top-up
- ensure roofs and gutters are designed to maximise the capture of rainwater in the tanks
- ensure the tanks are plumbed to nursery irrigation, and other areas for non-potable use including landscape watering, and
- ensure all rainwater tank overflow is directed to the bioretention basin on the site.

15. A rainwater collection and reuse system for toilet flushing shall be installed that:

- have a rainwater tank with a minimum total capacity of 3,000 litres above any volume required for mains top-up
- ensure roofs and gutters are designed to maximise the capture of rainwater in the tank

- ensure the tanks are plumbed to toilets and other areas for non-potable use including landscape watering, and
 - ensure all rainwater tank overflow is directed to the bioretention basin on the site.
16. No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without the agreement of Water NSW.
17. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and PCA prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.
18. **Operational Environmental Management Plan**
- 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 in consultation with Water NSW prior to the issuance of an Occupation Certificate
 - include the details on the location and nature of stormwater management structures such as pits, pipes, inlet filters, media cartridge filters, bioretention basins, and rainwater collection systems
 - 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 media cartridge filters and bioretention basins.
19. All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan.
20. **Construction Activities**
- A Soil and Water Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans. The Plan shall:
- be based on the Erosion and Sediment Control Plan and Notes & Details (Job No. 2021.1178, DWG. Nos. ES01 and ES02, Issue P7, dated 10/10/22) prepared by Calare Civil Pty Ltd
 - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004)
 - be prepared prior to issuance of a Construction Certificate and be to the satisfaction of Council, and
 - include controls to prevent sediment or polluted water leaving the construction area or entering any stormwater drain or natural drainage system.
21. The Soil and Water Management 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 ground surface stabilised or groundcover re-established.

Bushfire Protection Conditions

22. **Asset Protection Zone**

The entire lot is to be managed as an Inner Protection Area (IPA). The IPA creates a fuel managed area which can minimise the impact of direct flame contact and radiant heat on

the development and act as a defensible space. Vegetation within the IPA should be kept to a minimum level. Litter fuels within the IPA should be kept below 1cm in height and be discontinuous.

In practical terms the IPA is the curtilage around the warehouse building to the fence line consisting of a mown lawn areas and well-maintained gardens. When establishing and maintaining an IPA the following requirements apply.

Trees

- 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 2m to 5m; and
- Preference should be given to smooth barked and evergreen trees.

Shrubs

- Create large discontinuities or gaps in the vegetation, 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; and
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

Grass

- 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.

23. Water Supply

- Fire hydrant spacing, design and sizing comply with the relevant clauses of AS 2419.1:2005.
- Hydrants are not located within any road carriageways.
- Fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005.
- All above-ground water service pipes external to the building are metal, including and up to any taps.

24. Gas Services

- Any future / new reticulated gas connection is installed and maintained with AS/NZ
- 1596:2014 and the requirements of relevant authorities;
- Metal piping should be used; and
- Polymer sheathed flexible gas supply lines to gas meters adjacent to the building are not used.

CONDITIONS APPLYING PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE OR SUBDIVISION WORKS CERTIFICATE

25. Developer contributions

Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 7.12 contribution of \$83,333.36, in accordance with the Lithgow City Council Section 94A

(Section 7.12) Development Contribution Plan 2015. The amount payable 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.

26. Prior to issue of a Construction Certificate, the full hydraulic design is to be provided to Council for concurrence and connections being made. This includes the potable water connections and the fire supply connections.
27. Prior to the issue of any Subdivision Works Certificate, the Certifying Authority shall ensure that the proposed access road has been designed in accordance with Lithgow City Council's Guidelines for Civil Engineering Design and Construction for Development for Developments and Pottery Estate Precinct DCP. ESA shall be 5×105.

A copy of the pavement design prepared and certified by a suitably qualified geotechnical engineer must accompany the application for A Subdivision Works Certificate.

CONDITIONS APPLYING BEFORE WORKS COMMENCE

28. 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.
29. 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.

30. 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.
31. 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.

32. 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.

33. **Water and Sewer Approvals**

Connection to Council water and sewer systems may only be completed following Hydraulic design concurrence, Section 68 approval and a Water and Sewer Connection Application being completed noting the sizes and type of connections required.

34. 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.

35. **Run-off and erosion controls**

Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by—

- (a) diverting uncontaminated run-off around cleared or disturbed areas, and
- (b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
- (c) preventing the tracking of sediment by vehicles onto roads, and
- (d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

36. **Protection of Quoits Field site**

To protect the quoits field site from construction traffic, the area should be fenced and protected prior to commencement of the development.

37. **Subdivision Works Certificate Required**

A Subdivision Works Certificate must be obtained prior to the commencement of any works in the road reserve of proposed access road.

All road & stormwater drainage works shall be designed in accordance with the development consent, Council's "Guidelines for Civil Engineering Design and Construction for Development", Austroads Guidelines and best engineering practice.

Engineering plans shall be generally consistent with the stamped approved concept plans prepared by Calare Civil Consulting Engineers, Job Number 2021.1178, Issue: P6, Dated 27 June 2022.

Any necessary stormwater drainage infrastructure for future road extension shall be considered in the design.

Any trip hazard in footpath areas and any conflict to any other services due to proposed bio-retention basins in the access road shall be removed.

The maintenance information for proposed bio-retention basins in the access road shall be provided.

Engineering plans and supporting calculations for the stormwater management systems are to be prepared by a suitably qualified person and shall accompany the application for a Subdivision Works Certificate.

38. Traffic Control Plan

A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on any Public Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on the shoulder of any Public Road. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.

CONDITIONS APPLYING DURING THE WORKS

Note. The Protection of the Environment Operations Act 1997 and the Protection of the Environment Operations (Noise Control) Regulation 2008 contain provisions relating to noise.

39. 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

40. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

41. Measures shall be implemented to minimize wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook).

42. 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.

43. Fill imported to the site must be certified as uncontaminated by a Geotechnical Engineer and suitable for the design compaction requirements.

44. 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);
- b. An Identification Survey (upon completion of external walls / eaves construction and prior to any Completion inspection being carried out).

45. Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

46. Maintenance of site

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.

- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
 - (3) Copies of receipts stating the following must be given to the principal certifying authority—
 - (a) the place to which waste materials were transported,
 - (b) the name of the contractor transporting the materials,
 - (c) the quantity of materials transported off-site and recycled or disposed of.
 - (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
 - (5) During construction—
 - (a) all vehicles entering or leaving the site must have their loads covered, and
 - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
 - (6) At the completion of the works, the work site must be left clear of waste and debris.
47. All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 and Comply with the Plumbing Code of Australia (PCA) and all relevant Australian standards.
48. 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:

- a. Internal and external drainage lines prior to prior to backfilling.
- b. The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged and under test.
- c. Hot and cold water installations under test bucket pressure of 1500Kpa
- d. On completion of all plumbing drainage and sanitary fixture installations.

- 49. Plumber to determine correct point of connection into Councils sewer and sewer heights.
- 50. Thermostatic mixing vales shall be installed and comply to AS3500.
- 51. Containment backflow prevention will need to be installed along with any zone or individual devices as per AS 3500.

52. Archaeology discovered during excavation

If any object having interest due to its age or association with the past is uncovered during the course of the work—

- (a) all work must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery.

Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.

53. Aboriginal objects discovered during excavation

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—

- (a) all excavation or disturbance of the area must stop immediately in that area, and
- (b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.

54. Acoustic treatment requirements

- a) All roof fans and plant areas are to be acoustically treated so that combined noise levels from fans and plant at adjoining residences do not exceed 27 dB(A).
- b) A 3m high fence / noise barrier shall be constructed on the eastern side of the site for a distance of 150 m.

55. Landscaping of embankment

The embankment between the subject land and the Silcock Street Heritage Conservation Area shall be landscaped to provide additional screening and softening of the development when viewed from the Silcock Street Heritage Conservation Area. The landscaping should comply with the requirements of Planning for Bushfire Protection 2019 for an Inner Protection Area so as to prevent the area becoming a fire hazard.

56. Street signs are required at all road junctions. Signs shall be purchased from Council. The location of proposed street signs is to be shown on the Engineering Drawings submitted with the Subdivision Works Certificate.
57. Street lighting is to be provided for all new and existing streets within the proposed development to Lithgow City Council's standards.
58. Traffic signs, traffic signals, pavement markings, guide posts, delineators, safety barriers and the like, whether permanent or temporary, are to be designed and installed at all roads in accordance with guidelines contained within the Austroads publication, "Guide to Traffic Engineering Practice – Part 8: Traffic Control Devices", Australian Standard 1742 – Manual of Uniform Traffic Control Devices and the Roads and Traffic Authority "Road Design Guide". All traffic control devices and signage are to be detailed in the engineering drawings submitted with the construction certificate. The consent of Lithgow City Council's Executive Manager of Operations or appointed officer will be required prior to the installation of any traffic control devices on existing roads.
59. All road, drainage, kerb and gutter, water and sewerage reticulation works within the road reserve of the access road shall be inspected by Council's Operations Department. The whole of the works are to be carried out to the satisfaction of the Executive Manager of Operations. Council shall inspect engineering works at the following stages as a minimum:
 - Following site regrading and shaping, and prior to installation of footway services;
 - Installation of erosion and sedimentation control measures;
 - Storm water drainage lines prior to backfill;
 - Water and sewer lines prior to backfill;
 - Testing of water and sewer lines;
 - Subgrade preparation, before placing pavement;
 - Establishment of line and level for kerb and gutter placement;
 - Completion of each pavement layer ready for testing;
 - Road pavement surfacing;
 - Completion of works

The developer or contractor shall give Council a minimum 48 hours' notice when requesting an inspection to ensure that development works are not delayed. The developer shall, if required by a Council Engineer, submit delivery dockets for all

materials used, and all material and performance test results obtained in the development.

CONDITIONS APPLYING PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

60. 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.
61. 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.
62. A maintenance bond of 5% of final construction costs shall be paid to Council upon final inspection and approval of all civil works in the road reserve of the access road. The value of the maintenance bond shall be approved by Council after witnessing a certified copy of the contract documentation showing all civil construction costs for all civil works in the road reserve of the access road. The maintenance period will start from the date of final inspection for a minimum period of 36 months. At the conclusion of the 36 months period a final inspection is to be undertaken by Council at the request of the developer to determine if any defects have arisen during this time. All deficiencies are to be rectified by the developer, should outstanding works remain Lithgow City Council reserves the right to expend bond monies on rectification works.
63. Upon completion of all works in the road reserve, all verge areas are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.
64. A Each layer of pavement shall be tested for compaction and deflection as detailed below. The Executive Manager of Operations or his delegate must approve each layer prior to the placing and compaction of subsequent layers.

(a) Compaction Testing:

The subgrade, and all pavement layers, shall be density tested in-situ at the start and finish of the work (within the first/last five metres), and thereafter at intervals of no more than 50 metres, or as indicated by Council's Development Engineer. A minimum of two tests will be required for road pavements less than 50 metres in length. At cul-de-sacs, additional testing will be required at the turning head. The test sites selected should be representative of the likely minimum pavement compaction levels achieved. Density testing must be undertaken by an authorised representative of a laboratory registered by the National Association of Testing Authorities (NATA). Density testing may be conducted using either the sand replacement test, nuclear gauge, or other NATA approved method.

Where a nuclear gauge in direct transmission mode is used to determine pavement density, the test method shall comply with RTA Test Method T173. Results of density testing shall be forwarded directly to Council for approval. No pavement layer shall be covered by a subsequent layer until the results of the density testing have been delivered to and approved by Council's Development Engineer. Table 1 below sets out the minimum compaction requirement for each pavement layer.

Laboratory determination of maximum dry density for pavement materials which have been modified with cement must be undertaken within 4 hours of the cement being added to the material. Materials tested outside this time will be subject to an adjustment to correctly determine the maximum dry density of the sample. For either natural or modified

material, the laboratory determination of maximum dry density shall be undertaken at a frequency of no less than one determination for each days production of material.

(b) Deflection Testing:

All pavement layers must be proof-rolled, and approved by Council's Development Engineer prior to the placement of subsequent pavement layers.

The proof-rolling will be conducted using either:

- (i) a roller having a load intensity of seven (7) tonnes per metre width of roller
- (ii) a tandem axle rigid vehicle, having a maximum load of 15 tonnes per axle group (8 tyres), 12 tonnes per axle group (6 tyres), or 10 tonnes per axle group (4 tyres). Single axle vehicles should have maximum loads of 8.5 tonnes (dual tyres), or 5.4 tonnes (single tyres).

Any movement of the pavement layer under loading will be deemed a failure.

Although not a subdivision requirement at this stage, Council strongly encourages Developers to specify in their contracts the use of Benkelman Beam tests to test for any deflection in the pavement layers, and as a means of quality assurance.

(c) Final Road Profile:

The mean construction tolerance on pavement surface crossfalls should be within $\pm 5\%$ of the design crossfall. The maximum allowable construction tolerance is $\pm 5\%$, and the maximum standard deviation of crossfalls is 5%. The vertical alignment should not deviate by more than 25mm from the value shown on the drawings.

65. Works as Executed (WAE) Plans detailing all services and infrastructure are to be prepared by a registered surveyor or professional engineer, and submitted to Council prior to issue of any Subdivision Certificate/Occupation Certificate. The applicant is required to submit three complete sets of hard copy plans and one set of electronic plans in AUTOCAD format.

CONDITIONS APPLYING PRIOR TO OCCUPATION/USE

66. 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
67. 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.
68. 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.

CONDITIONS APPLYING DURING USE

69. Hours of Operation

The use, including deliveries, shall operate only between the following hours:

- 6am – 8pm Monday to Friday;
- 6am – 7pm Saturday, Sunday and Public Holidays

70. Lighting

Lighting of signage shall be switched off when the use is not in operation. All other security lighting shall be designed and installed so as to not cause nuisance to surrounding residences.