

# **DEVELOPMENT ASSESSMENT REPORT – DA084/23 - PROPOSED MULTI FUNCTIONAL COMMUNITY FACILITY, LOT 1 DP 1123449, TONY LUCHETTI SPORTS CENTRE, GEORDIE STREET LITHGOW NSW 2790**

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## **1. SUMMARY**

On 26 May 2023, the subject Development Application DA084/23 was lodged to Council seeking consent for a multi-functional community facility on land known as Lot 1 DP 1123449, Tony Luchetti Sports Centre, Geordie Street Lithgow.

The development is to be reported to Council as per Council's Policy 7.6 'Development Applications By Councillors And Staff Or On Council Owned Land', given that the land is owned by Crown Lands Department under the management of Council.

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 13 June and concluded 6 July 2023. No known written submissions were received during the notification period.

The purpose of this report is to assess and recommend determination of Development Application DA084/23 for a multi-functional community facility on land known as Lot 1 DP 1123449, Tony Luchetti Sports Centre, Geordie Street Lithgow.

## **2. PROPOSAL**

Council is in receipt of a Development Application DA084/23 from the Lithgow Women's Shed for a multi-functional community facility on land known as Lot 1 DP 1123449, Tony Luchetti Sports Centre, Geordie Street Lithgow.

The proposal is to comprise of a workshop area with ancillary tool rooms, meeting room / hall, two (2) office rooms, two (2) kitchens, kids' room and amenities. The building envelope provides an approximate floor area of 627.78m<sup>2</sup>.

The proposed development will cater to the needs of the Lithgow Women's Shed whilst providing opportunity for other community groups to utilise the space (i.e. meeting room / hall, office rooms etc).

The proposed built form has been designed with consideration being given to the historical significance of the subject site. The proposed development includes a selection of colours and finishes sympathetic to the existing built form with particular reference being made to the Grandstand and Ball Room. A Heritage Impact Statement and supplementary heritage statement has been prepared and submitted in support of the proposed development.

Business identification signage is also proposed as part of this application and shall be located at the front of the structure.

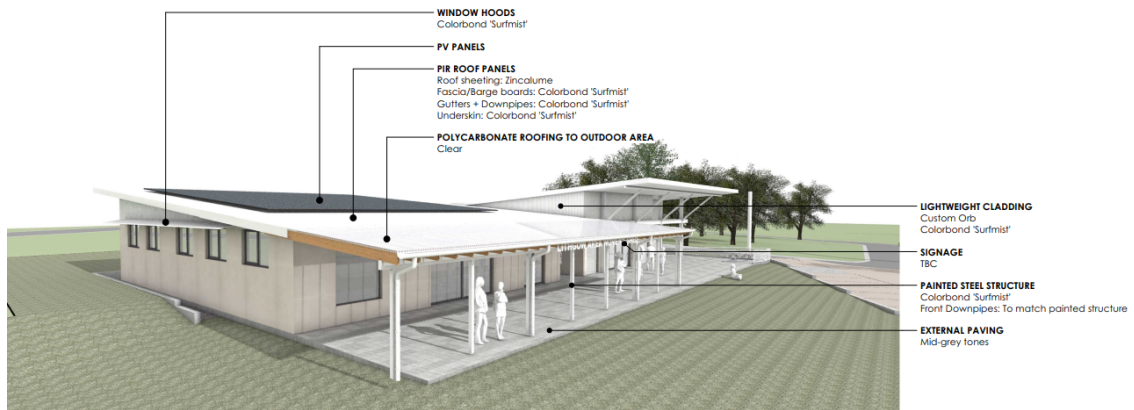


Figure 1 - Proposed Front Elevation



Figure 2 - Proposed Front Elevation

### 3. LOCATION OF THE PROPOSAL

Legal Description: Lot 1 DP 1123449  
 Property Address: Tony Luchetti Sports Centre Geordie Street LITHGOW NSW 2790

The proposed development is to be located within the Tony Luchetti Sports Centre within the township of Lithgow. The subject site is Crown Land, managed by Lithgow City Council.

Access to the proposed community facility is via the main entrance of the Sports Centre.

The proposed community facility is to be situated south of the main oval. The grandstand is located to the west, the skate park to the south-east, and the ballroom to the east.

At present, the development site is a vacant portion of land with little grass cover. The area is primarily used as informal car parking during peak sporting events.



Figure 3 - Location of Proposed Community Facility



Figure 4 - Image of Site taken by Council During Site Inspection

#### 4. ZONING & PERMISSIBILITY

The land is zoned RE1 Public Recreation in accordance with the *Lithgow Local Environmental Plan 2014* (LEP).

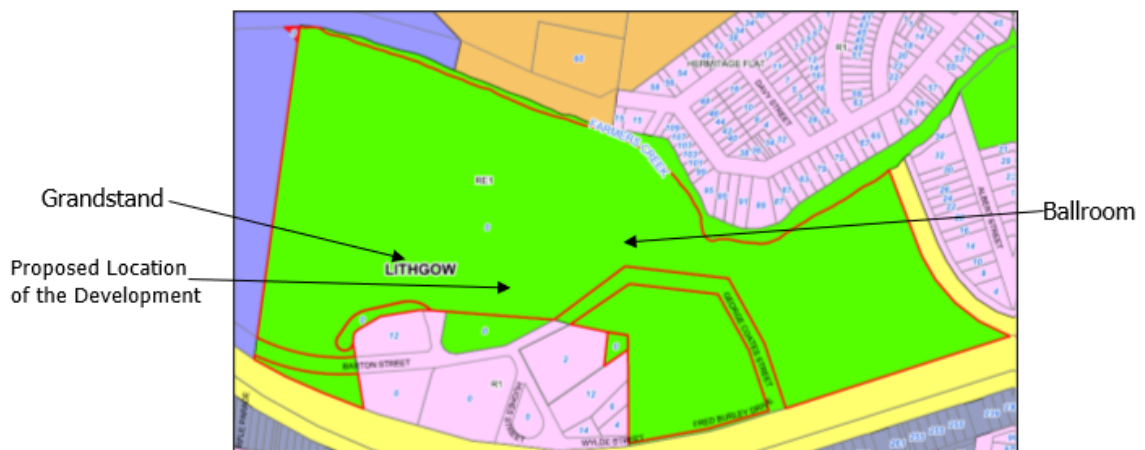


Figure 5 - Land Use Zoning Map (LEP 2014)

Pursuant to the Lithgow Local Environmental Plan (LEP), the proposal is characterised as a **community facility** and is defined as follows:

**Community facility** means a building or place—

*(a) owned or controlled by a public authority or non-profit community organisation, and  
(b) used for the physical, social, cultural or intellectual development or welfare of the community,  
but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.*

The proposed building is to be controlled by a non-profit community organisation, being the Lithgow Women's Shed Inc. The proposal is for community use specified for the dedication to the wellbeing of women in the Lithgow area as well as being for social, cultural, and intellectual development and welfare.

Furthermore, the subject site is owned by Crown Lands and managed by Lithgow City Council. As such, the land is both owned and controlled by a public authority.

## **5.1 POLICY IMPLICATIONS (OTHER THAN DCPs)**

### **Policy 1.2 Acquisition and Disposal of Assets**

This Policy needs to be considered when Council is considering the acquisition and/or development of assets. The Lithgow Women's Shed has received a grant for the construction of the building, once this building has been constructed, it will be dedicated to Council for maintenance and management.

### **Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land**

This policy requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. Given Council's management of this land the proposal is reported to Council for determination.

### **Lithgow Community Participation Plan**

The proposed development has been placed on public exhibition in accordance with the Lithgow Community Participation Plan and nearby landowners have been notified of the proposal. The proposal documents were placed on public exhibition for 21 days in accordance with the Participation Plan commencing 13 June and concluded 6 July 2023.

No known written submissions were received during the notification period.

## **5.2 FINANCIAL IMPLICATIONS**

### **Request for Exemption from Council's Section 94A Contribution Plan**

The Lithgow Area Women's Shed Inc has submitted a written request for an exemption from Council's Section 94A Contribution Plan, with the following justification:

*1. The Lithgow Women's Shed is a Council-led initiative aimed at improving the provision of essential infrastructure and services in the community.*



2. *The proposed works are being undertaken on behalf of Council as the ultimate owner of the asset, and therefore, there is no third-party developer who would be liable to contribute under the Plan.*
3. *The project is being funded by Federal Bushfire Recovery Grants program.*

### **Section 94A (Section 7.12) Development Contributions Plan 2015**

Council's Section 94A (Section 7.12) Development Contributions Plan 2015 applies to this development given it is for a "community facility", and the associated genuine building cost estimate is \$2,460,625, using the calculation method below:

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

The Section 7.12 contribution would be \$24,606.25. Clause 7 of the Development Contributions Plan sets the following exemption categories:

### **C7 Are there any exemptions to the Levy?**

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

- a) *Development by or on behalf of Lithgow City Council;*
- b) *Development by or on behalf of NSW Government for public infrastructure such as hospitals, police stations, fire stations, education facilities and public transport infrastructure;*
- c) *Development that involves rebuilding or repair after natural disasters such as flooding or bushfires;*
- d) *Development involving alterations and additions to an existing single dwelling;*
- e) *Development involving the demolition of an existing dwelling;*
- f) *Development involving the rebuilding of an existing dwelling;*
- g) *An application for an industrial, retail or commercial development where there is no intensification of use or increase in floor space of an existing building.*

In this circumstance, the application is lodged on behalf of a non-for-profit community organisation on Council managed land (owned by Crown Land), with the intention of the facility being granted to Council and leased via a license agreement as per the Plan of Management for the site.

As the development will be dedicated to Council and will also form part of Council's infrastructure asset and management program, it is considered that the Lithgow Area Women's Shed Inc are eligible for an exemption under a) Development by or on behalf of Lithgow City Council.

### Council Determination

In respect to the above, a report was presented to the elected Council at an Ordinary Meeting of Council held 24 July 2023. It was determined that Council approve the Section 94A (Section 7.12) Development Contributions Plan exemption request for the proposed multi-function/community facility by Lithgow Area Women's Shed Inc.

### **Ownership and classification of land**

The land is classified 'community' and categorised in Council's Tony Luchetti Sportsground Plan of Management as sportsground/general community use. The

construction of a multi-purpose building is consistent with the core objectives for management of community land categorised as a sportsground under section 36F Local Government Act 1993, namely to:

- 1. encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games, and*
- 2. ensure that such activities are managed having regard to any adverse impact on nearby residences.*

### **Ownership of building post construction**

The general law provides that a building 'affixed' to land becomes part and parcel of that land. Therefore, as Council manages the land the building will automatically vest in Council once constructed and Council will ultimately be responsible for insurance and maintenance.

### **Lease/License offer to The Lithgow Area Women's Shed Inc**

By way of comment, in recognition of the time and effort that The Lithgow Area Women's Shed Inc has invested in obtaining the grant, benefiting the community for many years, it is recommended Council offer The Lithgow Area Women's Shed Inc a licence agreement in respect to the building for 10 years following completion of the work. Details of any licence agreement will be reported separately to Council for ratification.

### **Development Servicing Plan for Water Supply and Sewerage**

The Lithgow Area Women's Shed Inc has submitted a written request for an exemption from Council's Section 64-Development Servicing Plan for Water Supply and Sewerage, with the following justification:

- 1. The Lithgow Women's Shed is a Council-led initiative aimed at improving the provision of essential infrastructure and services in the community.*
- 2. The proposed works are being undertaken on behalf of Council as the ultimate owner of the asset, and therefore, there is no third-party developer who would be liable to contribute under the Plan.*
- 3. The project is being funded by Federal Bushfire Recovery Grants program.*

The Section 64 charges would be calculated on the Lithgow water and sewer charges.

Using Water directorate ET calculations for Community Centre/Hall. As such the following charges would be applicable:

Water:

ET is 0.03/m<sup>2</sup>

Charge is \$3,146.34

Floor area – 575m<sup>2</sup>

Charge = 0.03 x 575 x \$3,146.34 = **\$54,274.365**

Sewer:

ET is 0.05/m<sup>2</sup>

Charge is \$ 2,940.48

Floor area – 575m<sup>2</sup>

Charge = 0.05 x 575 x \$ 2,940.48= **\$84,538.8**

The Lithgow Council's Development Servicing Plan was prepared in accordance with the 2016 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater issued by the Minister for Lands and Water, pursuant to section 64 of the LG Act 1993, exercising its function under section 305 & 306 of the *Water Management Act, 2000*.

Section 305 and 306 of *The Water Management Act 2000*, states:

**305 Application for certificate of compliance**

- (1) A person may apply to a water supply authority for a certificate of compliance for development carried out, or proposed to be carried out, within the water supply authority's area.*
- (2) An application must be accompanied by such information as the regulations may prescribe.*

**306 Authority may impose certain requirements before granting certificate of compliance**

- (1) This section applies to such kinds of development as are prescribed by the regulations for the purposes of this section.*
- (2) As a precondition to granting a certificate of compliance for development, a water supply authority may, by notice in writing served on the applicant, require the applicant to do either or both of the following—*
  - (a) to pay a specified amount to the water supply authority by way of contribution towards the cost of such water management works as are specified in the notice, being existing works or projected works, or both,*
  - (b) to construct water management works to serve the development.*

In this circumstance, the development application is lodged on behalf of a not-for-profit community organisation on Council managed land (owned by Crown Land), with the intention of the facility being granted to Council and leased via a license agreement as per the Plan of Management for the site.

As the development will be dedicated to Council, and will also form part of Council's infrastructure asset and management program, it is considered that the Lithgow Area Women's Shed Inc are eligible for an exemption.

Similar to Section 94A Contributions, this contribution can be waived by Council. Council's determination report for the elected Councillor's will include a recommendation for the fees to be waived.

## **5.3 LEGAL IMPLICATIONS**

### **Local Government Act 1993- Chapter 7 What are the regulatory functions of Council?; Part 1 Approvals; Division 1 What activities require approval?**

The Act states:

- 1. A person may carry out an activity specified in the following Table only with the prior approval of the council, except in so far as this Act, the regulations or a local policy adopted under Part 3 allows the activity to be carried out without that approval.*

As such the development requires Council approval for water supply, sewerage and stormwater drainage works.



A Section 68 application S68119/23 for the connection to Council’s water and sewer services installation was submitted concurrently with the development application for assessment. A separate S68 Application S68120/23 for connection to stormwater was also submitted.

The Section 68’s was referred to Council’s Water and Wastewater Officer and to Council’s Engineer for assessment with the approvals to be issued under separate cover.

As such, the proposal satisfies the requirements of the Local Government Act 1993.

**Local Government Act 1993-Chapter 6 What are the Service Functions of Councils? Part 2 Public Land; Division 2: Use and Management of Community Land**

Tony Luchetti Sportground comprises land owned by Crown Land-managed by Council and is classified as “community land” in accordance with the provisions of the *Local Government Act 1993*.

The proposal was referred to Council’s Property Officer for comment who advised no impediment to the proposal in the context of public land management requirements under the Act. Tony Luchetti Sportground is categorised as “sportsground” under Council’s 2013 Generic Plan of Management for community land. The proposed use is therefore consistent with this category and the provisions of the Plan of Management.

***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***

<b>LEP 2014 – Compliance Check</b>		
<b>Clause</b>		<b>Compliance</b>
<b>Land Use table</b>	RE1 Public Recreation	Yes
<b>5.2</b>	Classification and reclassification of public land	Yes
<b>5.10</b>	Heritage conservation	Yes
<b>5.21</b>	Flood Planning	Yes
<b>7.1</b>	Earthworks	Yes
<b>7.3</b>	Stormwater management	Yes
<b>7.5</b>	Groundwater vulnerability	Yes
<b>7.6</b>	Riparian land and watercourses	Yes
<b>7.8</b>	Development within a designated buffer area	Yes
<b>7.10</b>	Essential Services	Yes

**Comment:** The proposed development is consistent with the zone objectives. The objectives are:

***1 Objectives of zone***

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

- *To maintain or improve the water quality of receiving water catchments.*

The proposed development will provide for a community facility which will support recreational purposes. The development will support a wide range of recreational settings and activities compatible with the Sports Ground.

The wider Sports Ground supports a variety of activities and land uses. The proposed community facility is considered compatible with the established land uses and activities.

The proposal has been designed with consideration being given to the natural environment. Based on the information submitted and consultation with both internal and external stakeholders such as WaterNSW, the development is considered unlikely to result in adverse impacts on the natural environment and water catchment area.

### **Clause 5.2 Classification and reclassification of public land**

The property is defined as being public land that is utilised by all members of the community. It is operational land that is controlled and managed by Council.

### **Clause 5.10 Heritage Conservation**

The Showground, Grandstand and Buildings are an item of local heritage (I340) pursuant to Schedule 5 of Lithgow Local Environmental Plan (LEP) 2014. The Showground precinct is comprised of varying architectural styles, with a significant contrast seen between the Grandstand and Ballroom.

The Ashley Grandstand was built in 1938 and is located to the west of the development site. The grandstand contains a traditional hip roof, open tiered seating facing towards the north (towards the main oval), fine timber detailing, iron and timber superstructure, pre-coloured corrugated steel, roof and painted walls with timber posts.

The Civic Ballroom is located east of the development and contains a large brick building with a gable roof and two Norman-style towers flanking the front façade. The building was constructed in 1938, with steel frames from the AIS steelworks, and made from dry pressed fired clay bricks ranging from a variety of colours including dark red brown to grey and blonde.

The proposed community facility is to be setback approximately 54.2m from the grandstand and 60m from the civic ballroom. The existing and proposed buildings are separated by internal road structures and carparking. The proposed community facility is considered to be appropriately situated between the two (2) historic buildings.

The proposed built form, colours and finishes, has taken into consideration the existing historic buildings providing for a sympathetic and compatible development that will compliment the historic site.

Based on the information provided, a site inspection and a review of the sites history, the proposed development is considered appropriate and unlikely to detract from the heritage significance of the site.

Furthermore, the proposal is considered to be in keeping with the aims and objectives outlined within Clause 5.10 of Lithgow LEP 2014.

## 5.21 Flood Planning

The Tony Luchetti Sportsground is mapped as being flood prone land and the site adjoins Farmers Creek to the North.

The sportsground contains a large area and given that the proposed location of the new building will be located on a higher elevation (6.3m relative to the top of the creek bank) and approximately 240m away from the Creek, the development is not expected to be impacted upon by flooding.

The building location is further not flood affected on Council's Flood Map. Additionally, the flood level is not applicable as shown in below 1% AEP (100 years) map below:

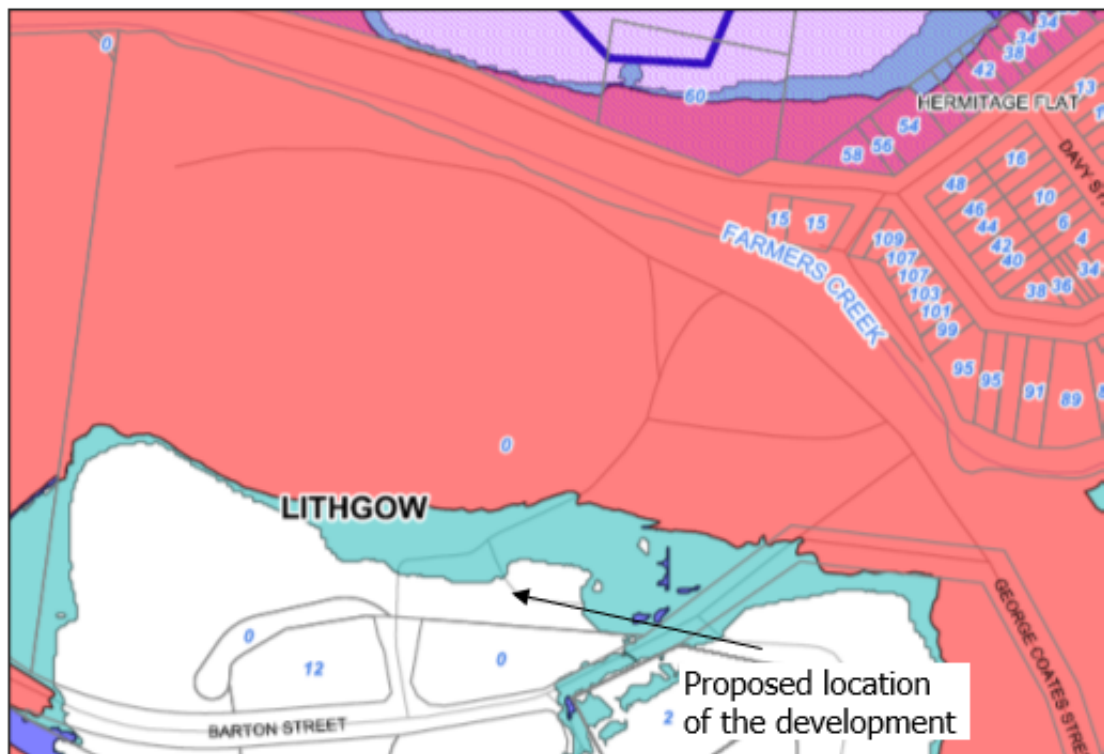


Figure 6 - Flood Mapping

Notwithstanding the above, the proposed development was referred to Council's Development Engineer who raised no objections subject to standard conditions being imposed in the consent.

### Clause 7.1 Earthworks

The development site contains a slope towards the north (facing the sports field) with the development to be partially located within an existing disturbed area. Maximising existing slope and with some earthworks, the development will contain an acceptable gradient (no greater than 20%).

The development proposes minimal earthworks for the installation of footings, and associated works. The south of the development site is proposed to contain a cut of to a maximum of 1.2m while the front of the building envelope is to contain fill of approximately 600mm.

A concrete block retaining wall (minimum 150 above grade) is proposed to be located around the building to the east, south and west. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent.

The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

Based on the information submitted and an assessment of the proposal, the development is considered to demonstrate compliance with the aims and objectives of Clause 7.1 Earthworks.

### Clause 7.3 Stormwater Management

Stormwater quality and quantity is to be appropriately managed on site through the installation of two (2) 27KL rainwater tanks and surface stormwater pits. The surface stormwater pits are to be charged lines to the existing services to Farmers Creek.

The development was referred to WaterNSW and Council's Engineer who raised no objections to the development subject to conditions being imposed in the consent.

### Clause 7.5 Groundwater Vulnerability

The property is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as the landscape of the property is proposed to remain and the environment has been previously disturbed. The development is designed, sited, and will be managed to avoid any significant adverse environmental impact.

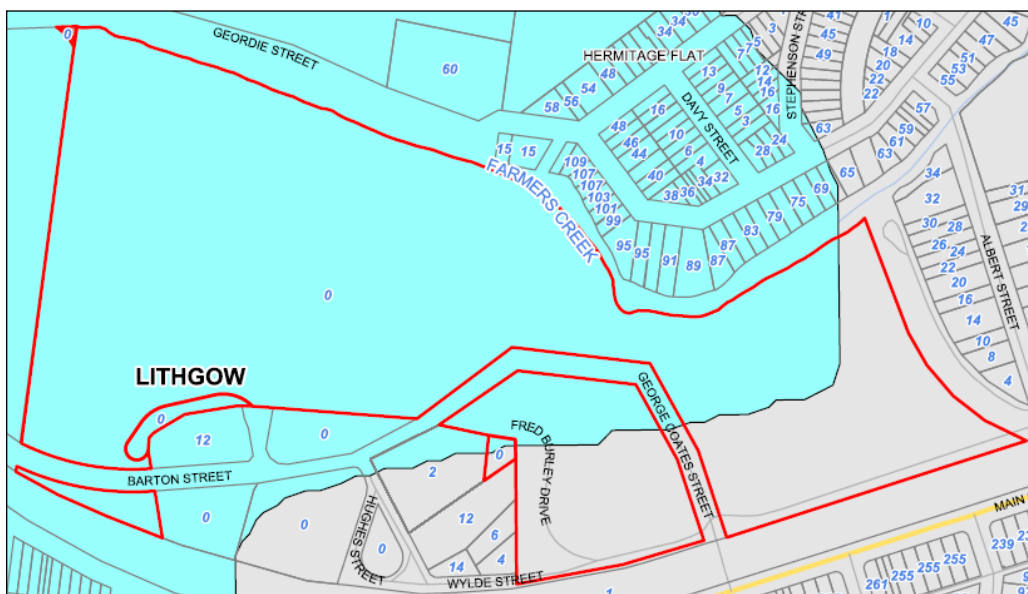


Figure 7 - Ground Water Vulnerability Mapping

### Clause 7.6 Riparian land and Watercourses

Located north of the Showground is Farmers Creek, which is Riparian Lands.

The proposed community facility is to be located approximately 240m from Farmers Creek and is therefore wholly outside of Riparian Lands. Notwithstanding, conditions will be placed on the consent to control soil and erosion impacts.

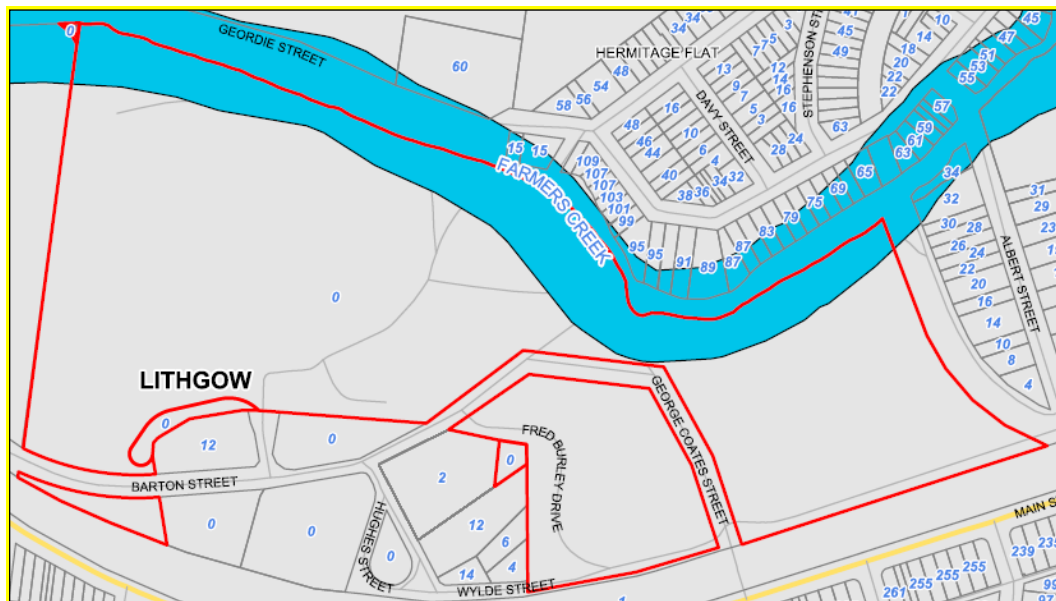


Figure 8 - Riparian Lands

#### Clause 7.10 Essential Services

Essential services such as electricity, Council's reticulated water and reticulated sewer services are already available at the site.

The development will have connections to Council's reticulated water and reticulated sewer services. The water main is proposed to be relocated away from the building envelope as it currently runs through the middle of the proposed building location. The sewer easement runs in front of the building along the internal roadway. The development was referred to Council's water and sewer officer for comment with no objection to the proposal raised subject to recommended consent conditions. These comments and conditions are found later in this report.

The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

#### ***State Environmental Planning Policy (Biodiversity and Conservation) 2021*** Chapter 6 Sydney Drinking Water Catchment

The Showground is located within the Sydney water supply and as such the development must demonstrate compliance with the requirements stipulated within Chapter 6 of the Biodiversity and Conservation SEPP.

The subject Development Application was referred to WaterNSW. WaterNSW is satisfied that the proposed development can achieve a neutral or beneficial effect (NorBE) as required under the Biodiversity and Conservation SEPP. No objections were raised to the proposal, subject to conditions being imposed in the consent.

***State Environmental Planning Policy (Resilience and Hazards) 2021***

Chapter 4 Remediation of land

Council is satisfied that the land is not contaminated under Chapter 4 as the property has been utilised as a sports field/showground for many years. The location of the development has not previously or is currently being used by any activities as specified under Table 1 of the contaminated land planning guidelines.

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

**Lithgow Council's Development Control Plan 2021**

<b>Development Control</b>	<b>Assessment Comments</b>
<b>Chapter 2 – Site Requirements</b>	
<b>2.2 Site Analysis, Local Character &amp; Context</b>	
2.2.1 Site Selection	The development is permissible in the zone and complies with the zone objectives. The development is consistent with surrounding landuses being for a mixture of uses with the location of the development is to be to the south of the main oval, between the main showground grandstand to the west, the skate park to the south east and the ballroom to the east.
2.2.2 Site Analysis & Development Response	The whole property is identified to contain heritage significance under the Lithgow LEP 2014. Refer to comments later in this report in this regard.  The property is bushfire prone however given that the use is non habitable, bushfire requirements are not applicable.  The development is for a community facility. As such the development will have minimal impact to the topography of the land (refer to earthwork information) or streetscape/character given that it is within the Lithgow Sporting ground precinct.
2.2.3 Local Character & Context	The development is proposed to be located within Lithgow existing sporting field precinct surrounded by a mixture of development uses. Beyond the Tony Luchetti Sport field consists of cricket fields, indoor basketball courts and the Lithgow Aquatic Centre. The development therefore is not expected to have any impact to the character and context of the area as per the heritage report.
2.2.4 Visually Prominent Sites	The development has been designed to blend into the existing landform and will have minimal visual



Development Control	Assessment Comments
<b>Chapter 2 – Site Requirements</b>	
	<p>impacts to surrounding developments. The development has been designed to contain a smaller height than the adjacent grandstand and ballroom, as well as having a greater setback to limit the visual impact to the streetscape. Landscaping is also proposed around the building to soften the visual impacts.</p>
2.2.5 Materials	<p>The development is proposed to be constructed of colorbond surfmist and mid-grey tones around the rim of the building walls, rendered hempcrete for the external walls. The development proposes zincalume sheeting for the roof with PV panels and clear polycarbonate roofing to the outdoor area.</p> <p>Council as such does not support the zincalume sheeting for the roof given that it is reflective material. Therefore, it will be conditioned on the consent that the roof be amended to be galvanised roof sheeting</p>
<b>2.3 Slope Response &amp; Earthworks</b>	
2.3.1 Slope & Site Design	<p>The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils. The development site contains a slope towards the north (facing the sports field) with the development to be partially located within an existing disturbed area. Maximising existing slope and with some earthworks, the development will contain an acceptable gradient (no greater than 20%). The development proposes minimal earthworks for the installation of footings, and associated works. The south of the development site is proposed to contain a cut of to a maximum of 1.2m while the front of the building envelope is to contain fill of approximately 600mm. A concrete block retaining wall (minimum 150 above grade) is proposed to be located around the building to the east, south and west. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent.</p>
<b>2.5 Stormwater Management</b>	<p>Stormwater is proposed to be connected to two 27KL rainwater tanks and surface stormwater pits via charged lines to the existing services to Farmers Creek. As such the development is not considered likely to adversely affect the water quality of the</p>

Development Control	Assessment Comments
<b>Chapter 2 – Site Requirements</b>	
	<p>receiving waters and is satisfactory for the development subject to conditions on the consent. The development was referred to WaterNSW and to Council’s Engineer for assessment. These comments are located later in this report.</p>
<b>2.5 Vehicle Access &amp; Parking</b>	
2.5.1 Guidelines & Standards	<p>The property contains an existing access from Barton Street with a driveway around the sports field. Existing carparking is also located around the facility, with one formalised public parking available near the grandstand. Other parking areas; such as the area in front of the Ball Room and around the fence line, are not designated or formed.</p> <p>The applicant proposes to extend the driveway with additional parking and a truck turning bay on the west and north side of the building. This is satisfactory for the development.</p>
2.5.2 Vehicle Access & Driveways	<p>Access to the development will be via an existing internal driveway within the sportsground precinct. The driveway is proposed to be extended to the entry ways to the building, as well as a newly formed carparking area. Conditions will be placed on the consent in relation to the standard of the access and driveways.</p>
2.5.3 Loading/Unloading, Delivery & Servicing Facilities	<p>An area has been designated on the plans for a loading/unloading bay and garbage truck turn around area. This area is satisfactory for the development.</p>
2.5.4 Parking Location, Design & Circulation	<p>The location of the parking area is to be located in front of the building. The parking layout has replaced an unformed area and will be designed for one lane traffic (one way). This has been assessed by Council’s Engineer and is satisfied subject to conditions on the consent.</p>
2.5.5 On-Site Parking Numbers	<p>The DCP states:</p> <p><b><i>Community facilities; place of public worship/assembly</i></b> - 1 space per 10m<sup>2</sup> of GFA OR 1 space per 4 seats (whichever is greater).</p> <p><b><i>Office premises</i></b> - 1 space per 50m<sup>2</sup> of Gross Floor Area (GFA).</p> <p>The development proposes the following calculations:</p> <ul style="list-style-type: none"> <li>•x2 Offices (50m<sup>2</sup> combined area) =1 space,</li> </ul>

Development Control	Assessment Comments
<b>Chapter 2 – Site Requirements</b>	
	<ul style="list-style-type: none"> <li>• Community Facility (area remaining 578m<sup>2</sup>) = 58 spaces</li> </ul> <p>The applicant has demonstrated 59 spaces to be available onsite including accessible parking. This is satisfactory for the development.</p>
2.5.6 Exemptions to Off-Street Car Parking Requirements	Refer to the above.
2.5.7 Bicycle Parking	A designated bicycle parking area has been provided for 5 bicycles and is proposed to be located at the front of the building.
<b>2.6 Pedestrian Access, Mobility &amp; Safety</b>	
2.6.1 Accessibility	Each approach to the building and entry, has been designed to allow people with limited mobility. The building has been designed to have a floor level at 908.30AHD with a slab on ground. An accessibility report has been submitted in conjunction with the development application. This access report has been referred to Council's Building Officer for assessment. These comments are found later in this report.
2.6.2 Pedestrians	Entrances to the proposed building are clearly visible from the internal roads. Pedestrian footpaths are also located around the building and between roadways/carparking areas.
<b>2.7 Safer By Design (Crime Prevention)</b>	
2.7.1 Safety by Design	The whole sporting facility precinct contains a security fencing around the boundaries as well as regular inspections from security officers. The development proposes external security lighting and internal security motion sensing alarm systems.
<b>2.9 Utilities, Easements &amp; Infrastructure</b>	
2.9.1 Connection to Utilities	<p>The property is currently connected to electricity with power poles and lines located to the north of the development site. The proposal will also include rooftop solar power which will be used to offset the mains grid load.</p> <p>The development will have connections to Council's reticulated water and reticulated sewer services. The water main is proposed to be relocated away from the building envelope as it currently runs through the middle of the proposed building location. The sewer easement runs in front of the</p>

Development Control	Assessment Comments
<b>Chapter 2 – Site Requirements</b>	
	building along the internal roadway. The development was referred to Council’s water and sewer officer for comment with no objection to the proposal raised subject to recommended consent conditions. These comments and conditions are found later in this report.
2.9.2 Building Near Utilities/Easements/Drainage Lines	As previously stated above the water easement is proposed to be relocated.  Two power poles will further need to be relocated. The application was referred to Endeavour Energy who has provided conditions on the consent in this regard.
2.9.4 Liquid Trade Waste	The requirement for a Trade Waste Application will be conditioned on the consent.
<b>2.11 Amenity/Buffers for Sensitive Uses</b>	
2.11.1 Noise & Vibration	<p>The proposal contains two uses that may generate noise. This includes; The Women’s Shed Machinery Room, and the public meeting hall when hosting events for up to one hundred people. The building has been designed with a construction system that features thick and relatively heavily insulated floor, wall and roof construction systems that will provide significant sound attenuation.</p> <p>The machines proposed to be utilised in the Women’s Shed workshop are small hand-held electrical tools such as drills and sanding machines, with their emitted noise levels to be low. It is expected that the noise will be contained with the workshop and will not be audible at a 100m distance or to the closest residence.</p> <p>The tool/dust room will contain two pieces of larger machinery; a thicknesser-jointer and table saw, both with dust extraction filtration. This room is wholly within the thermal envelope with non-operable windows.</p>
<b>2.11 Water &amp; Energy Efficiency</b>	The development proposes airtightness techniques, thermal insulation, mechanical ventilation and high-performance windows. These systems are satisfactory for the development.

Development Control	Assessment Comments
<b>Chapter 3 – Natural Environment &amp; Hazards</b>	
<b>3.2 Bush Fire Prone Land</b>	
<i>Note: Section 4.14 of the Environmental Planning and Assessment Act requires a consent authority to be satisfied a development conforms to the specifications and requirements of Planning for Bushfire Protection prior to granting consent.</i>	The property is bushfire prone however given that the use is non habitable, bushfire requirements are not applicable.
<b>3.5 Flood Prone Land</b>	
	<p>The property adjoins Farmers Creek to the North and as such part of the Tony Luchetti Sportsground is flood prone. The sportsground contains a large area and given that the proposed location of the new building will be located on a higher elevation (6.3m relative to the top of the creek bank) and approximately 240m away from the Creek, the development is not expected to be impacted upon by flooding.</p> <p>The building location is further not flood affected on Council's Flood Map. Additionally, the flood level is not applicable as shown in below 1% AEP (100 years) map.</p>
<b>3.6 Ground &amp; Surface Water Protection</b>	
	The property is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as the landscape of the property is proposed to remain and the environment has been previously disturbed. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

Development Control	Assessment Comments
<b>Chapter 4 – Heritage &amp; Cultural Conservation</b>	
<b>4.3 General Controls - Development of Heritage Items/Places &amp; within Heritage Conservation Areas</b>	
4.3.1 Design and Character	The sports field precinct has a variety of different architectural styles, ranging from the simple elegance of the grandstand, the impressive grandeur of the ballroom, to the bungalow style

Development Control	Assessment Comments
<b>Chapter 4 – Heritage &amp; Cultural Conservation</b>	
	utility buildings. Therefore, there is no one defining style, with the grandstand and the ballroom being the dominant features within the facility.
4.3.2 Scale and Form	The proposal is a single level building, whose roofline is significantly lower than the grandstand, thus not threatening its dominance of the site.
4.3.3 Siting and Setbacks	The proposal is not in a typical streetscape and there is no one dominant architectural style in the precinct. The proposed development will be approximately 54.2m setback from the grandstand and approximately 60m setback from the civic ballroom. The buildings are further separated by internal road structures and carparking. As such, the setback of the development from the heritage items is considered reasonable to have no construction impact on the current built forms.
4.3.4 Detailing	The proposal does not emulate the architectural style of the grandstand, due to the time period, materials and design. The façade contains similar design features to the surrounding heritage items such as the repeated column structure.
4.3.5 Materials, Finishes and Colour Schemes	As previously stated, the grandstand is constructed of timber with some iron tensile connecting members and the ballroom is of brick construction with corrugated steel roof. The development proposes to utilise hempcrete and lime render on the lower walls and various iterations of coloured steel in the exposed structure and cladding. The proposed building colour scheme is considered to be consistent with Lithgow heritage items. The development proposal's form consists of a pair of posed skillion roofs, it is distinct from both the heritage items and removed from both to provide a spatial separation to prevent conflict.
4.3.6 Roofs and Chimneys	Refer to above comments.
4.3.7 Verandahs and Balconies	The verandahs will be relatively small and will be incorporated into the design of the building.
4.3.8 Garages, Carports, Car Spaces and Driveways	The proposed parking area will be located to the south of the development and will have no impact to the surrounding heritage significance of the area.
4.3.9 Fences	NA



<b>Development Control</b>	<b>Assessment Comments</b>
<b>Chapter 4 – Heritage &amp; Cultural Conservation</b>	
4.3.10 Gardens, Garden Elements and Swimming Pools	NA

<b>Development Control</b>	<b>Assessment Comments</b>
<b>Chapter 7 – Commercial, Community &amp; Industrial Uses (&amp; Advertising &amp; Signage for all relevant uses)</b>	
<b>7.2 General Controls</b>	
7.2.1 Site Analysis & Potential Land Use Conflicts	The development is suitable to the site and subject to conditions of consent will have minimal land use conflicts for a community facility.
7.2.2 Open (Outdoor) Storage, Utility, Waste & Service Areas	There is no proposed outdoor storage of materials and any waste produced at the site will be provided in closable receptacles and removed to a licensed facility. The bin area is to be screened from the street via the building. The development for a community facility will not require loading and unloading of materials or hazardous materials storage.
7.2.4 Fencing	Fencing is located around the sporting field facility. No additional fencing is proposed as part of this application.
<b>7.4 Commercial &amp; Community Uses</b>	
7.4.2 Building Setbacks (General)	Refer to previous comments.
7.4.6 Building Height, Bulk & Form	Refer to previous comments.
7.4.7 Building Design, Articulation & Facades	Refer to previous comments.
7.4.9 Food Premises	The 2 proposed kitchens are to be used for the community use and not in a commercial capacity. The kitchen will comply with appropriate AS and food fit out requirements. It is noted in the Statement of Environmental Effects that the kitchens are not intended to be fully equipped for food preparation but as a facility for external caterers to bring prepared food to be plated and served. Therefore, the kitchens will be comprised of benches with open shelves, double sinks with hot water, dishwasher and hand washing facilities.

Development Control	Assessment Comments
<b>Chapter 7 – Commercial, Community &amp; Industrial Uses (&amp; Advertising &amp; Signage for all relevant uses)</b>	
	The development was referred to Council's Environmental Health Officer, whose comments are found later in this report.
<b>7.5 Advertising &amp; Signage</b>	
7.5.5 General Controls for Advertising and Signage	A sign advertising the Building use is proposed to be located at the front of the building. The signage is proposed to have the words 'Lithgow Area Women's Shed. Given that the signage is relatively small and to be located across the front awning, the signage is suitable for the development.

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

No.

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

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

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

**Adjoining Landuse:** The development is proposed to be located within Lithgow existing sporting field precinct surrounded by a mixture of development uses. Beyond the Tony Luchetti Sport field consists of cricket fields, indoor basketball courts and the Lithgow Aquatic Centre. The development therefore is not expected to have any impact to the character and context of the area as per the heritage report.

**Services:** The property is currently connected to electricity with power poles and lines located to the north of the development site. The proposal will also include rooftop solar power which will be used to offset the mains grid load.

The development will have connections to Council's reticulated water and reticulated sewer services. The water main is proposed to be relocated away from the building envelope as it currently runs through the middle of the proposed building location.

The development was referred to Council's water and sewer officer for comment with no objection to the proposal raised subject to recommended consent conditions. These comments and conditions are found later in this report.

**Context and Setting:** The proposed development will be located within the Tony Luchetti Sportsground Precinct and therefore 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 and Parking:** The property contains an existing access from Barton Street with a driveway around the sports field. Existing carparking is also located around the facility, with one formalised public parking available near the grandstand. Other parking areas; such as the area in front of the Ball Room and around the fence line, are not designated or formed.

The applicant proposes to extend the driveway with additional parking and a truck turning bay on the west and north side of the building. This is satisfactory for the development.

Additional information and requirement have been assessed earlier in the report as per Council's Development Control Plan 2021.

**Heritage:** The Showground, Grandstand and Buildings are an item of local heritage (I340) pursuant to Schedule 5 of Lithgow Local Environmental Plan (LEP) 2014. The Showground precinct is comprised of varying architectural styles, with a significant contrast seen between the Grandstand and Ballroom.

The Ashley Grandstand was built in 1938 and is located to the west of the development site. The grandstand contains a traditional hip roof, open tired seating facing towards the north (towards the main oval), fine timber detailing, iron and timber superstructure, pre-coloured corrugated steel, roof and painted walls with timber posts.

The Civic Ballroom is located east of the development and contains a large brick building with a gable roof and two Norman-style towers flanking the front façade. The building was constructed in 1938, with steel frames from the AIS steelworks, and made from dry pressed fired clay bricks ranging from a variety of colours including dark red brown to grey and blonde.

The proposed community facility is to be setback approximately 54.2m from the grandstand and 60m from the civic ballroom. The existing and proposed buildings are separated by internal road structures and carparking. The proposed community facility is considered to be appropriately situated between the two (2) historic buildings.

The proposed built form, colours and finishes, has taken into consideration the existing historic buildings providing for a sympathetic and compatible development that will complement the historic site.

Based on the information provided, a site inspection and a review of the site's history, the proposed development is considered appropriate and unlikely to detract from the heritage significance of the site.

**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 proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by contamination. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

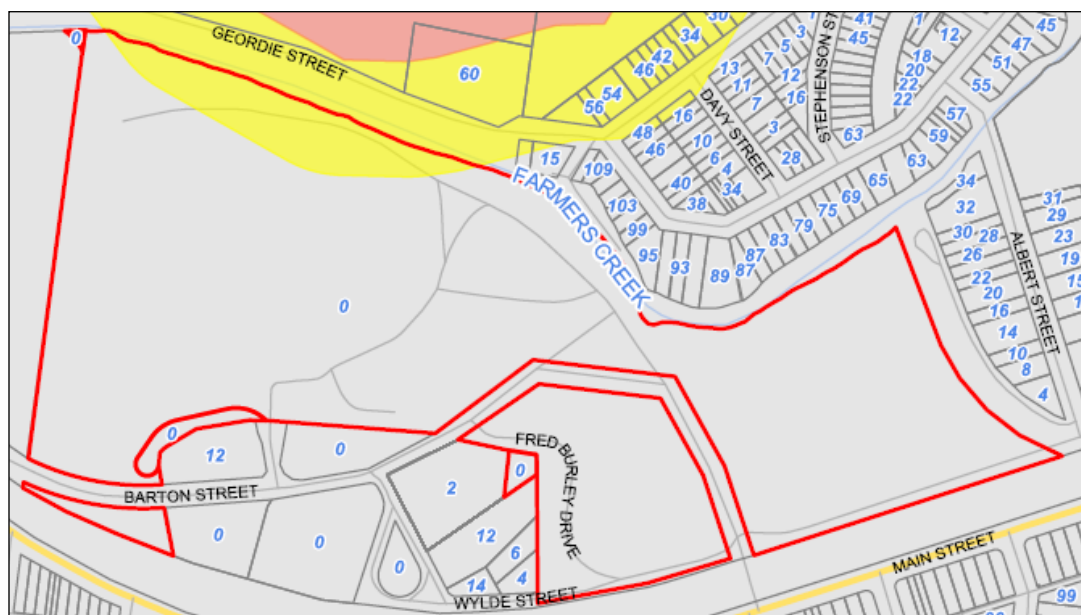
The development site contains a slope towards the north (facing the sports field) with the development to be partially located within an existing disturbed area. Maximising existing slope and with some earthworks, the development will contain an acceptable gradient (no greater than 20%). The development proposes minimal earthworks for the installation of footings, and associated works. The south of the development site is proposed to contain a cut to a maximum of 1.2m while the front of the building envelope is to contain fill of approximately 600mm. A concrete block retaining wall (minimum 150 above grade) is proposed to be located around the building to the east, south and west. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent.

**Waste:** A designated waste disposal area has been nominated on the plans. The waste container will be able to facilitate general waste from the development.

The applicant advised Council that the facility will not be manufacturing large amounts of timber.

As such, conditions would be placed on the consent stating that all excess material should be placed within the waste bin provided or alternatively taken to Council's Waste Facility. No timber or materials are to be left outside of the building.

**Natural Hazards:** Part of Tony Luchetti is identified as being within the bushfire prone area. This section is over approximately 240m from the proposed development site. As the development is not for habitable use and the area is cleared around the building structure, it is unlikely that bushfire would impact the development. Council's bushfire map is shown below:



**Noise and Vibration:** The proposal contains two uses that may generate noise. This includes; The Women's Shed Machinery Room, and the public meeting hall when

hosting events for up to one hundred people. The building has been designed with a construction system that features thick and relatively heavily insulated floor, wall and roof construction systems that will provide significant sound attenuation.

The machines proposed to be utilised in the Women's Shed workshop are small hand-held electrical tools such as drills and sanding machines, with their emitted noise levels to be low. It is expected that the noise will be contained within the workshop and will not be audible at a 100m distance or to the closest residence.

The tool/dust room will contain two pieces of larger machinery; a thicknesser-jointer and table saw, both with dust extraction filtration. This room is wholly within the thermal envelope with non-operable windows.

### 5.3.7 The Suitability of the site for the development

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

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

The proposal was sent to Endeavour Energy, WaterNSW, Council's Engineering Department and Water and Sewer Officer, for commenting with recommendations detailed below. The development was referred to adjoining owners for commenting. During the notification period no submissions were received.

#### **ENDEAVOUR ENERGY**

Reference is made to Endeavour Energy's referral received 13 June 2023 in response to Council's Planner's referral dated 13 June 2023.

As such Endeavour Energy has no objection to the application subject to conditions on the consent. These conditions are located under Schedule A.

#### **WATERNSW**

Reference is made to WaterNSW referral received 20 July 2023 in response to Council's Planner's referral dated 14 June 2023.

As such WaterNSW has no objection to the application subject to conditions on the consent. These conditions are located under Schedule A.

#### **COUNCIL'S ENVIRONMENTAL HEALTH OFFICER**

Reference is made to Council's Environmental Health Officer's referral received 02 June 2023 in response to Council's Planner's referral.

Council's Environmental Health Officer has no objection to the application subject to conditions on the consent. These conditions are located under Schedule A.

#### **COUNCIL'S ENGINEERING OFFICER**

Reference is made to Council's Engineering Officer referral received 15 August 2023 in response to Council's Planner's referral dated 14 June 2023.

As such Council's Engineering Officer has no objection to the application subject to conditions on the consent.

#### **COUNCIL'S WATER, WASTEWATER AND WASTE OFFICER**

Reference is made to Council's Water, Wastewater and Waste Officer's referral received 20 July 2023 in response to Council's Planner's referral.

Council's Water, Wastewater and Waste Officer has no objection to the application subject to conditions on the consent. These conditions are located under Schedule A.

#### **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.

### **6. DISCUSSION AND CONCLUSIONS**

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

### **7. ATTACHMENTS**

Schedule A- Conditions of consent.

### **8. RECOMMENDATION**

**THAT** development application DA 084/23 is approved subject to conditions set out in Schedule A.



Report prepared by: Lauren Stevens

Supervisor:

Signed:.....

Signed:.....

Dated:.....

Dated:.....

**REASONS FOR CONDITIONS**

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

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

# Schedule A

## Conditions of Consent (Consent Authority)

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

### 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.	Plan Name	Rev	Date
	Heritage Impact Statement, by Envirotecure		May 2023
	Supplementary Heritage Impact Statement, by GBA Heritage		11 August 2023
	Cover Sheet, by Envirotecure	2	09/08/2023
	Colours and Materials, by Envirotecure	2	09/08/2023
	Elevations North & East, by Envirotecure	2	09/08/2023
	Elevations South & West, by Envirotecure	2	09/08/2023
	Elevations Context, by Envirotecure	2	009/08/2023
	Sections, by Envirotecure	2	09/08/2023
	Roof Plan, by Envirotecure	2	09/08/2023
	Landscape Plan, by Envirotecure	2	09/08/2023
	Site Analysis, by Envirotecure		09/08/2023
	Cut & Fill, by Envirotecure	2	09/08/2023
	Floor Plan, by Envirotecure	2	09/08/2023
	Servicing Plan, by Envirotecure	2	09/08/2023
	Site Plan, by Envirotecure	2	09/08/2023
	Siteworks, Waste and Sediment Control Plan, by Envirotecure	2	09/08/2023
	Reflected Ceiling Plan, by Envirotecure	2	09/08/2023
D00	Stormwater Concept Plan- Cover Sheet, Legend and Drawing Schedule, by Loka Consulting Engineers Pty Ltd	B	18/07/2023
D01	Ground Floor/Site Stormwater Drainage Plan, by Loka Consulting Engineers Pty Ltd	B	10/05/2023
D02	Ground Floor/Site Stormwater Drainage Plan, by Loka Consulting Engineers Pty Ltd	D	09/08/2023
D01-1	Ground Floor/Site Stormwater Drainage Plan, by Loka Consulting Engineers Pty Ltd	A	09/08/2023

D01-2	Ground Floor/Site Stormwater Drainage Plan, by Loka Consulting Engineers Pty Ltd	A	09/08/2023
D02	Erosion and Sediment Control Plan and Details, by Envirotecure	B	09/08/2023
D03-1	Music Result and Details, by Envirotecure	B	09/08/2023
D03-2	Music Result and Details 2, by Envirotecure	B	09/08/2023
	Traffic Management Report, by Loka Consulting Engineers Pty Ltd		10 August 2023

2. **Authorised Use**

The proposed use is for a community centre to be managed by a non-for-profit community organisation or public authority and no commercial or residential uses are permitted under this consent. The maximum number of patrons in the building is to be no more than 100 people at any given time.

3. **External Lighting**

That all external lighting be directed within the property boundaries ensuring all lighting is downwards pointing. No lighting is to be directed to the street or adjoining neighbours that would cause a nuisance to those receivers.

4. **Noise**

Due to the proximity to residents, noise is not to exceed, in any bedroom, 35dB(a) between 10pm to 7am.

5. **Building Regulations**

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

6. **Disability Discrimination Act**

It is the applicant responsibility to ensure compliance with the requirements of the Disability Discrimination Act 1992 (DDA). You are advised to seek advice from the Australian Human Rights and Equal Opportunity Commission in respect of your application.

**PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

7. **Multi Functional Community Facility Capacity Management Plan**

A Multi Function Community Facility Capacity Management Plan shall be submitted to Council for approval prior to the issue of the Construction Certificate. The plan shall detail the following:

- Purpose, use and patron capacity of the hall, meeting room and kitchen and any outdoor recreation space,
- Capacity control of the patrons.

8. **Section 68- Water and Sewer**

1. The applicant is to submit a Section 68 application under the Local Government Act 1993 for the modification and construction of the new watermain to be installed away from the building envelope.
2. This section 68 application should also detail the position for connection for water servicing and sewerage servicing.
3. The Section 68 application must include proposed designs for the water and sewerage connections and the water main showing:
  - a. Water mains long section.
  - b. Position of hydrants, stop valves and any other infrastructure required to install as per applicable standards and meter connection point.
  - c. Details of thrust blocks and main connections to existing infrastructure

9. **Trade Waste**  
A Trade Waste Application is to be submitted to Council prior to the issue of the Construction Certificate.
10. **Roof Material**  
The roof is to be amended to be of galvanised material, with the amended plans submitted with the Construction Certificate.

## **CONDITIONS APPLYING BEFORE WORKS COMMENCE**

11. **Certification**  
Prior to commencing any construction works, the following requirements of the *Environmental Planning and Assessment Act 1979* are to be complied with:
- A principal certifier is appointed in accordance with section 6.6(1) of the Act, and
  - 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
  - A construction certificate has been issued for the building works in accordance with section 6.7 of the Act, and
  - 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.
12. **Signage**  
A sign must be erected in a prominent position on any site on which building work or demolition work is being carried out—
- showing the name, address and telephone number of the principal certifier for the work, and
  - showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - stating that unauthorised entry to the work site is prohibited.
- Any such sign is to be maintained while the building or demolition work is being carried out, but must be removed when the work has been completed.
13. **Protection of adjoining areas**  
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—
- could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
  - could cause damage to adjoining lands by falling objects, or
  - involve the enclosure of a public place or part of a public place.
- Note. Clauses 2.67 and 2.68 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specify which scaffolding, hoardings and temporary construction site fences are exempt development and state the applicable standards for that development.*
14. **Toilet facilities**  
(1) Toilet facilities must be available or provided at the work site before works begin, and must be maintained until the works are completed, at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

- (2) Each toilet must—
    - (a) be a standard flushing toilet connected to a public sewer, or
    - (b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
    - (c) be a temporary chemical closet approved under the Local Government Act 1993.
15. **Garbage receptacle**
  - (1) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
  - (2) The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.
16. **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.
17. **Traffic Control Plan**

A fully certified traffic control plan will be required where machinery may obstruct traffic on public roads whilst construction work is being undertaken. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.
18. **Council Assets**

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.
19. **Access**

Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6.
20. **Food premises design and construction**

Prior to the installation of the kitchen, plans and specifications demonstrating compliance with the following, shall be submitted to Council for approval:

  - AS 4674-2004 - *Design, construction and fit-out of food premises*
  - The Food Act 2003 and Regulations there under.
  - Food Standards Australia New Zealand (FSANZ) Food Safety Standards.
21. **Food premises registration**

The kitchen facilities shall be inspected and approved by Council's Environmental Health Officer and registered with Council prior to opening.
22. **Food safety supervisor**

A food safety supervisor shall be appointed in accordance with Food Act 2003 and a copy of the Food Safety Supervisor Certificate shall be submitted to Council prior to the commencement of the food business.

23. **Plumbing and Drainage Plans**

Prior to commencement of work, hydraulic plumbing and drainage drawings prepared by a practising Hydraulic Engineer must be submitted to and approved by Council. These drawings must indicate:

- a. Sanitary plumbing and drainage systems including location of drains, diameter of pipework, material (selected to withstand high temperature e.g. HDPE ), etc.; and
- b. Fixture and fitting details; and
- c. Backflow prevention devices (e.g. RPZ valves); and
- d. Temperature control devices (e.g. thermostatic mixing valves and tempering valves).

24. **Contract Works Insurance**

The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors/Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.

### **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.*

25. **Standard hours for construction**

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

26. **Works outside standard hours for construction**

- (1) Work may be carried out outside the standard hours for construction if the work only generates noise that is—
  - (a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the Interim Construction Noise Guideline (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
  - (b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- (2) Work may be carried out outside the standard hours for construction—
  - (a) for the delivery of materials—if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
  - (b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

27. **Compliance with plans**

- (1) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.
- (2) A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

28. **Procedure for critical stage inspections**

While building work is being carried out, any such work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.

29. **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.

30. **Earthworks, retaining walls and structural support**

- (1) Any earthworks (including any structural support or other related structure for the purposes of the development)—
  - (a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
  - (b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
  - (c) that is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
  - (d) that is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.

- (2) Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX]), published in July 2012 by Safe Work Australia.
- (3) Earthworks (including placement of fill and compaction) shall be undertaken in accordance with AS3798-2007: *Guidelines on earthworks for commercial and residential developments* and Part 3.1, *Building Code of Australia, Volume 2, 2019*.

31. **Compaction of fill**

- (1) Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.
- (2) Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer. Alternatively, all footings/piers are to be taken through filled ground to foundation material of uniform adequate bearing pressure in accordance with Structural Engineers requirements.

**Note: A compaction report from a Geotechnical Engineer or Engineering structural plans/details for any proposed piers through fill, shall be submitted to the Principal Certifying Authority prior to the slab steel inspection.**

- (3) Fill material used must be virgin excavated natural material within the meaning of the Protection of Environmental Operations Act 1997 (POEO) or any other waste-derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Note: Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

32. **Plumbing and Drainage Requirements**

- (1) 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.
- (2) All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 1 & 2 and Comply with the Plumbing Code of Australia (PCA).
- (3) That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

**Forty - eight (48) hours' notice shall be given to Council for inspection of the following:**

- Internal and external drainage lines prior to prior to backfilling.
  - The licensed plumber/drafter shall be on site at the time of the inspection, and the drainage lines shall be charged and under test.
  - Hot and cold water installations under test bucket pressure of 1500Kpa
  - On completion of all plumbing drainage and sanitary fixture installations.
- (4) 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.



- (5) A flow meter shall be installed to monitor the daily wastewater flows to the systems after use or an event.
- (6) A copy of the following documentation and plans shall be provided to the licensed plumber and drainer and installers of onsite wastewater management system:
- S68 Approval and associated conditions issued by Council;
  - Copy of Council approved site plan and floor plan.
33. **Surface water control**  
That all seepage and surface waters are collected and diverted clear of the building site by a drainage system prior to the issue of the Occupation Certificate. Care is to be taken to ensure that no nuisance is created to adjoining properties.
34. **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.*
35. **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.*
36. **Stormwater**
- 1) The stormwater management system shall be provided generally in accordance with the stormwater concept plan lodged for development approval, prepared by Lokca Consulting Engineers Pty Ltd, Job Number 23NL042, revision D, dated 09/08/2023.
- 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 Construction Certificate.
- 2) The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.

## **KITCHEN REQUIREMENTS**

37. **Walls**
1. The walls surrounding the food preparation areas shall be of solid construction.
  2. The walls in the food preparation area of the premises shall be: sealed to prevent the entry of dirt, dust and pests; unable to absorb grease, food particles or water; and able to be easily and effectively cleaned. Walls in food preparation areas shall be finished with one or a combination of the following materials:
    - (i) Glazed tiles.

- (ii) Stainless or aluminium sheeting.
- (iii) Polyvinyl sheeting with welded seams.
- (iv) Laminated thermosetting plastic sheeting.
- (v) Similar impervious material adhered directly to the wall.

38. **Floors**

1. The flooring in the food preparation, storage and bar areas of the premises shall be designed and constructed so that they can be effectively cleaned; be unable to absorb grease, food particles or water; be laid so that there is no ponding of water; and to the extent that is practicable, be unable to provide harbourage for pests.

2. Floors in the food preparation areas shall be finished with one or a combination of the following materials:

- (i) Sealed quarry tiles or ceramic tiles.
- (ii) Stainless steel.
- (iii) Polyvinyl sheeting with welded seams.
- (iv) Laminated thermosetting plastic sheeting.
- (v) Epoxy resin.
- (vi) Steel trowel case hardened concrete.

3. Coving of not less than 25mm in radius shall be provided to the intersections of floors with walls in the food preparation area. The coving shall be integral to the surface finish of both floor and wall in such a manner as to form a continuous uninterrupted surface.

4. The floor of the food preparation areas is to be drained to a floor waste connected to the sewer. The floor waste is to consist of a removable basket within a fixed basket arrestor and is to comply with the Sydney Water requirements.

39. **Ceiling**

The ceiling in food preparation areas and storage areas shall be finished with impervious sealed material without joints, cracks and crevices. (Note: Drop-in, removable panel ceilings shall not be used in food preparation areas or over areas where open food is stored, displayed or served.)

40. **Washing Facilities**

1. A separate hand wash basin, supplied with a constant supply of warm running water through a single outlet or mixer, shall be provided in food preparation areas.

2. All hand wash basins installed within the premises, including those inside the toilets, shall be supplied with warm running water delivered through a single outlet.

3. Adequate hand wash basins shall be installed inside the food preparation areas. They shall be located no further than 5m from any place where food handlers are handling open food.

4. A liquid soap dispenser (that dispenses liquid soap) and a towel dispenser (that dispenses a single-use paper or cloth towel) shall be provided adjacent to or near each hand wash basin.

5. The wash up sink shall be supplied with hot and cold water

41. **Lighting and Light Fittings**

1. Artificial lighting provided to the premises shall comply with the requirements of AS 1680.1 and AS/NZS 1680.2.4.

2. In areas where open food is handled or stored, light fittings shall be designed and constructed to prevent contamination of food should the globe or tube shatter and free from any features that would harbour dirt, dust or insects or make the fitting difficult to clean.
42. **Mechanical Exhaust Ventilation System**
1. Where cooking or extensive heating processes or such other processes as may be specified are carried out in the kitchen or in food preparation areas, an approved mechanical exhaust ventilation system shall be installed and operated in accordance with AS/NZS 1668.1 - 1998 and AS 1668.2 – 2012.
2. The mechanical exhaust ventilation system shall be designed and installed in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012. A certificate (issued by a licensed mechanical ventilation contractor) stating compliance with these Australian Standards shall be submitted to Council.
3. A mechanical exhaust ventilation system that complies with the AS/NZS 1668.1-1998 and AS 1668.2-2012 shall be provided in the food preparation areas to remove the steam from the dishwasher or other washing and sanitizing equipment.
43. **Fixtures, Fittings and Equipment**
1. All fixtures, fittings and equipment shall be constructed so as to be capable of being easily and effectively cleaned.
2. Service pipes, conduits and electrical wiring shall either be –
- (i) concealed in floors, plinths, walls or ceiling; or
  - (ii) fixed on brackets so as to provide at least 25mm clearance between the pipe and adjacent vertical surface and 100mm between the pipe or conduit and adjacent horizontal surfaces.
44. **Toilet Cubicles**
- The toilet cubicles shall be –
- (i) separated from areas where open food is handled, displayed or stored by an intervening ventilated space fitting with self-closing doors; or
  - (ii) provided with self-closing doors and mechanical exhaust system that operate when the sanitary compartment is in use and for at least 30 seconds after the cubicle is vacated.
45. **Waste Management**
1. Waste and recyclable material generated from the operations of the business shall be managed in a satisfactory manner that does not give rise to offensive odour or encourage pest activity. Food residues, food scraps, and waste material shall be regularly removed from the premises. Waste shall not be permitted to accumulate near the allocated waste storage bins.
2. A stainless steel cleaner's sink or a floor waste shall be provided for the disposal of waste water. The cleaner's sink or floor waste shall be located outside of areas where open food is handled.
46. **Pest Control**
1. Practicable measures shall be taken to exclude and prevent the entry of vermin into the food preparation area through windows and doors. Where premises are enclosed, windows shall be protected against the entry of pests by being –
- (i) tight-fitting and permanently fixed closed;
  - (ii) fitted with mesh screens that can be removed for cleaning; or
  - (iii) protected by a permanent mesh screen that can be cleaned in place.

2. Entrances/exits, serving hatches and similar openings to food premises shall be protected against the entry of pests by –

- (i) tight-fitting solid self-closing doors, roller shutters or other means of closing off the entrance; or
- (ii) tight-fitting self-closing mesh screen doors.

47. **Food Safety Supervisor**

A food safety supervisor shall be appointed in accordance with Food Act 2003 and a copy of the Food Safety Supervisor Certificate shall be submitted to Council prior to the commencement of the food business.

48. **General Requirements**

1. The layout, disposition and method of installation of fixtures and fittings, together with wall, floor, and ceiling finishes to all preparation, storage areas and cool rooms (AS4674, the Food Act 2003 and Regulations there under).

2. Premise to be registered with Council prior to opening via the Food Premises Business Registration or Information Update form.

3. Council's Environmental Health Officers will carry out routine inspections of the premises under the Food Act 2003. Administration and inspection fees will be charged in accordance with Council's Pricing Policy and Fees & Charges.

49. **Odours**

A smoke and odour impact assessment shall be submitted to Council if any complaints are lodged with Council in relation to the emissions generated as a result of the business. The report must be prepared by a suitably qualified environmental consultant and include modelling of the odour impact on the nearest affected receptor (e.g. residents/property occupants). Any recommendations resulting from the report are to be in accordance with AS/NZS 1668.1 – 1998 and AS 1668.2 – 2012, as well as the Office of Environment & Heritage Technical Framework – Assessments and Management of Odour from Stationary Sources in NSW (November 2006).

**WATERNSW REQUIREMENTS**

50. **General**

The site layout and works shall be as specified in the Statement of Environmental Effects (dated May 2023) and shown on the Site Plan (Project No. L53, Dwg. No. A2 11.02, Revision 2, dated 09/08/2023) prepared by Envirotecture. No revised site layout, staging or external works that will have any impact on water quality, shall be permitted without the agreement of Water NSW.

51. **Stormwater Management**

1. All stormwater treatment and management measures as shown on the Stormwater Concept Plans shall be incorporated in the final stormwater management plan. The final stormwater management plan shall:

- be prepared prior to the issuance of a Construction Certificate and approved by the Principal Certifier, and
- include appropriately designed stormwater management measures:
  - o pits and pipes
  - o two 27,000 litre rainwater tanks, and
  - o cartridge media filter (Jellyfish JF900 or WaterNSW endorsed equivalent).

2. The rainwater tanks for the building roof shall be installed that:

- ensures roofs and gutters are designed to maximise the capture of rainwater in the tank,

- ensures that the tanks are plumbed to toilets, and other areas for non-potable use including landscape watering, and
  - ensures that all rainwater tank overflow is directed to the stormwater drainage network upgradient of the cartridge media filter.
3. No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without prior agreement of Water NSW.
  4. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and the Principal Certifier 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.
  5. 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 a plan showing the location and purpose of all stormwater treatment measures and natural and built drainage features,
    - include the details on the location and nature of stormwater management structures such as proposed pits, pipes, media filters, 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, monitoring, and maintenance activities.
  6. All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan.

52. **Construction Activities**

1. An Erosion and Sediment Control Plan shall be prepared by a person with knowledge and experience in the preparation of such plans for the development. The Plan shall:
  - be prepared prior to the issuance of a Construction Certificate and be to the satisfaction of the Principal Certifier, and
  - meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004), and
  - include controls to prevent sediment or polluted water leaving the construction area or entering any stormwater drain or natural drainage system.
2. The Erosion and Sediment Control Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.

**ENDEAVOUR ENERGY REQUIREMENTS**

53. **Easement Management/Network Access**

Endeavour Energy's preference is for no activities or encroachments to occur within its easements. If any proposed works or activities (other than those

approved/certified by Endeavour Energy's Network Connections Branch as part of an enquiry/application for load or asset relocation project) will encroach/affect Endeavour Energy's easements or protected assets.

54. **Relocation of Power Pole and Lines**

An application must be made for an asset relocation/removal to determine possible solutions to the developer's requirements. This is to be undertaken prior to the issue of the Construction Certificate.

55. **Network Connection**

Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load. This is to be undertaken prior to the issue of the Construction Certificate.

56. **Protected Works**

Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the Electricity Supply Act 1995 (NSW).

57. **Dial Before You Dig**

Before commencing any underground activity the applicant must obtain advice from the Dial Before You Dig 1100 service.

58. **Earthing**

The construction of any building or structure (including fencing, signage, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time.

59. **Emergency Contact**

Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.

60. **Prudent Avoidance**

Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.

61. **Public Safety**

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources were developed to help general public/workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are available via Endeavour Energy's website.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

62. **Certificate of Compliance**

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.

63. **Section 305 of the Water Management Act 2000**

Prior to the issue of an Occupation Certificate, a Certificate of Compliance is to be obtained from Lithgow City Council under Section 305 of the Water Management Act 2000. An inspection of water supply and sewerage works will be undertaken and payment of any required contributions in accordance with Council's

Development Servicing Plan for Water Supply and Sewerage is to be made prior to certification being issued. Details of the required contributions can be found in the current Lithgow Council Fees and Charges or any applicable document adopted by Council in relation to contributions under Section 64 of the Local Government Act 1993.

64. **Final Plumbing and Drainage**

Council as the certifying authority for water and sewer inspections, has undertaken and approved the final installation of the onsite wastewater management system and all plumbing and drainage fixtures.

65. **Fire Safety**

Prior to issue of any Occupation Certificate, the performance of fire safety measures listed in the current Fire Safety Schedule must be assessed and verified by the issue of a fire safety certificate that is prepared by suitably accredited practitioner (Fire Safety), engaged by the owner.

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

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

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

66. **Works-as-executed plans and any other documentary evidence**

Before the issue of the relevant occupation certificate, the applicant must submit, to the satisfaction of the principal certifier, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works:

- a. All stormwater drainage systems and storage systems.
- b. All plumbing and drainage works.
- c. Compliance with conditions relating to bushfire Protection.
- d. Compliance of building works with the Building Code of Australia.

**CONDITIONS APPLYING PRIOR TO OCCUPATION/USE**

67. **Occupation Certificate**

Prior to the use or occupation of the approved development, all conditions of this consent are to be satisfied, a final inspection undertaken by the Principal Certifying Authority and an Occupation Certificate issued.

## **POST OCCUPATION**

### **68. Waste Disposal**

All excess material should be placed within the waste bin provided or alternatively taken to Council's Waste Facility. No timber or materials are to be left outside of the building.

## **ADVISORY NOTES**

### **AN1. Building Inspection Schedule**

The Principal Certifying Authority (PCA) is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Lithgow City Council Certifiers during construction of the work.

### **AN2. Inspection schedule – Drainage and Plumbing**

As the Certifying Authority, for water and sewer inspections Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Internal and any sanitary external drainage, grease arrestor, septic tank and amended soil mound.
- b. Final inspection of system prior to occupation/use of the building.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections and inspection fees must be paid.**

### **AN3. Required and Mandatory Inspection Schedule**

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

- a) Pier holes/pad footings before filling with concrete.
- b) Reinforcing steel in position and before concrete is poured (slab, footings, lintels, beams, columns, floors, walls and the like).
- c) Wall and roof framing when external wall and roof cladding is in place and prior to internal linings.
- d) prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work.
- e) Wet area flashing prior to tiling or covering.
- f) Kitchen installation.
- g) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- h) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.



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

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

AN4. **Termite Protection**

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

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

AN5. **Wind Loading**

The property is located in an area subject to high winds. The structure shall be designed and constructed to withstand the site specific wind load.

AN8. **Anchorage of roof cladding**

That owing to the area being subject to high wind velocities from time to time, every precaution is to be taken to ensure the building and the roof cladding are effectively secured. Manufacturer's details and directions for anchorage and fixing are to be adhered to.

AN9. **Reference to Building Code of Australia**

A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

AN10. **Compliance with Engineering plans and specifications**

The construction of the development shall comply with the approved engineering plans and specifications.