

SECTION 4.15 EVALUATION

Environmental Planning and Assessment Act 1979 (as amended)

Development Application No.	DA013/24 (PAN-405047)
Subject Site	Lot 1 DP 1123449 George Coates Street, Lithgow NSW 2790, Tony Luchetti Sports Centre (PR 102454)
Proposal	Shed
Zoning	RE1 Public Recreation
Permissibility	Permitted with consent
Cost of Development	\$35, 000
Applicant	Lithgow City Council
Owner	Crown Lands
Notification	Not applicable.
Submissions	Nil (0)
Variations	Nil (0)
Site Inspection	Friday 23 March 2024
Responsible Officer	Emma-Rose Cooper – Team Leader Development Planning
Recommendation	Approval subject to attached conditions

Waiting on crown lands owners consent.

Executive Summary

On 6 February 2024, the subject Development Application DA013/24 was lodged into Council seeking consent for the construction of a shed at the Lithgow Swimming Pool, George Coates Street, Lithgow. The shed is proposed to store swimming pool equipment.

Pursuant to the Community Participation Plan, part 2.3.7 development of a minor nature that, in the opinion of the assessing officer, does not have potential to create a negative impact on the amenity of the neighbourhood, does not require notification. The proposed shed (ancillary to the Lithgow Swimming Pool) is considered unlikely to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste product, grit or oil, traffic generation or otherwise. As such, the Application was not notified.

Pursuant to Council's Policy 7.6, the subject Development Application is to be referred to Council for consideration and determination as Council is the Applicant.



Figure 1 - Aerial Image of Site (GIS Maps 2024)



Figure 2 - Zoning Map (LEP 2014)

Description of Site and Surrounds

The subject site is formally known as Lot 1 DP 1123449 George Coates Street, Lithgow. The site is an irregular shaped allotment and is known as the Tony Luchetti Sports Centre. The proposal relates to the Lithgow Swimming Pool located on the corner of George Coates Street, Barton Street and Red Byrley Drive.

The Tony Luchetti Sports Centre is an item of local heritage (Item I340), in particular, the showground grandstand and associated buildings (Lithgow LEP 2014).

A review of council's records revealed the following Development Applications of relevance to the Lithgow Swimming Pool:

1. On 11 September 2014, approval was granted for the installation of a shade sail at the Lithgow Swimming Pool, under Development Consent No. DA188/13.
2. On 8 July 2013, approval was granted for the conversion of the old pool amenities block to Lithgow Men's Shed, under Development Consent No. DA119/13.

A site inspection was conducted by Council; however, images were not taken due to the general public being present at the site.

Proposed Development

Council is in receipt of Development Application No. DA013/24 seeking consent for the construction of a shed at the Lithgow Swimming Pool, George Coates Street, Lithgow.

Specifically, the development proposes:

- Steel shed to be used for storing pool equipment associated with the Lithgow Swimming Pool.
- The shed is to be 6m x 9.25m with two (2) roller doors and one (1) pedestrian door.

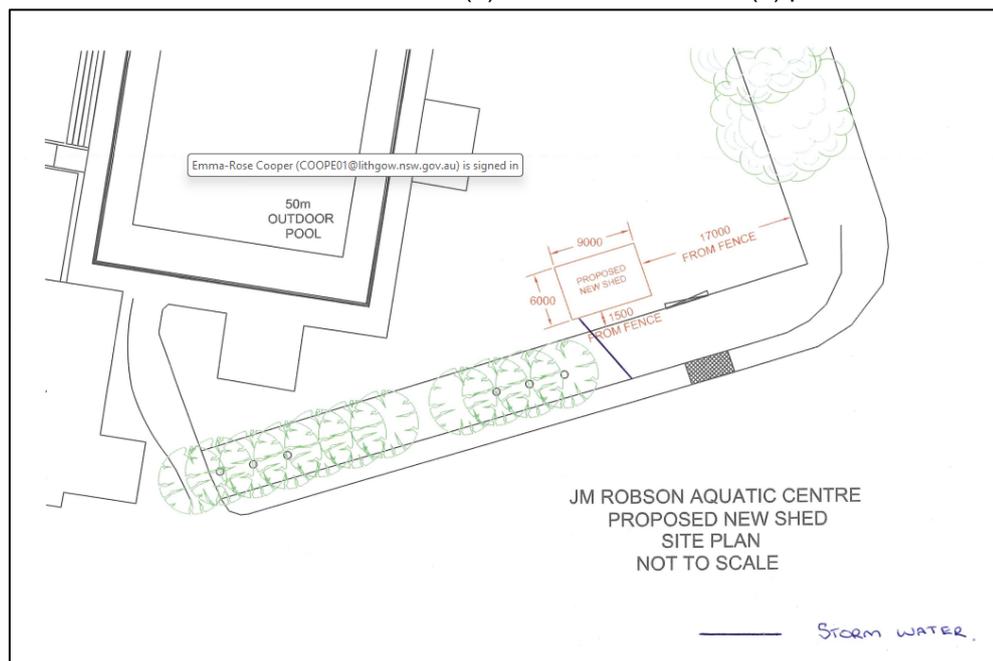


Figure 3 - Site Plan

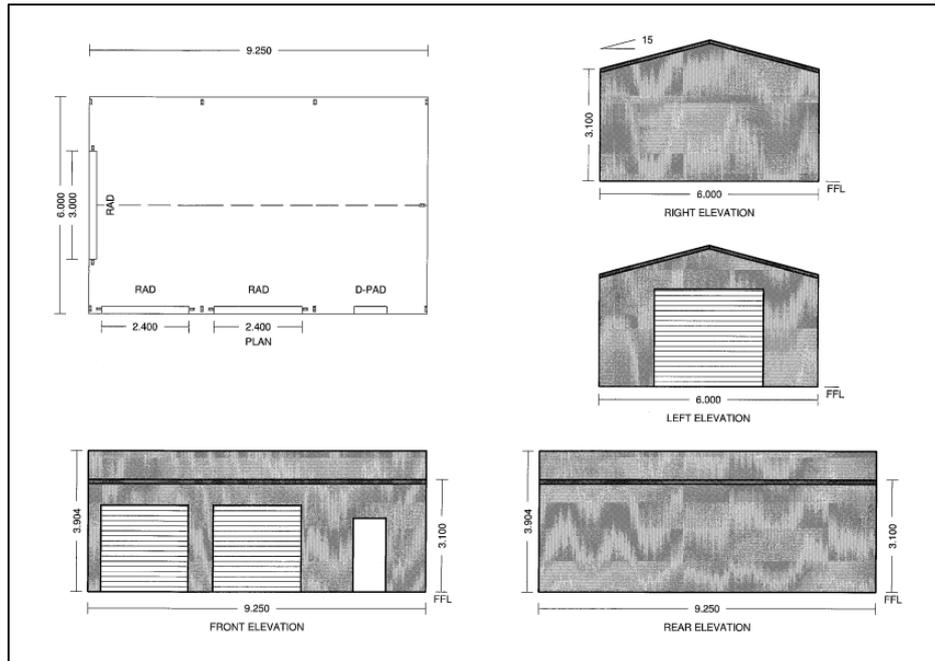


Figure 4 - Proposed Shed (Ultra Steel Sheds & Garages)

Referrals

Internal Referrals

Branch	Comment
Property / Legal	<p><u>Crown Land</u> The Minister administering the <i>Crown Land Management Act 2016</i> (the Act) is the person with power to give landowner's consent to the subject Development Application.</p> <p>Section 2.23(2) of the Act lists the kind of development that the Minister is taken to have given consent to for its Crown land manager.</p> <p>As Council does not yet have an adopted plan of management for the Reserve, the proposed development (DA013/24) is not development of a kind that is covered by s. 2.23(2) and accordingly Ministers consent on behalf of the Crown is required.</p> <p>Land owners consent has been provided by the Minister administering the Crown Land Management Act 2016. As such, Council can consider and determine the subject Development Application (DA013/24).</p> <p><u>Native Title</u> DA013/24 affects Crown land and accordingly the Future Act Regime under the Native Title Act 1993 applies. As required under section 24JB of the Native Title Act, Council sent a Notice and Opportunity to Comment to NTSCorp, Bathurst Aboriginal Land Council and Maddocks Lawyers (solicitors for the native title claimants, Warrabinga-Wiradjuri #7). No objections were raised to the proposed shed.</p>
Engineering	Council's Development Engineering Branch have reviewed the proposed development and raised no objections subject to standard conditions being imposed in 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
- Lithgow Local Environmental Plan (LEP) 2014
- Lithgow Development Control Plan (DCP) 2021

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 shed is considered unlikely to result in adverse impacts on water quality and quantity.
6.7 Aquatic ecology	The proposal is considered unlikely to result in adverse impacts on any aquatic ecology.
6.8 Flooding	The subject site is flood prone land, and as such, the proposal has been reviewed by Council's Engineering Branch. Details of the referral are within this report.
6.10 Total catchment management	The proposal is considered unlikely to result in adverse impacts on the total catchment management.
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 subject site is located within the Sydney Drinking Water Catchment. The proposed shed is considered to be in keeping with the objectives outlined within this SEPP.
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.	The shed is considered to be in keeping with the requirements of the NorBE Guideline.
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	The shed has been considered and deemed satisfactory under the NorBE Assessment Tool.

Chapter 6 – Water Catchments	
Relevant Provisions	Comment
has obtained the concurrence of the Regulatory Author	
(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.	

Comment:

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,	The proposed development is unlikely to result in adverse impacts on any activities that occur at the site.
(a) to encourage sustainable and planned development that complements the unique character and amenity of Lithgow and enhances its towns, villages and rural areas,	The proposed shed is considered to be in keeping with the established locality.
(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,	The proposed shed shall support an existing recreational facility (indoor) and is therefore considered to contribute to the social needs of the local community.
(c) to manage, facilitate and encourage sustainable growth and development that—	
(i) promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs to government, authorities and the community, and	The proposed shed will not result in adverse impacts on the delivery of utilities, infrastructure, and services.
(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.
(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	The proposed shed is considered to provide for an orderly development that is unlikely to contribute to 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.
(v) preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and	The proposed shed is not considered to contribute to inappropriate fragmentation and development.
(vi) protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have the	The proposed shed is considered unlikely to result in adverse impacts on any areas of environmental significance.

potential to contribute to improved environmental outcomes, and	
(vii) protects and enhances places and items of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and	The subject site is an item of local heritage. The proposed shed is considered unlikely to result in adverse impacts on the heritage significance of the wider locality.
(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	The proposed development has been considered against the relevant SEPP provisions as detailed earlier in this report.

Characterisation

The shed is to be used ancillary to an existing recreation facility (indoor) – Lithgow Swimming Pool.

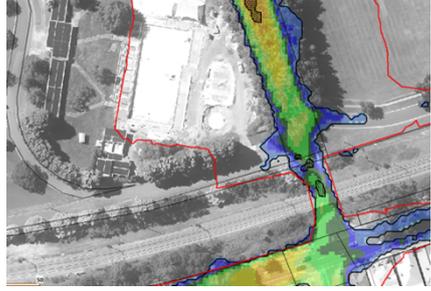
Zone of Land RE1 Public Recreation

Permissibility Recreation Facility (indoor) is permitted with consent in the RE1 Public Recreation zone and therefore consideration can be given to the proposed ancillary shed. \

Zone Objectives

Objective	Comment
RE1 Public Recreation	
<ul style="list-style-type: none"> To enable land to be used for public open space or recreational purposes. 	Complies. The shed will support the Lithgow Swimming Pool, a facility used for recreational purposes.
<ul style="list-style-type: none"> To provide a range of recreational settings and activities and compatible land uses. 	Complies. The shed will support the Lithgow Swimming Pool, a facility used for recreational purposes.
<ul style="list-style-type: none"> To protect and enhance the natural environment for recreational purposes. 	Complies. The proposed shed will not inhibit the function of the Lithgow Swimming Pool.
<ul style="list-style-type: none"> To maintain or improve the water quality of receiving water catchments. 	Complies. The proposed shed is considered unlikely to result in adverse impacts on the Sydney Drinking Water Catchment.

LEP Clauses		
Relevant Provisions		Comment
Part 2 Permitted or prohibited development		
2.3	Zone objectives and Land Use Table	The shed is to be used ancillary to an existing recreational use (Lithgow Swimming Pool). The proposed shed is permitted in the zone, subject to approval. The shed is considered to be in keeping with the zone objectives as described above.
Part 5 Miscellaneous provisions		
5.10	Heritage conservation	The Lithgow Swimming Pool is situated within the Tony Luchetti Sports Centre, an item of local heritage (Item I340). The proposed shed is not considered likely to result in adverse impacts on the existing heritage significance or value of the site, in

LEP Clauses		
Relevant Provisions		Comment
		<p>particular, the showground grandstand and associated buildings.</p> <p>In addition, the shed is considered to be appropriately screened and unlikely to result in adverse visual impacts on the established heritage significance.</p>
5.21	Flood planning	<p>The site is flood affected by 1% AEP (100 years) flood event as shown in below flood map. However, the flood (water) does not reach the location of the proposed development (shed). In addition, it is a non-habitable shed. As such, the flood impact is considered to be negligible and Council's Development Engineering Branch do not recommend any flood related conditions.</p> 
Part 7 Additional local provisions		
7.3	Stormwater management	<p>Stormwater will be directed and connected to Council's stormwater infrastructure. Standard conditions are to be imposed for the connection.</p>

Draft Environmental Planning Instruments (EPI)

No draft EPIs relate to the site or proposal.

Provisions of any Voluntary Planning Agreements (VPA)

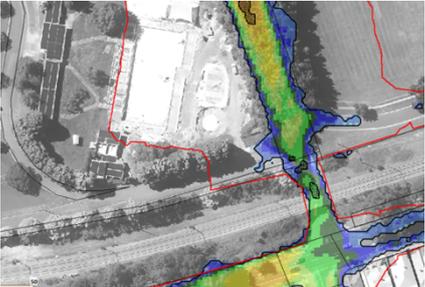
No VPAs relate to the site or proposal.

Lithgow Development Control Plan (DCP) 2021

Applicable DCP Chapters			
Chapter 2 – Site Requirements	X	Chapter 3 – Environment & Hazards	X
Chapter 4 – Heritage		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	
<p>2.2.2 Site Analysis & Development Response</p> <p>a) The Site topography, climate and natural environment;</p> <p>b) Natural hazards on or near the Site;</p> <p>c) Potential land use conflicts;</p>	<p>The proposed shed is considered to be in keeping with the aims and objectives of the zone. The proposal is considered to be consistent with the surrounding land uses and unlikely to result in potential land use conflicts.</p>

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).	The proposal is considered to be in keeping with the established built form and unlikely to result in adverse impacts on the surrounding built form and established character.
2.2.3 Local Character & Context	The shed is considered to be in keeping with the established local character and context.
2.2.4 Visually Prominent Sites	The shed is considered to be appropriately located on the site.
2.4 Stormwater Management	
2.4 Stormwater Management	Stormwater will be directed and connected to Council's stormwater infrastructure. Standard conditions are to be imposed for the connection.

Chapter 3 – Natural Environment & Hazards	
Development Control	Assessment Comments
3.4 Land and Soil	
Standard conditions to be imposed in the consent relating to unexpected finds and erosion and sedimentation controls.	
3.5 Flood Prone Land	
3.5.2 key Controls	The site is flood affected by 1% AEP (100 years) flood event as shown in below flood map. However, the flood (water) does not reach the location of the proposed development (shed). In addition, it is a non-habitable shed. As such, the flood impact is considered to be negligible and Council's Development Engineering Branch do not recommend any flood related conditions.
3.5.3 Construction Requirements & Flood Proofing	
	

Chapter 4 – Heritage & Cultural Conservation	
Development Control	Assessment Comments
4.3 General Controls – Development of Heritage Items/Places & within Heritage Conservation Areas	
4.3.2 Design and Character	
The proposed shed is considered to be a non-dominate structure that will compliment the established recreational facility (indoor). The proposal is considered to be appropriately designed and located with consideration being given to the established locality. Based on the information provided and a site inspection, the shed design and character is considered appropriate for the site.	
4.3.3 Scale and Form	
The proposed shed is considered to be of appropriate scale and form with respect to the established locality. The proposal is considered unlikely to result in adverse impacts on the established built form and scale within the precinct.	
4.3.4 Sitting and Setback	

The proposed shed is considered to be appropriately located with respect to the established sitting and setback within the precinct. The shed is considered unlikely to result in adverse impacts on the establishing sitting and setback.

4.3.6 Materials, Finishes and Colour Schemes

The shed is considered unlikely to result in adverse impacts on the established materials, finishes and colour schemes within the locality.

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	The proposed development is considered unlikely to result in adverse impacts on the natural environment.
Built Environment	<p>The Lithgow Swimming Pool is situated within the Tony Luchetti Sports Centre, an item of local heritage (Item I340). The proposed shed is not considered likely to result in adverse impacts on the existing heritage significance or value of the site, in particular, the showground grandstand and associated buildings.</p> <p>The proposed shed is considered to be consistent with the established or desired future characteristics of the built environment.</p> <p>Based on the information provided, the proposal is considered unlikely to result in adverse impacts on the built environment.</p>
Social Impact	The shed shall support the Lithgow Swimming Pool and its ongoing use. Based on the information provided, the shed is considered unlikely to result in adverse social impacts on the users of the facility and nearby residents.
Economic Impact	The shed will be used to store swimming pool equipment; supporting the day to day needs of the business. The proposed shed is considered unlikely to result in adverse economic impacts on the subject site and wider locality.

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 shed shall provide additional storage facilities at the Lithgow Swimming Pool. The subject site is considered suitable to provide for the proposed shed.

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: Nil
 Submissions: Nil

Pursuant to the Community Participation Plan, part 2.3.7 development of a minor nature that, in the opinion of the assessing officer, does not have potential to create a negative impact on the amenity of the neighbourhood, does not require notification. The proposed swimming pool is considered unlikely to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste product, grit or oil, traffic generation or otherwise. As such, the Application was not notified.

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 DA013/24 is approved subject to conditions set out in Schedule A.

Assessment Prepared By: _____

Emma-Rose Cooper
Team Leader Development Planning

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 satisfactory arrangements are made to satisfy the increased demand for public recreation facilities
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A
Conditions of Consent (Consent Authority)

GENERAL CONDITIONS																									
1.	<p>Approved Development Development Consent is granted for a shed at Lithgow Swimming Pool, Lot 1 DP 1123449 George Coates Street, Lithgow NSW 2790 (Tony Luchetti Sports Centre).</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 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="6" style="text-align: left;">Approved Plans</th> </tr> <tr> <th style="width: 30%;">Title</th> <th style="width: 15%;">Author</th> <th style="width: 20%;">Project</th> <th style="width: 15%;">Drawing</th> <th style="width: 10%;">Sheet</th> <th style="width: 10%;">Date</th> </tr> </thead> <tbody> <tr> <td>JM Robson Aquatic Centre Proposed New Shed Site Plan</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">-</td> <td style="text-align: center;">Submitted to Council on 14/02/2024</td> </tr> <tr> <td>Architectural Drawings</td> <td>Ultra Steel Sheds & Garages</td> <td>330315142229</td> <td>DWGAP1</td> <td></td> <td style="text-align: center;">Submitted to Council on 22/01/2024</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	Drawing	Sheet	Date	JM Robson Aquatic Centre Proposed New Shed Site Plan	-	-	-	-	Submitted to Council on 14/02/2024	Architectural Drawings	Ultra Steel Sheds & Garages	330315142229	DWGAP1		Submitted to Council on 22/01/2024
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BUILDING WORK

BEFORE BUILDING WORK COMMENCES	
3.	<p>Construction Certificate required 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>
4.	<p>Erosion and sediment controls in place 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>
5.	<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> <p style="padding-left: 40px;">(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or</p>

	<p>(b) could cause damage to adjoining lands by falling objects, or</p> <p>(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
6.	<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>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work
7.	<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>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work

DURING BUILDING WORK	
8.	<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>
	Condition Reason: To protect the amenity of the surrounding area
9.	<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>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work
10.	<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.
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work
11.	<p>Stormwater management and drainage connections</p> <p>(1) The stormwater generated from the impervious areas of the proposed development shall be discharged to the Fred Burley Drive. A suitably kerb adaptor shall be provided.</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>

	Condition Reason: To ensure the development complies with the approved plans and referenced documents.
12.	<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>
	Condition Reason: To require approval to proceed with building work following each critical stage inspection
13.	<p>Plumbing and/or drainage works</p> <p>All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 and Complying with the Plumbing Code of Australia (PCA) and all relevant Australian Standards.</p>
	Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.
14.	<p>Plumbing and/or drainage works inspections</p> <p>Forty-eight (48) hours' notice shall be given to Lithgow City Council for inspection of the following plumbing and drainage works:</p> <ul style="list-style-type: none"> (a) Internal and external drainage lines prior to backfilling. (b) The licensed plumber/drainer shall be on site at the site of the inspection, and the drainage lines shall be charged and under test. (c) Hot and cold water installations under test bucket pressure of 1500kpa. (d) On completion of all plumbing drainage and sanitary fixture installations.
15.	Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.
16.	<p>Plumbing and/or drainage Certificate of Compliance</p> <p>Prior to the issue of a Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Lithgow City Council as the delegated regulatory authority for plumbing and drainage works within the Lithgow City Council area.</p>
	Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.
17.	<p>Vehicle Movements</p> <ul style="list-style-type: none"> a) 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. b) 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 SafeWork intervention and may also include Stop Work Orders from Council until such time the Applicant complies with suitable traffic management procedures.
	Condition Reason: To promote safe entry and exit to the construction site.
18.	<p>Excavated Areas</p> <p>Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building.</p>
	Condition Reason: To ensure all earthworks are adequately retained
19.	<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.
20.	Contract Work Insurance The Applicant is to ensure that Contractor Work 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 the commencement of any works.
	Condition Reason: To ensure contract work insurance is obtained and maintained for the duration of works.
21.	Dust Management The Applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from site.
	Condition Reason: To ensure adequate site management measures are implemented during the carrying out of site work

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

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

OCCUPATION AND ONGOING USE

23.	Occupation Certificate The development shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.
	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

24.	Erection of signs (1) This section applies to a development consent for development involving building work, subdivision work or demolition work. (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— (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. (3) The sign must be— (i) maintained while the building work, subdivision work or demolition work is being carried out, and (ii) removed when the work has been completed. (4) This section does not apply in relation to— (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
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	(ii) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.
	Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
25.	<p>Shoring and adequacy of adjoining property</p> <p>(1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>(2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—</p> <p>(i) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</p> <p>(ii) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</p> <p>(3) This section does not apply if—</p> <p>(i) the person having the benefit of the development consent owns the adjoining land, or</p> <p>(ii) the owner of the adjoining land gives written consent to the condition not applying.</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 must not be carried out until a construction certificate or subdivision works certificate, respectively, 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.