
SECTION 4.15 EVALUATIONEnvironmental Planning and Assessment Act 1979 (as amended)

Development Application No.	DA165/23, PAN-374397
Subject Site	Lot 531 DP902158, 'Kremer Park', Kiln Street Portland NSW 2847
Proposal	Two (2) Retaining Walls
Zoning	RE1 Public Recreation - LEP 2014
Permissibility	Retaining Walls ancillary to an existing recreation facility (outdoors) is permitted with consent in the RE1 Zone of the Lithgow LEP2014
Cost of Development	\$234,000.00
Applicant	Sean Quick (Project Officer) on behalf of Lithgow Council
Owner	Crown Lands Department; Managed by Lithgow Council
Notification	9 October 2023 to 1 November 2023
Submissions	Nil.
Variations	No.
Site Inspection	23 October 2023
Responsible Officer	Lauren Stevens
Recommendation	Approval subject to attached conditions

Executive Summary

Objective of Report: To assess and recommend determination of DA165/23 with recommendation for approval subject to conditions.

On 28 September 2023, the subject Development Application DA165/23 was lodged with Council seeking consent for the construction of two (2) retaining walls in addition to and in front of the existing damaged retaining walls that adjoin the western side of the circular arena track within Kremer Park, Portland.

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 9 October 2023 and concluded 1 November 2023. No known written submissions were received during the notification period.

Description of Site and Surrounds

The subject site contains the Kremer Park sporting field/showground with an associated grandstand, tennis courts, playground equipment, skate park, The Portland Men's Shed facility, canteen building, and toilet blocks. Access and carparking further exists around the site.

The property contains an area of 46,314m² and has an existing access from all four adjoining streets being Laurie Street, Kiln Street, Villiers Street and Lime Street.

The property is located adjacent to residential dwellings to the east of Lime Street and south of Villers Street, the former Portland Hospital (currently vacant) is adjacent to the property to the west of Kiln Street and The Portland Foundation Pons to the north of Laurie Street.



Figure 1 - Aerial Image of Site 2023



Figure 2 – Existing Arena Retaining Walls at Kremer Park
Proposed Development

Council is in receipt of Development Application No. DA165/23 seeking consent for 2x retaining walls to be located in front of the existing damaged retaining walls on land known as Lot 531 DP 902158 'Kremer Park', Kiln Street Portland.

The existing retaining wall is constructed from concrete 'cribs' and was likely installed in the 1970's.

The retaining walls have suffered erosion during the above-average rainfall experienced during the past year. Due to the possible presence of asbestos behind the existing retaining wall, the development proposes to construct a new 2m high, 'L-Block' wall in front of the existing with backfill between the structures. The replacement wall is to be similarly constructed from concrete so will not detract from the current appearance of the site.

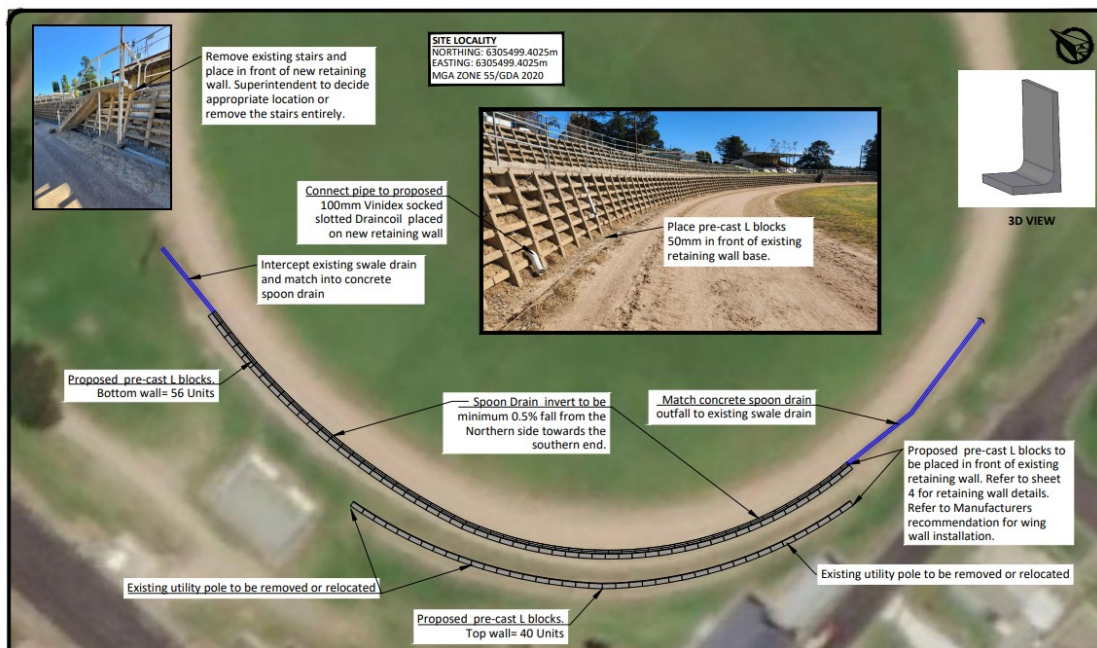


Figure 3 – The Proposal

Referrals

Internal Referrals

Branch	Comment
Building	NA- standard building conditions will be placed on the consent.
Environmental & Health	NA
Heritage Advisor	NA
Infrastructure Services	NA
Planning	NA
Property / Legal	The application was referred to Council's Property & Legal Services Officer for comment and who advised that there is no objection to the application as the land is classified as community land with the application being consistent with the plan of management that applies to the site.
Water & Wastewater	NA

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:

- 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,
- Crown Land Management Act 2016,
- State Environmental Planning Policy (Biodiversity and Conservation) 2021,
- 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.

Crown Land Management Act 2016

Under Section 3.20 of the Act Council is the Manager of the Crown Land. Council was appointed Crown Land Manager on 7 May 1999 pursuant to Government Gazette of the State of NSW dated 7 May 1999.

Clause 3.39 states:

3.39 Approvals of activities under Local Government Act 1993 must comply with plans of management

A local council cannot grant an approval for an activity under Part 1 of Chapter 7 of the Local Government Act 1993 that authorises or requires a person to do (or not to do) anything on or in relation to dedicated or reserved Crown land that would result in a contravention of a plan of management for the land.

Kremer Park is utilised as community land that contains an existing sporting field/showground with an associated grandstand, tennis courts, playground equipment, skate park, The Portland Men's Shed facility, canteen building, and toilet blocks. Access and carparking further exists around the site. As such the development would not contravene the plan of management for the land as it will remain for community purposes.

Native Title (New South Wales) Act 1993

Pursuant to section 8.7 of the Act, Council submitted an application to the Native Title Claimant as the relevant land is the subject of active native title application NC2018/002 filed by Warrabinga-Wiradjuri #7.

Under the Act, Council is required to notify the Native Title Claimant and the Aboriginal Party who may be have a connection to the land.

Council notified the Native Title Stakeholders on the 12 October 2023.

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 Kremer Park Sport Field/Showground comprises land owned and managed by Council and is classified as "community land" in accordance with the provisions of the *Local Government Act 1993*.

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 contributions they make to the local, regional and State economy, and	Not applicable - the proposed development relates to the construction of retaining walls ancillary to the existing outdoor recreation facility.
(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. Kremer Park is identified as a heritage significant item under the LEP 2014. Given the proximity from the heritage significant buildings, the size and scale of the proposed development, and the

	similar material to the existing retaining wall, the development will have negligible 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 will have no impact to drinking and environmental water catchments.
(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 retaining walls ancillary to an existing **recreation facility (outdoor)** and is defined as follows:

Recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).


Zone of Land RE1 Public Recreation

Permissibility retaining walls ancillary to the existing sporting field/showground is permitted with consent in the RE1 Recreation Facility (outdoor) zone.

Zone Objectives

Objective	Comment
<i>RE1 Public Recreation</i>	
• <i>To enable land to be used for public open space or recreational purposes.</i>	Complies – the development being for 2x retaining walls ancillary to the present use of the property, will continue to be utilised for recreational purposes.
• <i>To provide a range of recreational settings and activities and compatible land uses.</i>	Complies – the development being for 2x retaining walls ancillary to the present use of the property, will continue to be utilised for recreational purposes.
• <i>To protect and enhance the natural environment for recreational purposes.</i>	Complies – the development being for 2x retaining walls ancillary to the present use of the property, will continue to be utilised for recreational purposes.
• <i>To maintain or improve the water quality of receiving water catchments.</i>	Complies. The proposed development is considered to have negligible impact on water quality.

LEP Clauses		
Relevant Provisions		Comment
Part 2 Permitted or prohibited development		
2.3	Zone objectives and Land Use Table	Complies – retaining walls are permitted with consent in the RE1 Public Recreation zone; and the development is in keeping with the objectives of the zone.
2.4	Unzoned land	Not applicable.
2.5	Additional permitted uses for particular land	Not applicable.
2.6	Subdivision – consent required	Not applicable – subdivision not proposed.
2.7	Demolition – consent required	Not applicable – demolition work is not required.
2.8	Temporary use of land	Not applicable – temporary use of land not proposed.
Part 4 Principal development standards		
4.1	Minimum subdivision lot size	Not applicable – subdivision not proposed.
4.2	Rural subdivision	Not applicable – subdivision not proposed.
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		
5.3	Development near zone boundaries	Not applicable.
5.4	Controls relating to miscellaneous permissible uses	Not applicable.
5.5	Controls relating to secondary dwelling on land in a rural zone	Not applicable.
5.9	Dwelling house or secondary dwelling affected by natural disaster	Not applicable.
5.10	Heritage conservation	Complies – Kremer Park is identified as a heritage significant item under the LEP 2014. The Heritage Inventory for the site states that the property was historically utilised as a meeting place for the farming community within an industrial town strategically sited. As such the Portland showground has both historic and social significance at the local level. The site consists of complex iron and timber buildings including pavilion with ventilating clerestory, sheepyards and pens, grandstand, other livestock display pens, other outbuildings and multipurpose arena vernacular iron/timber. Given the proximity from the heritage significant buildings, the size and scale of the proposed development, and the similar material to the existing retaining wall, the development will have negligible impact on heritage.
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	Not applicable.

LEP Clauses		
Relevant Provisions		Comment
5.21	Flood planning	Not applicable.
Part 7 Additional local provisions		
7.1	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 development proposes minimal earthworks for the installation of footings and drainage. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent.</p>
7.3	Stormwater management	The stormwater for the new retaining walls will flow into the existing swale drain with new spoon drains proposed in conjunction with the new walls. This is satisfactory for the development.
7.5	Groundwater vulnerability	<p>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.</p> 

Draft Environmental Planning Instruments (EPI)

There are no draft EPUs 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

Applicable DCP Chapters			
Chapter 2 – Site Requirements	X	Chapter 3 – Environment & Hazards	X
Chapter 4 – Heritage	X	Chapter 5 – Subdivision	
Chapter 6 – Residential		Chapter 7 – Commercial & Industrial	X
Chapter 8 – Rural & Other Land Uses		Chapter 9 – Pottery Estate Precinct	

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 land uses 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; 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).	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 result in adverse impacts on adjoining land uses.
2.2.3 Local Character & Context	Complies - The proposed retaining walls being ancillary to the recreational use of the site is 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 negligible impact on 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	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 proposes minimal earthworks for the installation of footings and drainage. This is satisfactory for the development subject to soil and erosion controls being conditioned on the consent.
2.3.2 Retaining Walls	Not proposed.
2.4 Stormwater Management	
2.4 Stormwater Management	Complies - The stormwater for the new retaining walls will flow into the existing swale drain with new spoon drains proposed in conjunction with the new walls. This is satisfactory for the development.
2.5 Vehicle Access & Parking	

2.5.1 Guidelines & Standards	Complies - The property contains an existing access points from all four adjoining streets being Laurie Street, Kiln Street, Villiers Street and Lime Street. The 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 – Carparking is existing on site and is not required to be amended or impacted upon by this application.
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 – Carparking is existing on site and is not required to be amended or impacted upon by this application.
2.5.7 Bicycle Parking	Complies - Bicycle parking is available around the site.
2.6 Pedestrian Access, Mobility & Safety	
2.6.1 Accessibility	Complies – The development will have no impact on accessibility.
2.6.2 Pedestrians	Complies – Refer to the above comment.
2.6.3 Street Numbering & Letterboxes	Not applicable.
2.7 Designing for Crime Prevention	
Not applicable.	
2.8 Utilities, Easements & Infrastructure	
2.8.1 Connection to Utilities	Not applicable.
2.8.2 Building Near Utilities/Easements/Drainage Lines	Not applicable.
2.8.3 On-Site Sewage Management	Not applicable.
2.8.4 Liquid Trade Waste	Not applicable.
2.8.5 Re-Use of Waste-Water	Not applicable.
2.8.6 Water Supply	Complies- Refer to above comments.
2.11 Water & Energy Efficiency	
Not applicable.	

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.

Chapter 4 – Heritage	
Development Control	Assessment Comments
4.3. General Controls - Development of Heritage Items/Places & within Heritage Conservation Areas	

4.3.2. Design and Character	Complies – The development will be constructed to be similar to the existing retaining wall at the site. As such this will not impact the streetscape character as the retaining walls are to be located within the showground boundaries beneath the grandstand.
4.3.3. Scale and Form	Complies – The scale of the development will be similar to the existing retaining wall.
4.3.4. Siting and Setbacks	Complies – The development will be located approximately 50mm from the existing retaining wall at the site.
4.3.5. Detailing	Complies – The retaining walls will be of similar material to the existing retaining wall on site.
4.3.6. Materials, Finishes and Colour Schemes	Complies – The retaining walls will be of similar material to the existing retaining wall on site.

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:

d. Where the application is on Crown land managed by Council.

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 upgrade a safety concern that has been eroded

	overtime. 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 facility.

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: 9 October 2023 to 1 November 2023
 Submissions: Nil.

Financial Implications

Section 94A (Section 7.12) Development Contributions Plan 2015

The Section 94A (Section 7.12) plan does not apply to this development as per the following clause:

C7 Are there any exemptions to the levy?

Other development exempted from the levy

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

a) Development by or on behalf of Lithgow City Council;

The development was lodged by Council's Infrastructure Department by way of a grant and therefore is exempt from Council's Section 94A Contributions.

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 DA165/23 is approved subject to conditions set out in Schedule A.

Assessment Prepared By: Lauren Stevens
DEVELOPMENT PLANNER

Determined by the elected Council dated 23 October 2023

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 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.	<p>Approved Development</p> <p>Development Consent is granted for 2x retaining walls ancillary to the existing recreation facility (outdoors) at Lot 531 DP902158, 'Kremer Park', Kiln Street Portland NSW 2847.</p> <p>Condition reason: To ensure all parties are aware of the approved development description and development address.</p>																																										
2.	<p>Approved plans and supporting documentation</p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="7" style="text-align: left;">Approved Plans</th> </tr> <tr> <th style="width: 20%;">Title</th> <th style="width: 20%;">Author</th> <th style="width: 15%;">Project</th> <th style="width: 10%;">Sheet</th> <th style="width: 10%;">Revision</th> <th colspan="2" style="width: 25%;">Date</th> </tr> </thead> <tbody> <tr> <td>Cover Page</td> <td>Harryan Engineering Consulting</td> <td>HEC23_01</td> <td>1</td> <td>0</td> <td colspan="2">05/06/2023</td> </tr> <tr> <td>Retaining Wall Details</td> <td>Harryan Engineering Consulting</td> <td>HEC22</td> <td>1</td> <td>0</td> <td colspan="2">05/06/2023</td> </tr> <tr> <td>Site Layout</td> <td>Harryan Engineering Consulting</td> <td>HEC22</td> <td>1</td> <td>0</td> <td colspan="2">05/06/2023</td> </tr> <tr> <td>Retaining Wall Details</td> <td>Harryan Engineering Consulting</td> <td>HEC22</td> <td>1</td> <td>0</td> <td colspan="2">05/06/2023</td> </tr> </tbody> </table> <p>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.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development</p>	Approved Plans							Title	Author	Project	Sheet	Revision	Date		Cover Page	Harryan Engineering Consulting	HEC23_01	1	0	05/06/2023		Retaining Wall Details	Harryan Engineering Consulting	HEC22	1	0	05/06/2023		Site Layout	Harryan Engineering Consulting	HEC22	1	0	05/06/2023		Retaining Wall Details	Harryan Engineering Consulting	HEC22	1	0	05/06/2023	
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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>

DURING BUILDING WORK	
5.	<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>
6.	<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>
7.	<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>
8.	<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>
9.	<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. <p>Condition Reason: To promote safe and responsible disposal of waste.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

10.	<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> <p>Condition Reason: To ensure no substance other than rainwater enters the stormwater system and waterways</p>
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PRESCRIBED CONDITIONS

PRESCRIBED CONDITIONS - Environmental Planning and Assessment Regulation 2021	
11.	<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> <p>(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</p> <p>(ii) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</p> <p>(7) In this section—</p> <p>relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.</p>
	Condition reason: Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
12.	<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> <p>(i) showing the name, address and telephone number of the principal certifier for the work, and</p> <p>(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</p> <p>(iii) stating that unauthorised entry to the work site is prohibited.</p> <p>(3) The sign must be—</p> <p>(i) maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p>(ii) removed when the work has been completed.</p> <p>(4) This section does not apply in relation to—</p> <p>(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</p> <p>(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).

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.