
SECTION 4.15 EVALUATION

Environmental Planning and Assessment Act 1979 (as amended)

Development Application No.	DA154/23, PAN-367361
Subject Site	Lot 3 DP29016, 'Lithgow Basketball Stadium', Barton Street Lithgow NSW 2790
Proposal	Building Alterations and Additions
Zoning	RE1 Public Recreation - LEP 2014
Permissibility	Alterations and Additions to an existing recreation facility (indoors) is permitted with consent in the RE1 Zone of the Lithgow LEP2014
Cost of Development	\$99,900.00
Applicant	Mr Richard Marjoram on behalf of Lithgow and District Basketball Association Inc.
Owner	Lithgow City Council
Notification	12 September 2023 to 5 October 2023
Submissions	Nil.
Variations	No variations sought.
Site Inspection	3 October 2023
Responsible Officer	Lauren Stevens
Recommendation	Approval subject to attached conditions

Executive Summary

Objective of Report: To assess and recommend determination of DA154/23 with recommendation for approval subject to conditions.

On 8 September 2023, the subject Development Application DA154/23 was lodged into Council seeking consent for alterations and additions to an existing recreation facility on land known as Lot 3 DP29016, 'Lithgow Basketball Stadium', Barton 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'.

Pursuant to the Lithgow Community Participation Plan, the Application was notified commencing 12 September 2023 and concluded 5 October 2023. No known written submissions were received during the notification period.

Description of Site and Surrounds

The subject site is formally known as Lot 3 DP29016, Barton Street Lithgow NSW 2790. The site contains the Lithgow and District Basketball Stadium. The stadium first opened in October 1981, and was approved to contain 2 competition basketball courts, office, kiosk, amenities/change rooms, carparking and services.

The site is approximately 4220m² and has an existing access from Barton Street. The property adjoins the Lithgow Tony Luchetti Sportsground and Showground to the north, the Lithgow Aquatic Centre associated carpark to the east of the site, Barton Street Unit Complex to the south as well as a vacant allotment being the former Mobile Oil site, and to the west directly behind the stadium lies an unformed carpark with residential units beyond the property boundary.



Figure 1 - Aerial Image of Site 2023



Figure 2 – The Lithgow Basketball Stadium

Proposed Development

Council is in receipt of Development Application No. DA154/23 seeking consent for alterations and additions to an existing recreation facility on land known as Lot 3 DP29016, 'Lithgow Basketball Stadium', Barton Street Lithgow.

Specifically, the development proposes:

- To extend the main pedestrian entry of the building that will help to improve accessibility. This includes:
 - Extending and expanding the circulation space through via additional 15.54m² added to the main foyer area, automatic doors, and the construction of a new pedestrian ramp.
- In order to facilitate the proposed extension to the main pedestrian entry, alterations to the car park is required and shall include:
 - Reduction to the total car parking spaces from twenty-three (23) standard spaces and two (2) accessible spaces to twenty-two (22) standard spaces and two (2) accessible space. It is noted that one (1) standard car parking space will be reduced to allow for wider accessible spaces.

The basketball courts, office, storage and bathroom amenities within the stadium is not proposed to be amended as part of this application. The existing concrete pedestrian footpath the front doors from Barton Street will also remain.

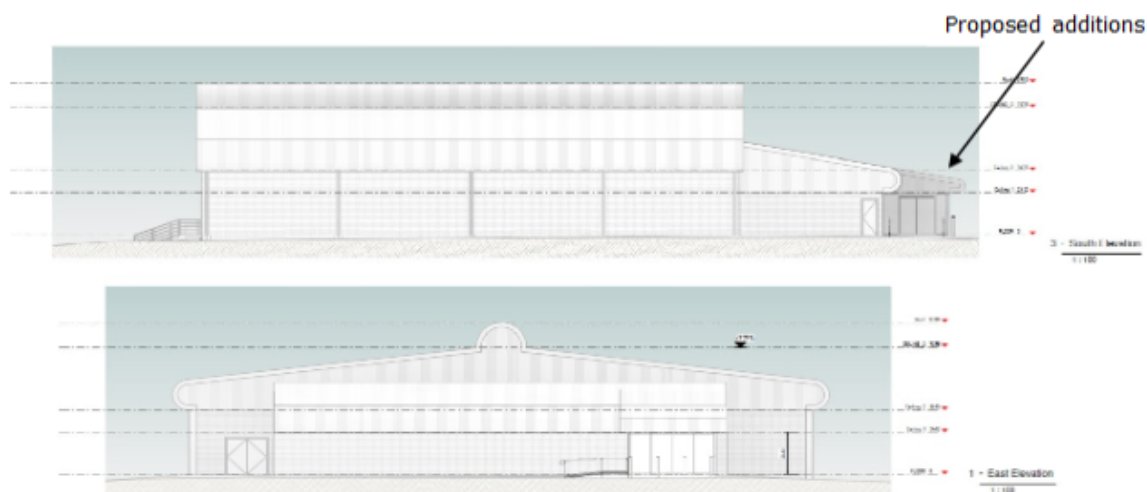


Figure 3- Elevation Plans

Referrals

Internal Referrals

Branch	Comment
Building	The proposal was referred to Council's Building Surveyor Branch for review as the works relates to accessibility. On 4 October 2023, Council's Building Surveyor Branch completed their referral advising that no objections and/or concerns are raised subject to standard conditions being imposed in the consent.
Property / Legal	The proposal was referred to Council's Property & Legal Services Officer as the subject site is Council owned land. The completed referral raised no objections as the land is classified as community land and the proposal is considered to be consistent with the Plan of Management that applies to the site. The referral recommended that a condition be imposed in the consent stipulating the proposal shall comply with Condition 5.6 of its lease agreement with Lithgow City Council dated 21 May 2014. This has been incorporated into the consent.

Statutory Assessment

In determining a Development Application, a consent authority is to take into consideration the matters of relevance to the development pursuant to section 4.15 of the Environmental Planning and Assessment Act (EP&A Act) 1979.

State Environmental Planning Policies

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of environmental planning instruments (EPIs), which includes State Environmental Planning Policies (SEPPs). SEPPs applicable to this assessment are addressed in the following sections:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- 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
- Lithgow Local Environmental Plan (LEP) 2014
- Lithgow Development Control Plan (DCP) 2021
- Lithgow Council Policy 7.6 Development Applications by Councillors and Staff or on Council Owned Land

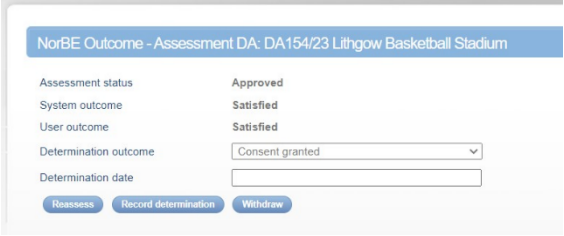
Local Government Act 1993-Chapter 6 What are the Service Functions of Councils? Part 2 Public Land; Division 2: Use and Management of Community Land

The Lithgow Basketball Stadium is located on land that is owned and managed by Lithgow City Council. The land is classified as "community land" pursuant to the provisions of the Local Government act 1993.

Council's Property & Legal Services Officer reviewed the proposal and raised no objections as the land is classified as community land and the proposal is considered to be consistent with the Plan of Management that applies to the site.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 – Water Catchments	
Relevant Provisions	Comment
6.1 Land to which this Chapter applies	
This Chapter applies to land in the following catchments- (a) the Sydney Drinking Water Catchment, (b) the Sydney Harbour Catchment, (c) the Georges River Catchment, (d) the Hawkesbury-Nepean Catchment.	The subject site is located within the Sydney Drinking Water Catchment and as such the provisions of Chapter 6 apply.
Division 2 Controls on development generally	
6.6 Water quality and quantity	The proposed development provides appropriate onsite stormwater management. Based on the information submitted, the proposed development is considered unlikely to result in adverse impacts on water quality and quantity.
6.5 Sydney Drinking Water Catchment	
The objectives of this Part are— (a) to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and (b) to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.	The proposed development is considered to be in keeping with the objectives of this Part.

Chapter 6 – Water Catchments	
Relevant Provisions	Comment
6.63 Requirement of consistency with NorBE Guideline	
Development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority is satisfied the development is consistent with the NorBE Guideline.	A Neutral or Beneficial Assessment (NorBE) has been undertaken using the online NorBE Tool which has returned a satisfactory outcome.
6.64 Concurrence of Regulatory Authority	
(1) Development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority has obtained the concurrence of the Regulatory Authority	<p>A Neutral or Beneficial Assessment (NorBE) has been undertaken using the online NorBE Tool which has returned a satisfactory outcome.</p> 
(2) For the Act, section 3.18(3), the Regulatory Authority must consider the following matters in deciding whether to grant concurrence— (a) the NorBE Guideline, (b) whether the development will have a neutral or beneficial effect on water quality.	
(4) This section does not apply if the consent authority is satisfied the development has no potential impact on water quality.	

Lithgow Local Environmental Plan (LEP) 2014

Clause 1.2 Aims of Plan	
Objective	Comment
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	Complies – the proposed development is considered to be in keeping with the existing environment.
(a) to encourage sustainable and planned development that complements the unique character and amenity of Lithgow and enhances its towns, villages and rural areas,	Complies – the proposed development is considered to be in keeping with the existing built environment.
(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Lithgow in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,	Complies – the proposed development is considered to provide for a range of development opportunities that contribute to the social, economic and environmental resources.
(c) to manage, facilitate and encourage sustainable growth and development that—	Refer to below comments.
(i) promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs to government, authorities and the community, and	Complies – the proposed development is considered to appropriately manage the necessary utilities, infrastructure and services required.
(ii) protects, enhances and conserves mineral and extractive resources lands, forests and agricultural lands and the	Not applicable - the proposed development relates to the construction of alterations and additions to an existing recreation facility.

contributions they make to the local, regional and State economy, and	
(iii) allows for the orderly growth of land uses while minimising conflict between land uses in a zone and land uses in adjoining zones, and	Complies – the proposed development is considered unlikely to result in land use conflict.
(iv) encourages a range of housing choices in planned urban and rural locations to meet population growth and the diverse needs of the community, and	Not applicable – the site is not zoned for residential purposes.
(v) preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and	Not applicable – the site has not been identified for long term urban development.
(vi) protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have the potential to contribute to improved environmental outcomes, and	Complies – appropriate consideration has been given to the environmentally sensitive areas located. Based on the information submitted and the matters outlined in this 4.15 Assessment Report, the development is considered to achieve compliance with this objective.
(vii) protects and enhances places and items of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and	Complies - appropriate consideration has been given to the environmentally sensitive areas located. Based on the information submitted and the matters outlined in this 4.15 Assessment Report, the development is considered to achieve compliance with this objective. The subject site is not mapped as being an item of heritage significance; however, does adjoin the Lithgow Tony Luchetti Sportfeild which is a heritage significant property under the LEP 2014. Given the proximity and the size and scale of the proposed development, the alterations and additions to the existing stadium will have no impact on heritage.
(viii) avoids or minimises the impact of development on drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and the maintenance of environmental and recreational values, and	Complies – the development has been assessed against the criteria specified within the NorBE Tool and is detailed in this report.
(ix) strengthens and promotes employment land opportunities and appropriate tourism development and growth, and	Not applicable – the development relates to a recreational purpose.
(x) creates resilience to natural hazards through local land use planning.	Complies – the development is considered to adequately respond to the environmental factors present at the site. It is to be noted that the property is not mapped as being bushfire prone land or flood prone land.

Characterisation

Pursuant to the Lithgow LEP 2014, the proposed use is defined as a **recreation facility (indoor)** and is defined as follows:

Recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor

swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Zone of Land RE1 Public Recreation

Permissibility Alterations and additions to the existing basketball stadium is permitted with consent in the RE1 Recreation Facility (indoor) zone.

Zone Objectives

Objective	Comment
RE1 Public Recreation	
• <i>To enable land to be used for public open space or recreational purposes.</i>	Complies – the development being for a alterations and additions to the existing stadium will continue to be utilise for recreational purposes.
• <i>To provide a range of recreational settings and activities and compatible land uses.</i>	Complies – the development being for a alterations and additions to the existing stadium will continue to be utilise for recreational purposes.
• <i>To protect and enhance the natural environment for recreational purposes.</i>	Complies – the development being for a alterations and additions to the existing stadium will continue to be utilise for recreational purposes.
• <i>To maintain or improve the water quality of receiving water catchments.</i>	Complies. The proposed development is considered to achieve the requirements of NorBE and is detailed within this report.

LEP Clauses		
Relevant Provisions		Comment
Part 2 Permitted or prohibited development		
2.3	Zone objectives and Land Use Table	Complies – stadiums are permitted with consent in the RE1 Public Recreation zone; and the development is in keeping with the objectives of the zone.
Part 4 Principal development standards		
4.3	Height of buildings	Not adopted.
4.4	Floor space ratio	Not adopted.
4.6	Exceptions to development standards	No exceptions to the development standards have been applied for as part of this Development Application.
Part 5 Miscellaneous provisions		
5.21	Flood planning	Not applicable.
Part 7 Additional local provisions		
7.1	Earthworks	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 location of the proposed development is relatively flat within an existing concreted area. Maximising existing slope and with some earthworks, the development will contain an acceptable gradient (no greater

LEP Clauses		
	Relevant Provisions	Comment
		than 20%). The development proposes minimal earthworks for the installation of footings. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent
7.3	Stormwater management	The stormwater for the stadium is existing and would not be impacted upon by the development. The additional area shall be connected to the existing stormwater management.
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 development would utilise a small section of land on the property. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.
7.10	Essential services	The development has existing connections to Council's Water and Sewer Services. As such these connections will not be impacted by the development. Additionally, there is access to electricity and telecommunication services nearby. Therefore, it is considered that the proposal will be adequately serviced.

Draft Environmental Planning Instruments (EPI)

There are no draft EPIs applicable to the site or development.

Provisions of any Voluntary Planning Agreements (VPA)

There are no VPAs that relate to the site or development.

Lithgow Development Control Plan (DCP) 2021

- Chapter 2 – Site Requirements
- Chapter 3 – Environment & Hazards
- Chapter 7 – Commercial & Industrial

Chapter 2 – Site Requirements	
Development Control	Assessment Comments
2.2 Site Analysis, Local Character & Context	
2.2.1 Site Selection	Complies - The development is permissible in the zone and complies with the zone objectives. The development is consistent with surrounding landuses being for recreational purposes.
2.2.2 Site Analysis & Development Response a) The Site topography, climate and natural environment; b) Natural hazards on or near the Site; c) Potential land use conflicts;	Complies - Consideration has been given to the site topography and natural environment, along with any potential hazards on or near the site. The development is considered to respond to the established built form and is unlikely to

d) Heritage items or heritage conservation areas; e) Surrounding built form and landscape/streetscape character; and f) Amenity for the Site and adjacent sites (where relevant).	result in adverse impacts on adjoining landuses.
2.2.3 Local Character & Context	Complies - The proposed alterations and additions to the existing stadium is considered to be in keeping with the existing built form and recreational purpose zone. The development is located on an existing recreational purpose land therefore the development would have no impact to the character and context of the area.
2.2.4 Visually Prominent Sites	Not applicable – the subject site is not considered to be visually prominent. The development will blend into the existing landform and will have no visual impacts to surrounding developments.
2.2.5 Reflective Materials	Complies - Non-reflective materials proposed.
2.3 Slope Response & Earthworks	
2.3.1 Earthworks	<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.</p> <p>The location of the proposed development is relatively flat within an existing concreted 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. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent</p>
2.4 Stormwater Management	
2.4 Stormwater Management	The stormwater for the stadium is existing and would not be impacted upon by the development.
2.5 Vehicle Access & Parking	
2.5.1 Guidelines & Standards	Complies - The property contains an existing access from Barton Street. This access is suitable for the development and is not required to be upgraded or amended.
2.5.2 Vehicle Access & Driveways	Complies – Refer to the above comment.
2.5.3 Loading/Unloading, Delivery & Servicing Facilities	Complies – Refer to the above comment.
2.5.4 Parking Location, Design & Circulation	Complies - The carpark is existing on site and will only involve a minor amendment to widen the accessibility parking spaces

	located near the front entrance of the building.
2.5.5 On-Site Parking Numbers	Not Applicable - The DCP does not specify the number of parking spaces required for recreation facilities.
2.5.6 Exemptions to Off-Street Car Parking Requirements	Complies - As part of the proposed development, 1 car space will be lost as a result of the alterations and additions. It is considered that substantial parking already exists on site. Given that the car parking and building exists on site and the additions are considered to be minor, the development complies with the DCP.
2.5.7 Bicycle Parking	Complies - Bicycle parking is available at the front/side of the building.
2.6 Pedestrian Access, Mobility & Safety	
2.6.1 Accessibility	Complies – The development in its current form seeks to provide additional ease of access to the facility. The development has been designed to allow for appropriate and improved access for all abilities. The new access will allow for improved ambulance access whilst also providing easy transition between the car park and the facility.
2.6.2 Pedestrians	Complies – Refer to the above comment.
2.7 Designing for Crime Prevention	
The development includes opportunity for passive surveillance through the inclusion of windows along the primary street frontage.	
2.8 Utilities, Easements & Infrastructure	
2.8.1 Connection to Utilities	The development has existing connections to Council's Water and Sewer Services. As such these connections will not be impacted by the development. Additionally, there is access to electricity and telecommunication services nearby. Therefore, it is considered that the proposal will be adequately serviced.

Chapter 3 – Natural Environment & Hazards	
Development Control	Assessment Comments
3.6 Ground & Surface Water Protection	
This clause applies to land where the following Clauses of LLEP2014 apply: a) Clause 7.5 – Groundwater vulnerability; and/or b) Clause 7.6 – Riparian land and watercourses;	The property is identified as containing ground water vulnerability. Groundwater dependent ecosystems would not be impacted upon by the development as the development would utilise a small section of land on the property. The development is designed, sited and will be managed to avoid any significant adverse environmental impact.

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

Council's policy states:

1. That, subject to the exemptions in Part 2 of this Policy, the following development applications shall be referred to Council for consideration and determination:

c. Where the development application is on Council owned land.

As such, this application has been referred to an Ordinary Meeting of Council for consideration and determination.

Environmental Planning and Assessment Regulation 2021

Section 4.15(1)(a)(iv) of the EP&A Act requires the consent authority to consider any prescribed matters under the Environmental Planning and Assessment Regulation 2021 (the Regulation). Council has assessed the development in accordance with all relevant matters prescribed by the Regulation.

Likely Impacts of the Development

Section 4.15(1)(b) of the EP&A Act requires the consent authority to consider the likely impacts of that development including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality.

Head of Consideration	Comment
Natural Environment	Based on the information submitted, an assessment of the proposal and a site inspection, the development is considered unlikely to result in adverse impacts on the natural environment.
Built Environment	The proposed development is considered to be in keeping with the established mixed use locality. The proposal is not considered to be an overdevelopment of the site and is unlikely to result in adverse impacts on the subject site and surrounding locality.
Social Impact	The development would provide a positive social impact as it proposes to increase the floor area of the foyer area and increase the access arrangements for disability purposes. No adverse social impacts are anticipated as a result of the proposal.
Economic Impact	The development would create a positive economic impact as it would employ local trades during construction with the continued use of the stadium.

Site Suitability

Section 4.15(1)(c) of the EP&A Act requires the consent authority to consider the suitability of the site for the development. The surrounding land uses are for a mixed land use 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.

Public Participation

Section 4.15(1)(d) of the EP&A Act requires the consent authority to consider any submissions made in accordance with this Act or the regulations.

Notification Period: 12 September 2023 to 5 October 2023
Submissions: Nil.

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. Based on the information submitted and an assessment of the proposal, the development is considered to be in the public interest.

Discussions and Conclusions

The proposal generally complies with the relevant provisions of all applicable environmental planning instruments and regulatory provisions. The proposal not expected to result in any significant negative impacts upon the environment or upon the amenity of the locality. The proposed development is recommended for determination by way of approval subject to the conditions outlined below.

Attachments

Schedule A- Conditions of consent.

Recommendation

THAT Application DA154/23 is approved subject to conditions set out in Schedule A.

Assessment Prepared By: Lauren Stevens
 DEVELOPMENT PLANNER

Determined by the elected.

Reasons for conditions

- 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 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 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)

GENERAL CONDITIONS																																																																		
1.	Approved Development																																																																	
	Development Consent is granted for Alterations and Additions to an existing recreation facility (indoors) at Lot 3 DP29016, 'Lithgow Basketball Stadium', Barton Street Lithgow NSW 2790.																																																																	
2.	Condition reason: To ensure all parties are aware of the approved development description and development address.																																																																	
	Approved plans and supporting documentation																																																																	
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.																																																																	
	<table><tr><th colspan="6">Approved Plans</th></tr><tr><th>Title</th><th>Author</th><th>Project</th><th>Sheet</th><th>Revision</th><th>Date</th></tr><tr><td>Site Plan</td><td>IL Drafting Pty Ltd</td><td>22315</td><td>1A</td><td>A</td><td>12/05/2023</td></tr><tr><td>Existing Floor Plan</td><td>IL Drafting Pty Ltd</td><td>22315</td><td>2A.1</td><td>A</td><td>12/05/2023</td></tr><tr><td>Proposed Floor Plan</td><td>IL Drafting Pty Ltd</td><td>22315</td><td>2A.2</td><td>A</td><td>12/05/2023</td></tr><tr><td>Existing Carpark Plan</td><td>IL Drafting Pty Ltd</td><td>22315</td><td>2B.1</td><td>A</td><td>12/05/2023</td></tr><tr><td>Proposed Carpark Plan</td><td>IL Drafting Pty Ltd</td><td>22315</td><td>2B.2</td><td>A</td><td>12/05/2023</td></tr><tr><td>Existing Elevations Plan</td><td>IL Drafting Pty Ltd</td><td>22315</td><td>3A</td><td>A</td><td>12/05/2023</td></tr><tr><td>Proposed Elevations Plan</td><td>IL Drafting Pty Ltd</td><td>22315</td><td>3C</td><td>A</td><td>12/05/2023</td></tr><tr><td>Sections/Details Plan</td><td>IL Drafting Pty Ltd</td><td>22315</td><td>4B</td><td>A</td><td>12/05/2023</td></tr></table>						Approved Plans						Title	Author	Project	Sheet	Revision	Date	Site Plan	IL Drafting Pty Ltd	22315	1A	A	12/05/2023	Existing Floor Plan	IL Drafting Pty Ltd	22315	2A.1	A	12/05/2023	Proposed Floor Plan	IL Drafting Pty Ltd	22315	2A.2	A	12/05/2023	Existing Carpark Plan	IL Drafting Pty Ltd	22315	2B.1	A	12/05/2023	Proposed Carpark Plan	IL Drafting Pty Ltd	22315	2B.2	A	12/05/2023	Existing Elevations Plan	IL Drafting Pty Ltd	22315	3A	A	12/05/2023	Proposed Elevations Plan	IL Drafting Pty Ltd	22315	3C	A	12/05/2023	Sections/Details Plan	IL Drafting Pty Ltd	22315	4B	A	12/05/2023
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In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans/documents and a condition of this consent, the condition prevails.																																																																		
Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development																																																																		
3.	Existing Lease Agreement																																																																	
	The terms of Lease for the site from Lithgow City Council and dated 21 May 2014 shall be complied with as part of this Consent. Particular attention shall be given to Condition 5.6 of the Lease which relates to Alterations and Additions.																																																																	
Condition Reason: To ensure all parties comply with the Lease Agreement.																																																																		

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE	
4.	<p>Construction Certificate required</p> <p>Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Principal Certifier.</p> <p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>

BEFORE BUILDING WORK COMMENCES	
5.	<p>Construction Certificate required</p> <p>Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Certifier.</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
6.	<p>National Construction Code 2022</p> <p>Prior to the issue of a Construction Certificate, revised architectural plans are to be submitted nominating compliance with Part D4 of the National Construction Code 2022 Vol 2.</p> <p>Condition Reason: To ensure compliance with the National Construction Code 2022.</p>
7.	<p>Erosion and sediment controls in place</p> <p>Before any site work commences, the Principal Certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</p> <p>Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways</p>
8.	<p>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—</p> <ul style="list-style-type: none"> (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or (b) could cause damage to adjoining lands by falling objects, or (c) involve the enclosure of a public place or part of a public place. <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
9	<p>Toilet facilities</p> <p>Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
10.	<p>Garbage receptacle</p> <p>A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>

DURING BUILDING WORK	
11.	<p>Construction hours</p> <p>Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.</p> <p>Condition Reason: To protect the amenity of the surrounding area</p>

12.	<p>Site management</p> <p>All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
13.	<p>External colours and finishes</p> <p>The development shall incorporate colours and finishes that are consistent with the approved plans and schedule.</p> <p>Condition Reason: To ensure the development complies with the approved plans and referenced documents.</p>
14.	<p>Earthworks</p> <p>Any earthworks (including any structural support or other related structure for the purposes of the development:</p> <ul style="list-style-type: none"> - 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 - Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and - 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 - 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. - Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia. <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
15.	<p>Stormwater management and drainage connections</p> <p>(1) The stormwater shall be discharged to the proposed water tank and where applicable shall be in accordance with Australian Standard AS/NZS 3500.3.2 – Stormwater Drainage. Overflow shall be managed so as to control nuisance, damage and hazard during storm events, to the satisfaction of the Principal Certifier.</p> <p>(2) Any approval that is required for connection to the drainage system under the <i>Local Government Act 1993</i> must be held before the connection is carried out.</p> <p>Condition Reason: To ensure the development complies with the approved plans and referenced documents.</p>
16.	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, the 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.</p> <p>Condition Reason: To require approval to proceed with building work following each critical stage inspection</p>
17.	<p>Vehicle Movements</p> <p>All vehicles entering or leaving the site must have their loads covered, and before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</p> <p>Condition Reason: To promote safe entry and exit to the construction site.</p>

1.	<p>Waste management</p> <p>Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. Copies of receipts stating the following must be given to the principal certifying authority—</p> <ul style="list-style-type: none"> (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.
	Condition Reason: To promote safe and responsible disposal of waste.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

19.	<p>Disturbed areas</p> <p>The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifier upon completion of the work.</p>
	Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways

OCCUPATION AND ONGOING USE

20.	<p>Occupation Certificate</p> <p>The development shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.</p>
	Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

PRESCRIBED CONDITIONS

PRESCRIBED CONDITIONS - Environmental Planning and Assessment Regulation 2021

21.	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <p>(1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>(2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</p> <p>(3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.</p> <p>(4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.</p> <p>(5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>(6) This section does not apply—</p> <ul style="list-style-type: none"> (i) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or (ii) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. <p>(7) In this section—</p>
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	relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.
	Condition reason: Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
22.	<p>Erection of signs</p> <p>(1) This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>(2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <ul style="list-style-type: none"> (i) showing the name, address and telephone number of the principal certifier for the work, and (ii) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and (iii) stating that unauthorised entry to the work site is prohibited. <p>(3) The sign must be—</p> <ul style="list-style-type: none"> (i) maintained while the building work, subdivision work or demolition work is being carried out, and (ii) removed when the work has been completed. <p>(4) This section does not apply in relation to—</p> <ul style="list-style-type: none"> (i) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or (ii) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6. <p>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</p>

General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

BUILDING WORK

Building work must not be carried out until a construction certificate, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.