

DEVELOPMENT ASSESSMENT REPORT – DA150/23

Development Application No.	DA150/23 PAN-365206
Subject Site	Lot 1 DP 129563, Lot 3 DP 836482, 265 Portland Sunny Corner Road Portland.
Proposal	Thirteen (13) lot Torrens Title subdivision, associated civil works including an internal road.
Zoning	R5 Large Lot Residential (Lithgow LEP 2014)
Permissibility	Permitted with consent
Cost of Development	\$1,177,699.56
Applicant	Mr A Ashraful
Owner	The Trustee for Peace Perpetual Trust
Notification	Notified commencing 5 September 2023 and concluding 28 September 2023.
Submissions	No known written submissions were received during the notification period.
Variations	Nil.
Site Inspection	17 September 2024
Responsible Officer	Tom Burns (NSW Flying Squad), Emma-Rose Cooper (Team Leader Development Planner)-Assessment and Draft Report Lauren Stevens- Finalised Assessment Report
Recommendation	Approval subject to attached conditions

Executive Summary

This report has been submitted to Lithgow City Council for consideration of Development Application DA150/23 for the Torrens title subdivision of two allotments into thirteen (13) rural-residential allotments including the construction of an internal access road and stormwater drainage works. The applicant originally sought consent for twelve (12) rural-residential allotments; however, on 17 June 2024 the development application was amended pursuant to section 37 of the Environmental Planning and Assessment Regulation 2021 to increase the number of allotments to 13.

The subject site is zoned R5 Large Lot Residential pursuant to the *Lithgow Local Environmental Plan 2014* (LLEP). The proposed development is characterised and defined as '*Subdivision*' and is permissible with consent in R5 zone. The existing dwelling on the site will be retained and incorporated onto Lot 13. No dwellings are proposed on the remaining 12 allotments; however, indicative building envelope and effluent disposal system locations have been nominated on the proposed allotments.

The development is categorised as 'integrated development' within the meaning of section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and requires separate approval under section 100B of the *Rural Fires Act 1997* (RFA) as the site is mapped as bushfire prone land and involves subdivision of land for the purpose of rural-residential development.

The application was referred to the NSW Rural Fire Service (RFS) pursuant to section 4.46 of the EP&A Act and section 100B of the RFA. The RFS have assessed the application and provided their general terms of approval (GTA) on 17 October 2023. However, Council referred the amended application back to the NSW RFS as their GTA only pertained to 12 allotments. The RFS response was received 26/07/2024.

The application was referred to Water NSW pursuant to section 6.5 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (BC SEPP). Water NSW requested that the applicant provide additional information in relation to stormwater drainage and wastewater management. The applicant has adequately addressed Water NSW's concerns via way of revised civil engineering plans and wastewater documentation and Water NSW subsequently issued concurrence conditions on 9 September 2024.

The key environmental planning issues arising from the assessment of the proposal include land contamination, biodiversity impacts, stormwater management, access and wastewater management, which have been satisfactorily addressed and can be appropriately managed through the recommended conditions of consent.

The application was publicly exhibited between 5 September 2023 and 28 September 2023, and did not receive any submissions.

When assessed on its merits in accordance with section 4.15 of the EP&A Act, the proposal is found to be acceptable and suitable in its context. Therefore, it is recommended that Lithgow Council approve the application, subject to the recommended conditions attached to this report.

Site Description

Legal Description: Lot 1 DP 129563 and Lot 3 DP 836482
Property Address: 265 Portland Sunny Corner Road, Portland NSW 2847

The subject site consists of two allotments with frontages to the eastern side of Portland Sunny Corner Road and the southern side of John Mackey Drive within the Portland locality (see **Figure 1**). The site is irregular in shape with an area of approximately 27.91ha and is located within the R5 Large Lot Residential zone pursuant to the LLEP.

The site contains a dwelling house and ancillary residential structures within the south-western corner of the site. The remainder of the site comprises of grassland vegetation, numerous dams and pockets of remnant forest vegetation.

The slopes away from the north and west towards the eastern boundaries, representing an average slope between 5-10 degrees.

The site is mapped as being bushfire prone and is partially flood affected. Pipers Flat Creek runs through the site from north-east to west. The site is burdened by a transmission line easement that intersects the site centrally in an east-west direction.

Surrounding land comprises of predominately rural and rural-residential development. Located adjacent to the site to the west is the Portland Cemetery (identified as local archeological site A107), while the Portland town centre is located approximately 2 kilometres (km) to the north.



Figure 1: Subject Site



Photo 1: View of the property from Sunny Corner Road, 17 September 2024



Photo 2: View of the property from Sunny Corner Road, 17 September 2024

The Development

The applicant seeks development consent for the Torrens title subdivision of two allotments into 13 rural allotments including the provision of a new access road via the eastern side of Portland Sunny Corner Road. The existing dwelling house and ancillary structures on the site will be retained and incorporated into Lot 13.

New dwellings and on-site wastewater systems on Lots 1-12 are not proposed under the subject application. However, indicative building envelopes, effluent disposal locations and Asset Protection Zones (APZ) are provided on these allotments.

The proposed allotments contain the following dimensions:

- Lot 1: 2.18 hectares (ha)
- Lot 2: 2.19ha
- Lot 3: 2.08ha
- Lot 4: 2.07ha
- Lot 5: 2.06ha
- Lot 6: 2.02ha
- Lot 7: 2.01ha
- Lot 8: 2.03ha
- Lot 9: 2.04ha
- Lot 10: 2.05ha
- Lot 11: 2.01ha
- Lot 12: 2.17ha
- Lot 13: 2.10ha.

Ancillary components of the development are as follows:

Civil Works and Road Construction

- Construction of a new 8m wide internal road via the eastern side of Portland Sunny Corner Road with a turning head to provide vehicular access to Lots 5-12. Vehicular access to Lots 1-4 will be provided via John Mackey Drive and will be subject to future development applications for the individual residencies on each site, while vehicular access from Lot 13 will be maintained from Portland Sunny Corner Road.
- Provision of dams on Lot 5, Lot 6 and Lot 8.
- Construction of a table drain along the new internal road. Treatment devices will be connected in the drainage system and will be designed to produce an effecting treatment train in reducing concentrations of nutrients exiting the Site. The following treatment devices outline the order which stormwater will flow:
 - rain garden, and
 - grass swales.

Effluent Disposal

- Indicative locations for on-site wastewater disposal areas for Lots 1-12 are provided on the site plans; however, the eventual owners of the individual allotments will need to lodge an application to install and operate a sewage management system pursuant to section 68 of the Local Government Act 1993.

The proposed development is depicted in **Figure 2** below.

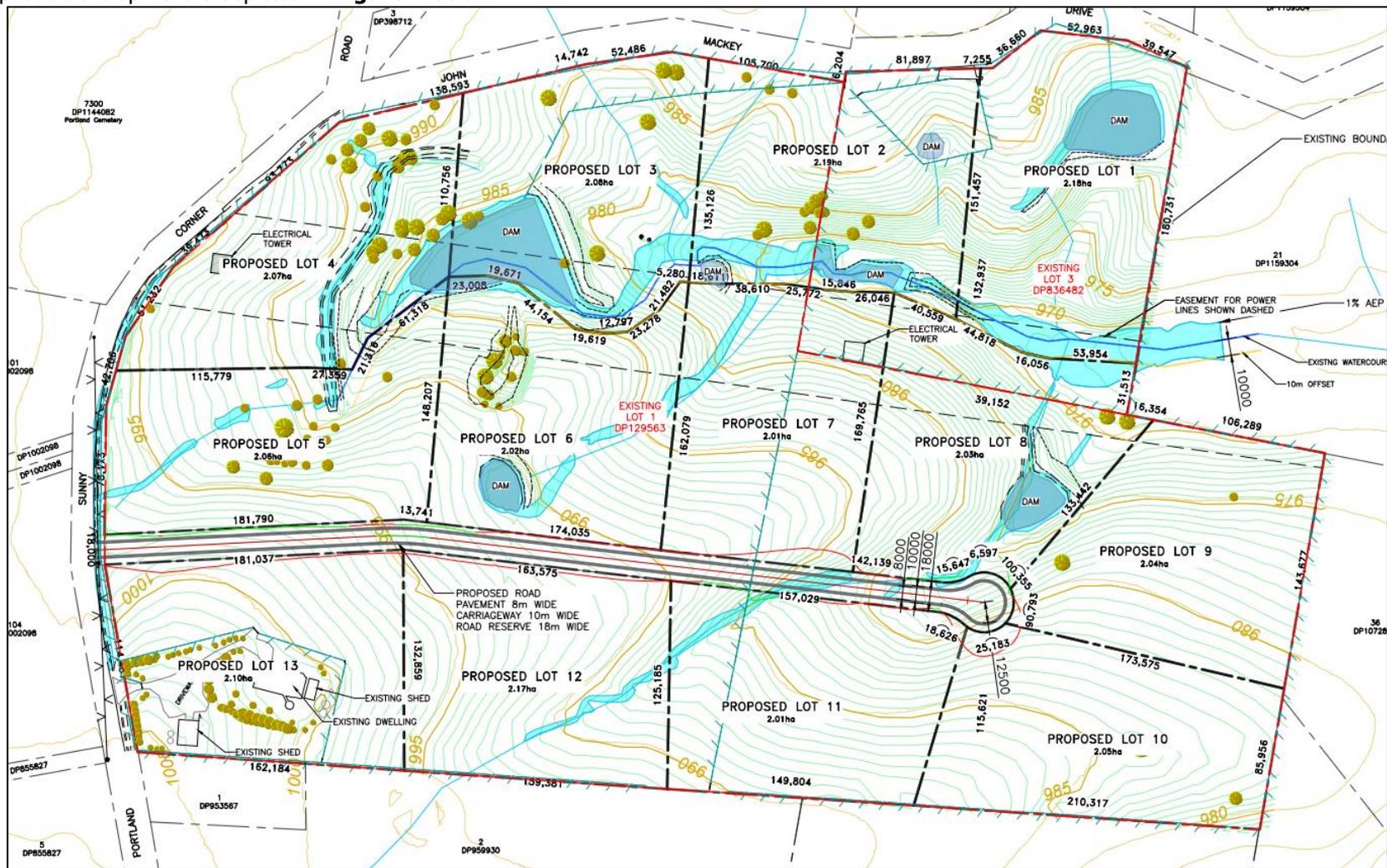


Figure 2: Subdivision Layout

Internal Referrals

The development was referred internally to Council's Development Engineer and Property & Legal Services Officer.

The comments provided by these internal referral staff is provided below as follows:

Development Engineer

1st Comments Dated 3 October 2023

Individual Bio-retention basins are proposed inside of private lots subject to assessment of Water NSW.

Please find below outstanding issues:

- An 8m wide sealed pavement (carriageway) is required according to Council adopted Engineering Guideline Section 2.3.1.1 Standard Road Widths. Note: Roundabouts are to be constructed using Grade 320, full-depth asphalt.
- The radius of proposed cul-de-sac shall be 12.5m according to Council adopted Engineering Guideline Section 2.3.4.6 Cul-De-Sacs.
- The roadside drain (table drain) and associated batter shall be located within proposed road reserve (refer to typical road cross-section plan).
- The pit number/pipeline number on site plan conflicting other plans. The Culvert section plans on proposed sheet 24/40 are not clear in relation to location of proposed culverts. 2x600mm pipe in Pipe 1/4 are on site plan (sheet 5/40), but they are 1/3 in Culvert cross-section plan (Sheet 24/40) and they are in HW1 capacity calculations (Sheet 27/40)

Note: Council is unable to review the capacity assessment due to above issue. Please review pit/pipeline capacity. The proposed pit (HW1) indicates negative free-board (-0.56m) in 1% AEP event. It is unsafe for vehicles to use proposed road during 1% AEP event. Please ensure proposed road to be a flood safe access in 1% AEP event.

Property & Legal Services Officer

Portland Sunny Corner Road separates the development lot (Lot 1 in DP129563) which is the subject of DA150/23 from the council-managed lot (Lot 7300 in DP1144082).

- Lot 7300 was dedicated for a public purpose, being a general cemetery, in 1905.
- Lot 7300 is owned by the State of NSW but is maintained by Lithgow City Council but is maintained by Lithgow City Council.
- Lot 7300 is devolved to Council, which means that Council must manage the land as though it was a public reserve under the Local Government Act 1993. However, Council has no right to deal with the land, such as enter leases, licences or other interests in respect of the land; only the State of NSW can do this.

DA150/23 does not appear to utilise or impact any part of Lot 7300 and accordingly I have no comment.

External Referrals

The following external agencies have provided comments on the application:

- Water NSW.
- NSW Rural Fire Service.
- Endeavor Energy.

The comments provided by these agencies is summarised below.

Water NSW

1st Comments Dated 8 September 2023

The application was referred to Water NSW pursuant to section 6.5 of the BC SEPP. Water NSW provided a response on 8 September 2023 raising the following concerns:

Wastewater

- This site may have town water supply (i.e., Fish River water supply scheme). If so, wastewater loading and size of the effluent management envelope shall be updated accordingly.
- Lots to 5 contain water courses and drainage depressions on site. Therefore, Water NSW recommends small foot-print systems for above lots instead of irrigation method.

Stormwater

- Bioretention basins are proposed to treat run-off from the access road and located in lots 5 to 7, which is not consistent with Water NSW's CRP (please refer to Table 5.1 of *Using MUSIC within Sydney Drinking Water Catchment* (WaterNSW, 2023)). Therefore, stormwater management shall be consistent with the development types as specified in Water NSW's CRP.
- Ownership and maintenance of the stormwater management measures shall be clearly addressed.
- Stormwater drainage plan and MUSIC modelling need to be updated to meet above requirements.
- An electronic copy of the MUSIC stormwater quality model must be provided to Water NSW.

The applicant submitted the information above with the concurrence granted from WaterNSW on 9 September 2024.

NSW Rural Fire Service (NSW RFS)

The development was referred to the NSW RFS pursuant to section 4.46 of the EP&A Act and section 100B of the RFA. The NSW RFS assessed the application and provided GTA on 17 October 2023. The GTA have been included as recommended conditions of consent.

However, due to the increase in allotment yield, the application was referred back to the NSW RFS who has no objection to the application subject to the original recommended conditions of consent.

Endeavour Energy

Endeavour Energy have reviewed the application and raised no objections, subject to a number of recommendations. Council have included these recommendations as recommended conditions of consent.

However, due to the increase in allotment yield, the application was referred back to Endeavour Energy who has no objection to the application subject to the original recommended conditions of consent.

Development Application History

A pre-lodgement meeting (PLM) was held between the applicant and Council prior to the lodgement of the development application. The PLM was held on 22 July 2022. A summary of the key issues discussed at the meeting and how they have been addressed by the proposed development is outlined in Table 1 below.

Table 1: PLM Issues and Applicant's Response with DA Submission

Issue Discussed in PLM	Applicant's Response with DA Submission
Flood Study to be prepared	<p>Flood Risk Assessment has been prepared which determines the Flood Planning Level and a Catchment Management Plan as requested. Please refer to Figure 5 of the Flood Risk Assessment which shows indicative building envelope and onsite wastewater disposal locations relative to Flood Planning levels.</p> <p>The assessment has concluded that the flooding constraints on the site can be appropriately managed via way of the recommended conditions of consent. This is discussed in further detail later within this report.</p>
On-site Wastewater Management	<p>Soil and Site Assessment for On-site Wastewater Management has been prepared to demonstrate that the proposed 12-lot subdivision can achieve compliance with the relevant requirements for on-site wastewater management.</p> <p>A restriction on the title of the land is recommended to require future on-site wastewater management systems to be located within the indicative locations that are identified on the subdivision layout plans. The eventual owners of the individual allotments will need to lodge an application to install and operate a sewage management system pursuant to section 68 of the Local Government Act 1993.</p>
Roads and Allotment Layout	<p>Indicative building envelope and on-site wastewater disposal locations are identified with the Civil Plans. The indicative locations have had regard to site topography and the proposed allotments exceed the minimum lot size.</p> <p>The proposed layout has considered the relevant easement requirements associated with the site. All dams present on site require</p>

	<p>a 40m buffer and an easement for an electricity transmission line runs through the northern half of the property, from which appropriate boundary buffers must be maintained.</p> <p>The assessment has concluded that the proposed allotment and road layout is appropriate in the context of the site, noting that the allotment and road layout has considered the environmental constraints of the site and that the allotments meet the minimum lot size development standard of 2ha.</p>
Roads – Crossovers & Road Design	<p>The proposed road reserve is 1.5m wide, with 7m unsealed carriage way. Crossovers are provided from the carriageway to the driveways only.</p> <p>Council’s Development Engineer has reviewed the application in relation to vehicular access and road design and raised no objections, subject to the recommended conditions which have been adopted.</p>
Earthworks	<p>Moderate earthworks are required to construct the internal access road to lots 5-12. The cut and fill details are contained in Civil Engineering Plans.</p> <p>The assessment has concluded that the earthworks are not of a significance that would render the development inconsistent with clause 7.1 ‘Earthworks’ of the LLEP. Conditions are recommended to minimise the environmental impacts of the earthworks.</p>
Integrated Development Referrals	<p>The proposed development has been lodged as ‘Integrated Development’ under section 4.46 of the EP&A Act. Council has referred the application to the RFS, who have assessed the application and provided GTA.</p>
Vegetation Impact	<p>Trees to be removed have been identified on the Civil Engineering Plans.</p> <p>During the course of the assessment a report detailing opportunities and constraints (preliminary biodiversity survey) was submitted. The report identifies an assessment under the Biodiversity Act and determined that the proposal does not exceed the clearing threshold, the property is not located on the on the Biodiversity Values Land Map and that the proposal is unlikely to significantly affect any threatened species.</p> <p>As such Council is satisfied that a BDAR assessment is not required.</p>

Water Cycle Management – Satisfy the requirements of Water NSW	A Water Cycle Management Study has been prepared and submitted with the application. Furthermore, Water NSW has reviewed the application and provided concurrence to the application subject to conditions on the consent.
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Following a preliminary assessment of the application, Council wrote to the applicant requesting the following additional information pursuant to section 36 of the EP&A Regulation:

- A Preliminary Site Investigation (PSI) to assess potential contamination in accordance with Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience and Hazards SEPP).
- Additional engineering detail in relation to:
 - increasing the width of the sealed road from 7.5m to 8m in accordance with Council’s Engineering Guideline,
 - the radius of the proposed cul-de-sac to be increased to 12.5m in accordance with Council’s Engineering Guideline,
 - clarification on the location of the proposed culvert pipes.
- A BAR to consider biodiversity impacts resulting from driveways, indicative building footprints, wastewater management areas, civil works and services.
- Additional information in relation to water management to address the matters raised on Water NSW’s advice dated 8 September 2023.

Subsequently, the applicant requested to amend the development application pursuant to section 37 of the EP&A Regulation. The amendments comprise of:

- Increase the number of allotments from 12 to 13 rural-residential allotments.
- Lot boundaries revised to comply with the relevant setback requirements in Water Sensitive Design Guidelines for Rural Subdivision.
- Building Envelope Plan and Effluent Management Area positions amended to comply relevant setback requirements in Water Sensitive Design Guidelines for Rural Subdivision.
- Removal of bioretention basins and provision of earth check dams.

These amendments were accompanied by the following revised documents:

- Civil Engineering Plans.
- Water Cycle Management Report.
- Onsite Wastewater Assessment.
- Bushfire Hazard Assessment.

Strategic Context

The development is subject to the Central West and Orana Regional Plan 2041 (the Regional Plan).

The development is consistent with Strategy 15.2 of the Regional Plan, insofar as the proposal will provide newly subdivide allotments which will facilitate new rural-residential development (i.e. dwelling houses) within an area that has been strategically zoned for rural-residential purposes.

Statutory Assessment

Section 4.15 of the EP&A Act, as amended, sets out the matters to be considered in the evaluation of a development application (DA). The following assessment addresses the relevant matters for consideration under section 4.15(1) of the EP&A Act.

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

Chapter Four: Koala Habitat Protection 2021

Chapter Four – Koala Habitat Protection 2021 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (B&C SEPP) applies to the development pursuant to clause 4.4 and aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.

The BAR submitted with this application (prepared by Abel Ecology, dated 17 June 2024) has assessed biodiversity impacts relating to the development, including impacts upon koala's and their habitat, and concluded that due to the sparsity of trees on the property the development would not have an adverse impact upon koalas or koala habitat.

In this regard, it is considered that the development satisfies Chapter 4 of the B&C SEPP.

Chapter 6: Water Catchments

Chapter Six – Water Catchments of the B&C SEPP applies to the development pursuant to clause 6.1 as the development is located within the Sydney Drinking Water Catchment (SDWC).

The development was referred to Water NSW, who have reviewed the application and provided concurrence, subject to recommended conditions of consent. Hence, the proposal meets the relevant considerations under Chapter 6 of the BC SEPP, subject to conditions.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter Four: Remediation of Land

Chapter Four of the R&H SEPP applies to the site pursuant to clause 4.4 and aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Clause 4.6 requires that consent must not be granted to the carrying out of any development on land unless the consent authority has considered whether the land is contaminated or requires remediation for the proposed use to be carried out.

A search of Council's records and aerial photos indicates the site has historically been used for agricultural purposes. Accordingly, Council requested that a Preliminary Site Investigation (PSI) be submitted to assess the potential for land contamination, in accordance with clause 4.6(2) of the R&H SEPP.

The PSI identified six potential areas of environmental concern on the site and recommended that a Detailed Site Investigation (DSI) with soil sampling be carried out to characterise potential soil contamination as a result of past and current land use activities prior to redevelopment works. As such, Council requested that a DSI be submitted to aid the assessment of contamination and confirm whether any remedial works would be required to make the site for the intended residential land use, in accordance with clause 4.6(3) of the R&H SEPP.

The DSI submitted with this application (prepared by Sydney Environmental Group, dated 13 May 2024) states that elevated concentrations of pathogens detected within 'DAM03', 'DAM04', and 'DAM06' pose unacceptable human health direct contact risk and in the event that the dams were decommissioned. However, the DSI noted that the dams are not being decommissioned, but rather expanded, and therefore, remedial works would not be required. Soil sampling across other areas of the site did not reveal any sources of contamination.

The DSI recommends an unexpected finds protocol in the event that suspected contamination material is found. This requirement has been recommended as a condition of consent.

Given the above, it is considered that the site is suitable for residential development, subject to compliance with the recommendations of the DSI.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter Two: Infrastructure

Chapter Two - State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) applies to the development pursuant to clause 2.2 and aims to facilitate the effective delivery of infrastructure across the State.

Clause 2.48 - Development impacted by an electricity tower, electricity easement, substation, power line

Clause 2.48 of the T&I SEPP requires certain development to be referred to the relevant electricity supply authority and any response is to be considered as part of the assessment. The development involves immediately adjacent to and within an easement for electricity purposes and has been referred to Endeavour Energy for comment under clause 2.48(2)(a).

The response received from Endeavour Energy under clause 2.48(2)(b) has indicated that the development is acceptable, subject to a number of recommendations. These recommendations are included as recommended conditions of consent.

Lithgow Local Environmental Plan 2014

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of EPIs, which includes Local Environmental Plans (LEPs). The LLEP applies to all land within the Lithgow local government area (LGA). An assessment of the development against the relevant sections of the LLEP is provided in **Table 2** below.

Table 2 – LLEP Assessment

<i>LLEP Clause</i>	Development	Compliance
<i>Clause 1.2 Aims of Plan</i>	The development is generally consistent with the aims and objectives of the LLEP, insofar as the development will facilitate future housing in rural locations to meet population growth and the diversity needs of the community.	Yes
<i>Clause 2.3 Zone objectives and Land Use Table</i>	<p>The proposed Torrens title subdivision is permissible on the site pursuant to clause 2.6 of the LLEP.</p> <p>The development is considered to meet the objectives of the R5 zone for the following reasons:</p> <ul style="list-style-type: none"> • The subdivision will facilitate future residential housing within a rural setting, while resulting in minimal impacts upon the natural environment. • The proposed large residential allotments would not hinder the proper and orderly development of urban areas in the future. • The proposed large residential allotments will not give rise to adverse land use conflicts, noting that the site is sufficient distanced, being over 200m, from nearby rural zoned land that could accommodate rural and industrial activities. • Water NSW have assessed the application and are satisfied that the development would maintain the water quality of receiving waters, subject to conditions. 	Yes
<i>Clause 2.6 Subdivision Requirements</i>	<p>The development does not involve the subdivision of land with a secondary dwelling and principal dwelling being situated on separate allotments.</p> <p>The proposed Torrens title subdivision is permissible on the site pursuant to clause 2.6 of the LLEP.</p>	Yes
<i>Clause 4.1 Minimum subdivision lot size</i>	<p>Clause 4.1 of the LLEP stipulates a minimum allotment size of 2ha.</p> <p>The proposed allotments all exceed 2ha in area and therefore, the development complies with clause 4.1 of the LLEP.</p>	Yes

LLEP Clause	Development	Compliance
<p>Clause 5.21 Flood planning</p>	<p>Council has not undertaken any flood studies for the rural areas of the LGA. Accordingly, a Flood Impact Assessment (FIA) (prepared by Catchment Simulation Solutions, dated October 2022) was prepared for the development.</p> <p>The FIA modelling indicated that portions of the site are affected by 1% AEP flooding events (see Figure 3).</p>  <p>Figure 3: Flood Mapping (source: Applicant's FIA)</p> <p>The civil plans submitted with this application indicate that the indicative building footprints and effluent disposal footprint areas are located above the 1% AEP contours. A restriction on the use of the land is recommended to ensure that future dwellings and effluent disposal areas are located within the designated footprints on the civil plans, which will ensure that the flooding impacts are reasonably mitigated.</p> <p>While the proposed access road encroaches partially within the 1% AEP area, the existing flood depths in this small portion of the site are only up to 0.3m within a 1% AEP event. As such, the proposed road will not significantly alter flooding behavior and extent.</p> <p>As such, the development is consistent with the relevant considerations under clause 5.21 of the LLEP.</p>	<p>Yes</p>

<i>LLEP Clause</i>	Development	Compliance
<i>Clause 7.1 Earthworks</i>	<p>The development will include earthworks for road construction and services. These earthworks will result in a change to the drainage pattern of the area.</p> <p>The proposed access road and stormwater infrastructure have been designed to allow for the diversion of stormwater to be captured in bio-retention basins and treated before being naturally dispersed.</p> <p>Conditions of consent have been recommended to ensure dust and erosion impacts are minimised during works and in perpetuity as a result of the proposed earthworks.</p> <p>The development has been assessed by Water NSW for potential impacts from earthworks on water courses and found to be acceptable, subject to the concurrence conditions which are included as conditions of consent. The earthworks proposed will also not detract from the significance of the local archeological site A107 'Portland General Cemetery' on the adjacent site to the west.</p> <p>For the reasons outlined above, the development is found to meet the relevant considerations under clause 7.1 of the LLEP, subject to conditions.</p>	Yes

LLEP Clause	Development	Compliance
<p>Clause 7.3 Stormwater Management</p>	<p>The site is not connected to Council’s stormwater infrastructure. As such, stormwater from the development will be managed on the subject site.</p> <p>A Water Cycle Management Plan (WCMP) (prepared by DMC Civil & Structural, dated 12 June 2024) has been prepared for the development. The WCMP states that stormwater treatment devices will be connected to the proposed drainage system to reduce the amount of nutrients entering the water catchments on-site. These treatment devices include future rainwater tanks to accompany future residential development on the resulting allotments (which has been included as a positive covenant on the Section 88B Instrument), three earth catch dams on Lots 5, 6 and 8 to collect stormwater runoff from the three headwalls along the proposed access road, and grass swales and a table drain along the southern side (i.e. low side) of the proposed access road to convey water to the aforementioned earth catch dams. Significant permeable surfaces around the site are also maintained to enable water infiltration.</p> <p>Water NSW and Council’s Development Engineers have reviewed the proposed stormwater arrangement and are satisfied that the development will provide adequate water treatment devices to reduce the amount of nutrients entering the on-site water catchments. Moreover, Water NSW and Council’s Development Engineers are satisfied that the proposed stormwater management arrangement will adequately contain and manage stormwater within the development site and prevent stormwater loading from being discharged off-site.</p> <p>Therefore, the development is consistent with clause 7.3 of the LLEP, subject to conditions.</p>	<p>Yes</p>

Clause 7.4
Terrestrial
Biodiversity

Small portions of the site along the northern and eastern boundaries are located on the LLEP Biodiversity Overlay Map (see **Figure 4**).

Yes



Figure 4: Biodiversity Overlay Map

It is noted that the development does not involve any physical works within these mapped areas; however, future access to Lots 1, 2 and 3 from John Mackey Drive would be provided via these mapped areas.

The BAR submitted with this application has assessed the extent of native vegetation that would be impacted by the proposed building envelopes (which will be subject to future development applications), asset protection zones and potential vehicle crossings (which will be subject to future development applications). The BAR notes that the development (including future building envelopes and vehicle crossings) would result in the removal of approximately 0.22ha of Native Woodland PCT 3369 Central Tableland Ranges Peppermint-Gum Grassy Forest, which is below the biodiversity offset threshold of 0.5ha under the *Biodiversity Conservation Act 2016* (BC Act). The BAR notes that this PTC is not associated with a NSW TEC or Commonwealth EC. As such, a Biodiversity Development Assessment Report (BDAR) was not required.

The BAR has also assessed potential impacts on threatened fauna species as a result of the development. The BAR stipulated that records of BioNet Atlas of NSW Wildlife indicate that the following species have been recorded within 5km of the subject site, but not on the subject site:

- Gang-gang Cockatoo
- Grey-headed Flying Fox
- Koala

LLEP Clause	Development	Compliance
	<p>Notwithstanding, the BAR notes that due to the sparsity of trees on the site, the development is not likely to have adverse impacts upon these species.</p> <p>Given the above considerations, it is concluded that the development is consistent with the relevant considerations under clause 7.4 of the LLEP.</p>	
<p>Clause 7.6 Riparian Land and Watercourses</p>	<p>The Civil Engineering plans have indicated building envelope and on-site wastewater treatment locations which are positioned over 40m away from existing watercourses and dams on the subject site.</p> <p>Additionally, Water NSW and Council's Development Engineers have reviewed the proposed stormwater arrangement and are satisfied that the development will provide adequate water treatment devices to reduce the amount of nutrients entering the on-site water catchments.</p> <p>As such, the development is found to be consistent with the relevant considerations under clause 7.6 of the LLEP.</p>	<p>Yes</p>
<p>Clause 7.7 Sensitive Lands</p>	<p>The site is identified on the LLEP Environmentally Sensitive Areas Land Overlay Map.</p> <p>The assessment has taken into consideration the relevant matters under clause 7.7 of the LLEP, which include erosion potential, significant slope, salinity, flooding, biodiversity and water quality, and concluded that the development responds appropriately to these environmental constraints. Conditions have been recommended to mitigate the environmental impacts of the development.</p> <p>For these reasons, the development is consistent with clause 7.7 of the LLEP, subject to conditions.</p>	<p>Yes</p>
<p>Clause 7.10 Essential Services</p>	<p>Council is satisfied that the following essential services will be made available to each allotment at either subdivision stage or during the provision of future residential development:</p> <ul style="list-style-type: none"> • Vehicular access • Water supply • Electricity supply • Sewage management and disposal on-site • Stormwater drainage and management on-site <p>In this regard, the development is consistent with clause 7.10 of the LLEP.</p>	<p>Yes</p>

Draft Environmental Planning Instruments

Section 4.15(1)(a)(ii) of the EP&A Act requires the consent authority to consider the provisions of draft EPIs that have been publicly exhibited.

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

Lithgow Development Control Plan 2021

Section 4.15(1)(a)(iii) of the EP&A Act requires Council to consider the provisions of any development control plan. The development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Lithgow Development Control Plan 2021 (LDCP). An assessment of the development against the relevant sections of the LDCP is provided below in **Table 3**.

Table 3 – LDCP Assessment

LDCP Clause	Development	Compliance
Chapter 2 – Site Requirements		
Section 2.2.2 Site Analysis & Development Response	<p>The proposed subdivision layout is considered to be a site-responsive design, insofar as building and wastewater envelopes are located away from existing water courses and the 1% AEP flood affected portions of the site, in addition to being reasonably positioned to minimise encroachments into native vegetation.</p> <p>The size of the allotments are also above the minimum lot size requirements stipulated within the LLEP.</p> <p>The development is consistent with section 2.2.2 of the LDCP.</p>	Yes
Section 2.3.1 Earthworks	<p>The development includes excavation to a depth of approximately 2.2m and filling to a height of approximately 0.4m to facilitate the access road and stormwater drainage works. No retaining walling or substantial battering is proposed to facilitate these works.</p> <p>Erosion and water management impacts that arise from the earthworks can be reasonably managed through the recommended conditions of consent.</p> <p>The development is consistent with section 2.3.1 of the LDCP.</p>	Yes

LDCP Clause	Development	Compliance
Section 2.5 Vehicle Access & Driveways	<p>The proposed development includes an access road which will be dedicated to Council via Portland Sunny Corner Road. The access road will be approximately 530m in length and 8m wide with a 12.5m turning radius at the end of the cul-der-sac. The road will provide access to Lots 5-12.</p> <p>The road has been assessed as being satisfactory from an engineering and fire-fighting purpose.</p> <p>The development is consistent with section 2.5 of the LDCP.</p>	Yes
Section 2.6.3 Street Numbering & Letterboxes	<p>A condition of consent is recommended that requires each new allotment to have an appropriate street number that is clearly visible from the street in accordance with Council Policy No.10.10 – Addressing, Road Naming & Locality Naming.</p> <p>With this condition in place, the development will be consistent with section 2.6.3 of the LDCP.</p>	Yes

LDCP Clause	Development	Compliance
<p>Section 2.8 Utilities, Easements & Infrastructure</p>	<p>The site contains a transmission line easement that runs in an east-west direction through the northern part of the property as identified in Figure 1 of this report.</p> <p>The Civil Plans indicate that the building envelopes and future on-site wastewater areas are located outside of this easement. Endeavour Energy have also reviewed the application and provided a number of recommendations, which are included as recommended conditions of consent.</p> <p>As the site is not connected to reticulated water and sewer infrastructure and no connections are proposed under this application for this infrastructure due to the rural location of the site. As such, water supply will be provided to future dwelling houses via water tanks, whereas sewage will be managed via on-site sewage management systems. These services for each allotment will be included as part of the subsequent development applications for residency proposed on the new allotments.</p> <p>Conditions are recommended to ensure that each site is connected to electricity supply as part of this subdivision application.</p> <p>Stormwater infrastructure is included under this application to convey and treat stormwater on-site from the new access road.</p> <p>Therefore, the development is consistent with section 2.8 of the LDCP, subject to conditions.</p>	<p>Yes</p>
<p>Chapter 3 – Natural Environment & Hazards</p>		

LDCP Clause	Development	Compliance
<p>Section 3.6 Ground & Surface Water Protection</p>	<p>As the site is not connected to Council's sewage network, each allotment will be required to manage effluent on-site.</p> <p>A Soil and Site Assessment for Onsite Wastewater Disposal (prepared by Harris Environmental Consulting, dated 13 June 2024) has been prepared for the development. The report notes that Aerated Wastewater Treatments Systems (AWTS) will be required on each allotment as part of future residential developments post subdivision. Moreover, the report notes that the AWTS must:</p> <ul style="list-style-type: none"> • Be at least 1.5m from any building. • Have a power supply (and telephone line if telemetry or an automated monitoring/ alarm is fitted), will be required to deliver power to the treatment unit. • Be located above the 1% AEP (1:100) flood contour. <p>A condition of consent is recommended to require the Section 88B Instrument to contain positive covenant that requires the AWTS to comply with the above-mentioned requirements.</p> <p>With this condition in place, the development will satisfy section 3.6 of the LDCP.</p>	<p>Yes</p>
<p>Chapter 5 – Subdivision & Roads</p>		
<p>Section 5.2.3 Lot Sizes, Dimensions and Suitability</p>	<p>The development includes new rural residential allotments that range between 2.01ha and 2.17ha, which are above the minimum lot size requirements prescribed under the LLEP.</p> <p>The size and orientation of the allotments will ensure that future residential developments within the estate obtain good solar access, while the building envelope plans indicate that future residential development will be clear from the flood affected portions of the site.</p> <p>The variety in lot sizes and shape will also minimize development that is too repetitive in terms of lot layout and design.</p> <p>The development is consistent with section 5.2.3 of the LDCP.</p>	<p>Yes</p>

LDCP Clause	Development	Compliance
Section 5.5 Large Lot Residential & Rural Subdivision	<p>The proposed development includes an access road which will be dedicated to Council via Portland Sunny Corner Road. The access road will be approximately 530m in length and 8m wide with a 12.5m turning radius at the end of the cul-de-sac. The road will provide access to Lots 5-12.</p> <p>The road has been assessed as being satisfactory from an engineering and fire-fighting purpose.</p> <p>The development is consistent with section 5.5 of the LDCP.</p>	Yes

As detailed in the above table, the development complies with the prescriptive measures of the LDCP, subject to the inclusion of the recommended conditions of consent.

Section 94A Development Contributions Plan for Lithgow City Council 2015

No Voluntary Planning Agreements apply to the site.

The site is subject to the provision of the Section 94A Development Contributions Plan for Lithgow City Council 2015 (CP). The CP allows Council to condition the payment of a contribution under section 7.12 (formerly s.94A) of the EP&A Act, which is a percentage of the total cost of works as detailed in the below table.

Table 3 – Section 94A Development Contributions Levy

Type of Development	Levy (%)
All types of development valued at \$100,000 or less	0.0%
All types of development valued at \$100,001 and up to \$200,000	0.5%
All development types valued in excess of \$200,000	1%

Based on a total cost of works amounting to \$1,177,699.56, the monetary contribution to be paid to Council is \$11,777.00. The payment of this contribution has been included as a recommended condition of consent.

Provisions of any Planning Agreements

Section 4.15(1)(a)(iia) of the EP&A Act requires the consent authority to consider the provisions of any planning agreement or draft planning agreement that has been entered into, or offered to be entered into under section 7.4 of the EP&A Act.

As noted above, No Voluntary Planning Agreements apply to the site.

Any Matters Prescribed by the Regulations

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 Regulations 2021 (EP&A Regulation).

Council has assessed the development in accordance with all relevant matters prescribed by the EP&A Regulation.

Council Policies

Policy 7.6 Development Application by Councillors and Staff

Council's Policy 7.6 Development Application by Councillors and Staff or on Council owned Land states that any application that proposes to dedicate land or an asset to Council is to be considered and determined by Council if the recommendation is for approval of that application. Given that the proposed road is to be dedicated to Council as a public road, the application is to be determined by the elected Council.

All Likely Impacts of the Development

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

The likely impacts upon the natural and built environment have been assessed in the previous sections of this report that relate to the LLEP and LDCP. In summary, the impacts upon the natural and built environment can be reasonably mitigated through the recommended conditions of consent.

The development is considered to have a positive social and economic impact within the Lithgow LGA as the proposed allotments will facilitate new residential housing within a rural setting that has been strategically identified for residential development. Moreover, the development will provide temporary employment opportunities through construction.

Site Suitability

Section 4.15(1)(c) of the EP&A Act requires Council to consider "the suitability of the site for the development".

The development is appropriate for the locality as the proposed allotments the new allotments are of an appropriate size and proportion that respond to the relevant planning requirements within the LLEP and LDCP. In addition, the environmental impacts of the development can be appropriately managed through the recommended conditions of consent.

Other Statutory Considerations

Section 1.7 of the EP&A Act it has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act) and Part 7A of the Fisheries Management Act 1994 (FM Act),

both in connection with the terrestrial and aquatic environments. Both the BC Act and FM Act must be considered in the assessment of the development.

Biodiversity Conservation Act 2016

The purpose of the BC Act is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecological sustainable development.

The site is not identified on the Biodiversity Values Map (BVM) as being land with high biodiversity value, as defined by the Biodiversity Conservation Regulation 2017.

The development will not exceed the extent of native vegetation clearing identified in the BC Act, which is 0.5ha or greater of native vegetation on the subject site.

The development is not likely to have adverse impacts on threatened ecological communities, species, or their habitats and is consistent with the provisions of the BC Act.

Fisheries Management Act 1994

The purpose of the FM Act is to manage NSW fishery resources. The FM Act ensures the fishing needs and traditions of Aboriginal people are appropriately captured in the management of fisheries resources.

The development will not adversely impact on the threatened marine species conservation due to the development having a suitable buffer from water sources.

Environment Protection and Biodiversity Conservation Act 1999

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) seeks to protect, conserve and regulate matters of national environmental significance (MNES), including:

- World heritage properties
- National heritage places
- Wetlands of international importance
- Nationally threatened species and ecological communities
- Migratory species
- Commonwealth marine areas
- The Great Barrier Reef Marine Park
- Nuclear actions (including uranium mining), and
- A water resource, in relation to coal seam gas development and large coal mining development.

Based on the assessment of the development, significant impacts to any MNES would not result from the development.

Rural Fires Act 1997

The development is categorised as 'integrated development' within the meaning of section 4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and requires separate approval under section 100B of the *Rural Fires Act 1997* (RFA) as the site is mapped as bushfire prone land and involves subdivision of land for the purpose of rural residential development.

Public Participation

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

The development was notified to adjoining and nearby landowners between 5 September 2023 and concluding 28 September 2023. No known written submissions were received during the notification period.

The Public Interest

Section 4.15(1)(e) of the EP&A Act requires Council to consider "the public interest".

The development satisfactorily addresses Council's criteria and would provide a development outcome that, on balance, would result in a positive impact for the community. Approval of the development would be in the public interest.

Conclusion

The Applicant is seeking development consent for the Torrens title subdivision of 2 allotments into 13 rural-residential allotments including the provision of stormwater drainage works and an access road.

The development generally meets the desired outcomes of Council's planning controls and is satisfactory having regard to the matters for consideration under section 4.15 of the EP&A Act.

A number of conditions of consent are recommended to mitigate the environmental impacts of the development.

Accordingly, the development is recommended for approval subject to conditions.

Note: At the time of the completion of this planning report, no persons have made a *Political Donations Disclosure Statement* pursuant to section 10.4 of the EP&A Act in respect of the subject development application.

Recommendation

RECOMMENDATION Consent

THAT Development Application DA150/23 for subdivision of land at 265 Portland Sunny Corner Road be approved, subject to the conditions of consent detailed in **Schedule A** of this report.

Schedule A

Recommended Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated Approval Body)

GENERAL CONDITIONS																																																																																																																	
1.	<p>Approved Development</p> <p>Development Consent is granted for a thirteen (13) lot Torrens Title subdivision and associated civil works including construction of a new road at Lot 1 DP 129563, Lot 3 DP 836482, 265 Portland Sunny Corner Road Portland.</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"> <thead> <tr> <th colspan="6">Approved Plans</th> </tr> <tr> <th>Title</th> <th>Author</th> <th>Drawing No.</th> <th>Sheet</th> <th>Revision</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Civil Design Note Sheet</td> <td>D&M Consulting</td> <td>220589</td> <td>1/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Proposed Subdivision Lot Layout</td> <td>D&M Consulting</td> <td>220589</td> <td>2/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Proposed Access Road</td> <td>D&M Consulting</td> <td>220589</td> <td>3/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Drainage Plan 2</td> <td>D&M Consulting</td> <td>220589</td> <td>4/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Drainage Plan 3</td> <td>D&M Consulting</td> <td>220589</td> <td>5/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Access Road Long Section</td> <td>D&M Consulting</td> <td>220589</td> <td>6/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Access Road Long Section 2</td> <td>D&M Consulting</td> <td>220589</td> <td>7/39</td> <td></td> <td></td> </tr> <tr> <td>Pavement Details</td> <td>D&M Consulting</td> <td>220589</td> <td>8/39 to 22/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Drainage Plan</td> <td>D&M Consulting</td> <td>220589</td> <td>23/39 to 30/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Catchment Plan</td> <td>D&M Consulting</td> <td>220589</td> <td>29/39 to 31/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Erosion & Sediment Control Plan</td> <td>D&M Consulting</td> <td>220589</td> <td>32/39 & 33/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Cut and Fill Plan</td> <td>D&M Consulting</td> <td>220589</td> <td>34/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Site Plan and Flood Extents</td> <td>D&M Consulting</td> <td>220589</td> <td>35/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Site Plan 1</td> <td>D&M Consulting</td> <td>220589</td> <td>36/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Site Plan 2</td> <td>D&M Consulting</td> <td>220589</td> <td>37/39</td> <td>E</td> <td>05/06/2024</td> </tr> <tr> <td>Site Plan 3</td> <td>D&M Consulting</td> <td>220589</td> <td>38/39</td> <td>E</td> <td>05/06/2024</td> </tr> </tbody> </table>					Approved Plans						Title	Author	Drawing No.	Sheet	Revision	Date	Civil Design Note Sheet	D&M Consulting	220589	1/39	E	05/06/2024	Proposed Subdivision Lot Layout	D&M Consulting	220589	2/39	E	05/06/2024	Proposed Access Road	D&M Consulting	220589	3/39	E	05/06/2024	Drainage Plan 2	D&M Consulting	220589	4/39	E	05/06/2024	Drainage Plan 3	D&M Consulting	220589	5/39	E	05/06/2024	Access Road Long Section	D&M Consulting	220589	6/39	E	05/06/2024	Access Road Long Section 2	D&M Consulting	220589	7/39			Pavement Details	D&M Consulting	220589	8/39 to 22/39	E	05/06/2024	Drainage Plan	D&M Consulting	220589	23/39 to 30/39	E	05/06/2024	Catchment Plan	D&M Consulting	220589	29/39 to 31/39	E	05/06/2024	Erosion & Sediment Control Plan	D&M Consulting	220589	32/39 & 33/39	E	05/06/2024	Cut and Fill Plan	D&M Consulting	220589	34/39	E	05/06/2024	Site Plan and Flood Extents	D&M Consulting	220589	35/39	E	05/06/2024	Site Plan 1	D&M Consulting	220589	36/39	E	05/06/2024	Site Plan 2	D&M Consulting	220589	37/39	E	05/06/2024	Site Plan 3	D&M Consulting	220589	38/39	E	05/06/2024
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<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>																																													
3.	<p>Contract Works Insurance The developer is to ensure that Contract Works Insurance is kept current for the duration of the development and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors / Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.</p>																																												
<p>Condition Reason: To ensure adequate insurance is undertaken for the proposed development.</p>																																													
4.	<p>Section 7.12 Local Contributions Payment of a 7.12 contribution in accordance with Lithgow City Council Section 7.12 Development Contribution Plan (2015) shall be made to Council, prior to the release of the Construction Certificate.</p> <p>The amount payable is \$11,777.00.</p> <p>The amount payable may be adjusted at the time of actual payment in accordance with the provisions of the Lithgow City Council Section 7.12 Development Contributions Plan (2015).</p>																																												
<p>Condition Reason: To demonstrate compliance and ensure fees are paid in accordance with the Lithgow Contributions Plan.</p>																																													
5.	<p>Vegetation Management A Vegetation Management Plan is to be submitted to Council in relation to the protection of Pipers Flat Creek</p>																																												
<p>Condition Reason: To comply with the Biodiversity Act and protection of Watercourses.</p>																																													

General Terms of Approval and Concurrence Requirements

NSW RURAL FIRE SERVICE

6. Asset Protection Zones

The curtilage around the existing dwelling (i.e. the entire area within the existing fencing enclosure around the existing dwelling) must be managed in perpetuity as an inner protection area in accordance with the following requirements of Appendix 4 of Planning for Bush Fire Protection 2019:

- Tree canopy cover should be less than 15% at maturity;
- Trees at maturity should not touch or overhang the building;
- Lower limbs should be removed up to a height of 2 m above the ground;
- Tree canopies should be separated by 2 to 5 m;
- Preference should be given to smooth-barked and evergreen trees;
- Large discontinuities or gaps in the shrubs layer should be provided to slow down or break the progress of fire towards buildings;
- Shrubs should not be located under trees;
- Shrubs should not form more than 10% ground cover;
- Clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation;
- Grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height); and
- Leaves and vegetation debris should be removed regularly.

Condition reason: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

7. Landscaping

Any new landscaping within the asset protection zone must comply with Appendix 4 of Planning for Bush Fire Protection 2019. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not spread fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

8. Construction Standards

	<p>The existing dwelling must be upgraded to improve ember protection. This can be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.</p>
	<p>Condition Reason: Intent of measures: to minimise the risk of bush fire attack and provide protection for emergency services personnel, residents and others assisting firefighting activities.</p>
<p>9.</p>	<p>Access – Public Roads</p> <p>The proposed road must comply with the following requirements of Table 5.3b of Planning for Bush Fire Protection 2019:</p> <ul style="list-style-type: none"> ● a minimum 5.5m carriageway width kerb to kerb; ● parking is provided outside of the carriageway width; ● curves of roads have a minimum inner radius of 6m; ● the maximum grade road is 15 degrees and average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient; ● the road crossfall does not exceed 3 degrees; ● a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided; ● traffic management devices are constructed to not prohibit access by emergency services vehicles; ● dead end roads incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end; and ● the capacity of road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
	<p>Condition Reason: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.</p>
<p>10.</p>	<p>Water and Utility Services</p> <p>1) The provision of water for the existing dwelling must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019: 2</p> <ul style="list-style-type: none"> ● A 20,000 litre static water supply must be provided on site; ● a connection for firefighting purposes is located within the IPA or non-hazard side, and away from the structure; ● 65mm Storz outlet with a ball valve is fitted to the outlet; ● ball valve and pipes are adequate for water flow and are metal; ● supply pipes from tank to ball valve have the same bore size to ensure flow volume; ● underground tanks have an access hole of 200mm to allow tankers to refill direct from the tank; ● a hardened ground surface for truck access is supplied within 4m; ● above-ground tanks are manufactured from concrete or metal; ● raised tanks have their stands constructed from non combustible materials; ● unobstructed access be provided at all times; ● underground tanks are clearly marked; ● tanks on the hazard side of a building are provided with adequate shielding for the protection of firefighters; ● all exposed water pipes for the water supply are metal, including any fittings; ● where pumps are provided, they are a minimum 5hp or 3kW petrol or diesel-powered pump, and are shielded against bush fire attack; and ● any hose and reel for firefighting be connected to the pump and be 19mm internal diameter, and fire hose reels are constructed in accordance with AS/NZS 1221:1997, and installed in accordance with the relevant clauses of AS 2441:2005.

	<p>2) Any new water, electricity and gas installations must comply with the following in accordance with Table 5.3c of Planning for Bush Fire Protection 2019:</p> <ul style="list-style-type: none"> ● exposed water pipes external to the building are metal, including any fittings; ● where practicable, electrical transmission lines are underground; ● where overhead, electrical transmission lines are proposed as follows: <ul style="list-style-type: none"> ○ lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and ○ no part of a tree is closer to a power line than the distance set out in accordance with the specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines. ● reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used; ● all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side; ● connections to and from gas cylinders are metal; ● polymer sheathed flexible gas supply lines are not used; and ● above-ground gas service pipes are metal, including and up to any outlets.
	<p>Condition Reason: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.</p>
ENDEAVOUR ENERGY REQUIREMENTS	
11.	<p>Dial Before You Dig Before commencing any underground activity the applicant is required to obtain advice from the <i>Dial Before You Dig 1100</i> service in accordance with the requirements of the <i>Electricity Supply Act 1995</i> (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
12.	<p>Earthing The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations'.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
13.	<p>Emergency Contact In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
14.	<p>Look up and Live Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
15.	<p>Network Connection Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
16.	<p>Public Safety Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources, which were developed to help general public/workers to understand why you may be at risk and what you can do to work safely is available via the following link: http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures.</p> <p>Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>

17.	Safety Clearances Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
18.	Service Conductors Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
19.	Vegetation Management The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure could become a potential safety risk, restrict access, reduce light levels from streetlights or result in the interruption of supply. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.

WATERSNSW

20.	General The lot layout and works shall be implemented in accordance with the plans and supporting documents set out in the following table.				
	Plan Title	Reference	Vers/ Issue	Prepared By	Dated
	Proposed Subdivision Lot Layout	Drawing No 220589 Sheet 2/39	E	D & M Consulting	5/6/2024
	Proposed Access Road – Plan, Sections and Pavement details	Drawing No 220589 Sheets 3-22/39	E		5/6/2024
	Drainage Plan	Drawing No 220589 Sheet No 23/39	E		5/6/2024
	Catchment Plan	Drawing No 220589 Sheet No 29/39	E		5/6/2024
	Sections & Details	Drawing No 220589 Sheet No 30/39	E		5/6/2024
	Water Quality Plan	Drawing No 220589 Sheet No 31/39	E		5/6/2024
	Erosion and Sediment Control Plan & Notes	Drawing No 220589 Sheet No 32 & 33/39	E		5/6/2024
	Cut & Fill Plan	Drawing No 220589 Sheet No 34/39	E		5/6/2024
	Site Plan & Flood Extents	Drawing No 220589 Sheet No 35 to 39/39	E		5/6/2024
	Wastewater Management Plan Details	Project No 5675WW Sheets No 1 to 6	1.2	Harris Environmental Consulting	15/4/2024
	Supporting Documents				
	Statement of Environmental Effects	Project No 11867	3	GLN Planning Pty Ltd	14/8/2023
	RFI Response Letter	Project No 11867	-		17/6/2024
	Water Cycle Management Study	Reference: 220589	D	D & M Consulting	12/6/2024
	Soil and Site Assessment for Onsite Wastewater Disposal	Reference: 5675WW	2.0	Harris Environmental Consulting	13/6/2024

	Stage 1 - Preliminary Site Investigation	Reference: 2395-PSI-01-160124.v2f	2f	Sydney Environmental Group Pty Ltd	9/2/2024
	Detailed Site Investigation	Reference: 2395-DSI-01-130524.v1f	1f		13/5/2024
No revisions to lot layout or works that will have any impact on water quality, shall be permitted without the agreement of Water NSW.					
Condition Reason - Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.					
21.	<p>Wastewater Management</p> <p>1. A suitable wastewater management system shall be designed and installed to service the existing dwelling on proposed Lot 13, in accordance with Designing and Installing On-Site Wastewater Management Systems (WaterNSW, 2023). The Principal Certifier shall not issue a Subdivision Certificate until Council has received certification from the installers and approved the onsite wastewater management system under the Local Government Act 1993 as being consistent with these conditions.</p> <p>2. Upon completion of Condition 2 above, the existing wastewater treatment system on proposed Lot 12 shall be decommissioned in accordance with the NSW Health Advisory Note No.3 (Revised dated January 2017) for Destruction, Removal or Reuse of Septic Tanks, Collection Wells, Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF).</p> <p>3. Effluent management envelopes for proposed lots 1 to 5 must be delineated on the Plan of Subdivision as shown in Proposed Subdivision Lot Layout set out in the table in Condition 1.</p> <p>4. There shall be a restriction on land under Section 88E of the Conveyancing Act 1919, the prescribed authority being Water NSW, placed over Lots 1 to 5 requiring all wastewater generated on the lot must be disposed of within the "Effluent Management Envelope".</p> <p>5. There shall be a restriction on the land under Section 88E of the Conveyancing Act 1919, the prescribed authority being Water NSW, placed over Lots 1 to 5 requiring that:</p> <ul style="list-style-type: none"> • all wastewater generated on the lot shall be treated to secondary standard as a minimum, and • absorption-only methods are not to be used for effluent disposal. 				
Condition Reason - To ensure that an appropriate on-site wastewater management system can be sited on each lot given the soil constraints to have a sustainable neutral or beneficial effect on water quality over the longer term.					
22.	<p>Stormwater Management</p> <p>All water management measures as specified in Section 6 of the Water Cycle Management Study and as shown in the Drainage Plan set out in the table in Condition 19, shall be incorporated in the final stormwater management plan to be approved by the Principal Certifier. Stormwater management measures shall include:</p> <ul style="list-style-type: none"> • vegetated swales along the proposed access road, • table drains on proposed Lots 5 and 8 • water quality control bunds downslope of the effluent management area for proposed Lots 2, 6, 7 and 8 • 120kL, 140kL and 450kL dams for proposed Lots 5, 6 and 8, respectively • the existing erosion control bund on proposed Lots 3, 4 and 5 • waterway crossings on proposed Lots 8, 11, 12 and 13, and • design details for appropriately sized and designed water quality dams on proposed Lots 2, 6 and 8. <p>The final approved stormwater management plan shall be implemented.</p>				

	Condition Reason - To ensure the access road and associated drainage works and water quality control measures are appropriately managed and maintained to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.
23.	<p>Access Road</p> <p>1. The proposed access road to provide access to proposed Lots 5 to 13 shall:</p> <ul style="list-style-type: none"> • be constructed with compacted roadbase (aggregate) as a minimum as shown in the Proposed Access Road – Plan, Sections and Pavement details set out in the table in Condition 19. • be constructed to Council’s engineering standards, and • be consistent with the requirements of Unsealed Roads Best Practice Guide (ARRB, March 2020). <p>2. The proposed access road shall:</p> <ul style="list-style-type: none"> • have vegetated swales, as appropriate, for their entire length in the south edge of the road with appropriately spaced cross drains, level spreaders, sills, and mitre drains that divert water onto a stable surface capable of accepting concentrated water flow and provide for efficient sediment trapping and energy dissipation. Where the outlets of swales discharge near drainage depressions or watercourses they shall be stabilised by an energy dissipater • have a vegetated table drain to convey runoff via culverts from proposed Lots 11 and 12 to the dam in Lot 8, and from proposed Lot 13 to the dam in Lot 5. • ensure all swales, batters and verges associated with the proposed access are vegetated and stabilised with jute matting or equivalent as soon as possible after construction, and • ensure all drainage works associated with the proposed access road, including the table drains, are wholly included in the road reserve or have suitably defined easements.
	Condition Reason - To ensure the access road and associated drainage works and water quality control measures are appropriately managed and maintained to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.
24.	<p>Waterway Crossings</p> <p>The access road crossings of the waterways within proposed Lots 8, 11, 12 and 13 shall be appropriately sized pipe or box culverts consistent with section 4.7.5 of the Unsealed Roads Best Practice Guide (ARRB Transport Research Ltd, 2020), and shall:</p> <ul style="list-style-type: none"> • as a minimum, be sealed as appropriate, for either side of the waterway crossing to prevent sediment entering into the waterways from the unsealed sections of the access road, and • be consistent with any requirements for Controlled Activities Approval under the Water Management Act, 2000 issued by the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEW).
	Condition Reason - To ensure the access road and associated drainage works and water quality control measures are appropriately managed and maintained to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.
25.	<p>Operational Environmental Management Plan</p> <p>1. An Operational Environmental Management Plan shall be prepared in consultation with Council and Water NSW by a person with knowledge and experience in the preparation of such plans. The Operational Environmental Management Plan shall:</p> <ul style="list-style-type: none"> • be prepared prior to the issuance of a Subdivision Certificate • be provided to the purchaser and each subsequent owner of Lots 5, 6 and 8, and to Council • include details on the location, description and function of the swales, table drains, dams and any other stormwater structures and drainage works on Lots 4 and 5 • include that the table drains to convey runoff via culverts from proposed Lots 11 and 12 to the dam in Lot 8, and from proposed Lot 13 to the dam in Lot 5 shall be retained and maintained • outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, prior to handing over to Council, including the frequency of such activities • identify the individuals or positions responsible for inspection and maintenance activities, prior to handing over to Council • include checklists for recording inspections and maintenance activities, and • be finalised after appropriately resolving and incorporating Water NSW’s comments during the consultation process.

	<p>2. There shall be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being Water NSW, placed over proposed Lots 5, 6 and 8 requiring that the dam on each lot shall:</p> <ul style="list-style-type: none"> • be retained, maintained, and protected in accordance with the Operational Environmental Management Plan, and • be protected from any development within one metre of the structure. <p>3. There shall be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being Water NSW, placed over proposed Lots 3, 4 and 5 requiring that the existing erosion control bund shall:</p> <ul style="list-style-type: none"> • be monitored, maintained, and managed in accordance with the Operational Environmental Management Plan • be retained and protected, and • have no development within one metre of the structure. <p>Condition Reason - To ensure the access road and associated drainage works and water quality control measures are appropriately managed and maintained to ensure an overall and sustainable neutral or beneficial impact on water quality over the longer term.</p>
26.	<p>Construction Activities</p> <p>1. All construction works including any excavation of the existing dams on Lots 6 and 8 as part of this development involving potentially contaminated soil and water, shall be carried out in accordance with:</p> <ul style="list-style-type: none"> • Waste Classification Guidelines Part 1: Classifying Waste (NSW EPA, 2014), and • A Soil and Water Management Plan prepared in consultation with Water NSW, prior to the issuance of a Subdivision Works Certificate, and be to the satisfaction of the Principal Certifier. <p>2. The Soil and Water Management Plan shall be prepared in consultation with Water NSW, by a person with knowledge and experience in the preparation of such plans for all works required as part of the development. The Plan shall:</p> <ul style="list-style-type: none"> • meet the requirements outlined in Chapter 2 of Landcom’s Managing Urban Stormwater – Soils and Construction – Volume 1, 4th Edition (2004) and Waste Classification Guidelines Part 1: Classifying Waste (NSW EPA, 2014), • detail controls for excavation and management of contaminated soils and water, such as (but not limited to): <ul style="list-style-type: none"> o appropriate testing of water from dams within Lots 6 and 8 and excavated material for contaminants o disposal methods for contaminated water and excavated material, including removal as soon as possible after identification o underlaying and covering temporarily stockpiled material with plastic, using weighted or heavy plastic cover to avoid any wind or water erosion o preventing the infiltration of stormwater into the subsurface soil during the excavation and construction phase, and o cleaning the construction site at the end of each day • detail controls to prevent sediment or polluted water leaving the construction area or entering the stormwater system or natural drainage system • include controls to ensure all stormwater drains, pits and inlet points that drain from the construction site be: <ul style="list-style-type: none"> o protected by appropriate sediment management measures o checked and maintained weekly, and o cleaned as necessary following rainfall events. <p>3. The Soil and Water Management Plan shall be implemented, after all comments made by Water NSW during the consultation process have been appropriately resolved and shall be incorporated in the final plan. No works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.</p>

	Condition Reason - To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.
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SUBDIVISION WORK

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE	
27.	<p>Prior to the commencement of any works</p> <p>Prior to the commencement of any work, a Subdivision Works Certificate shall be issued by Council or accredited Certifier for the development. A Certificate issued by a nominated Accredited Certifier must be lodged to Council along with any approved plans and documents prior to commencing works.</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</p>
28.	<p>Subdivision design and Legislation, policies and technical detail</p> <ol style="list-style-type: none"> 1) All subdivision works shall be designed in accordance with the development consent, Council's "Guidelines for Civil Engineering Design and Construction for Development", Austroads Guidelines and best engineering practice. 2) The subdivision works may include but are not limited to the following: <ul style="list-style-type: none"> • Public and private roads • Stormwater management (quantity and quality) • Private access driveways • Sediment and erosion control measures • Overland flow paths • Traffic facilities • Earthworks • culverts, retaining walls and other structures • Landscaping and embellishment works. 3) The Subdivision Works Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon. 4) All subdivision and associated works are to be designed and constructed in accordance with the following documents or current equivalent documents at the time of application. <ol style="list-style-type: none"> a. Relevant Austroads publications, b. Council's Development Control Plan. c. Lithgow City Council – Engineering Specifications for Development Design and Construction. 5) An 8m wide sealed pavement (carriageway) is required according to Council adopted Engineering Guideline Section 2.3.1.1 Standard Road Widths. Note: Roundabouts are to be constructed using Grade 320, full-depth asphalt. 6) The radius of proposed cul-de-sac shall be 12.5m according to Council adopted Engineering Guideline Section 2.3.4.6 Cul-De-Sacs. 7) The roadside drain (table drain) and associated batter shall be located within proposed road reserve (refer to typical road cross-section plan). 8) The proposed road to be a flood safe access in 1% AEP event. <p>Condition Reason: To ensure adequate civil works are undertaken in accordance with all plans and legislations.</p>
	Road Design and Testing

29.

Each layer of pavement shall be tested for compaction and deflection as detailed below. The Director of Infrastructure and Economy or his delegate must approve each layer prior to the placing and compaction of subsequent layers.

a) Compaction Testing:

The subgrade, and all pavement layers, shall be density tested in-situ at the start and finish of the work (within the first/last five metres), and thereafter at intervals of no more than 50 metres, or as indicated by Council's Development Engineer. A minimum of two tests will be required for road pavements less than 50 metres in length. At cul-de-sacs, additional testing will be required at the turning head. The test sites selected should be representative of the likely minimum pavement compaction levels achieved.

Density testing must be undertaken by an authorised representative of a laboratory registered by the National Association of Testing Authorities (NATA). Density testing may be conducted using either the sand replacement test, nuclear gauge, or other NATA approved method.

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

Table 1 below sets out the minimum compaction requirement for each pavement layer.

Layer	Compaction Requirement	Standard
Subgrade	98% standard maximum dry density California Bearing Ratio (CBR) test	AS 1289.E1.1 AS 1289.F1.1
Sub-Base	100% standard maximum dry density	AS 1289.E1.1
Base	100% standard maximum dry density <ul style="list-style-type: none"> • Unbound Materials • Cemented Materials Density in place test California Bearing Ratio (CBR) test	AS 1289.E2.1 AS 1289.E3.1 AS 1289.E3.1 AS 1289.F1.1

Laboratory determination of maximum dry density for pavement materials which have been modified with cement must be undertaken within 4 hours of the cement being added to the material. Materials tested outside this time will be subject to an adjustment to correctly determine the maximum dry density of the sample. For either natural or modified material, the laboratory determination of maximum dry density shall be undertaken at a frequency of no less than one determination for each days production of material.

b) Deflection Testing:

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

The proof-rolling will be conducted using either:

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

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

	<p>c) Final Road Profile: The mean construction tolerance on pavement surface crossfalls should be within $\pm 5\%$ of the design crossfall. The maximum allowable construction tolerance is $\pm 5\%$, and the maximum standard deviation of crossfalls is 5%. The vertical alignment should not deviate by more than 25mm from the value shown on the drawings.</p>
	<p>Condition Reason: To ensure adequate civil works are undertaken in accordance with all plans and legislations.</p>
30.	<p>Road Infrastructure Road infrastructure including intersection treatments, road pavement, foot/cycle/shared paths, kerb and gutter, stormwater drainage, services, landscaping (including street trees), street lighting, signage and markings is to be provided for each Stage of the subdivision, generally in accordance with the approved plans or as otherwise detailed in this consent. Full details are to be included in the detailed design drawings for a Subdivision Works Certificate application.</p>
	<p>Condition Reason: To ensure adequate civil works are undertaken in accordance with all plans and legislations.</p>
31.	<p>Drainage Design A detailed drainage design including DRAINS is to be submitted to Council for the Subdivision Works Certificate demonstrating all stormwater drainage from the site is fully managed for each development stage in accordance with Lithgow Development Control Plan 2021 including but not limited to stormwater discharge control and stormwater quality before discharging into a legal point of discharge, and will not cause adverse effects to neighbouring properties. Full details are to be included in the documentation for a Subdivision Works Certificate application.</p>
	<p>Condition Reason: To ensure adequate civil works are undertaken in accordance with all plans and legislations.</p>
32.	<p>Soil Management The Developer is to identify all locations and extents of any existing and/or proposed stockpiles of surplus virgin excavated natural material (VENM) resulting from previous or current proposed subdivision works. Full details, including associated ongoing environmental management measures, are to be included in the detailed design drawings provided to Council for a Subdivision Works Certificate application.</p>
	<p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</p>
33.	<p>Stormwater Management and Water Sensitive Urban Design (WSUD) Stormwater Management and associated Water Sensitive Urban Design (WSUD) measures are to be designed and constructed in accordance with Lithgow Council's Development Control Plan 2021 and Standard Drawings that are current when making each application for Subdivision Works Certificate.</p>
	<p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</p>
34.	<p>Section 138 Requirements Where works are proposed within the road reserve, the Developer must obtain approval from the Council (as the Roads Authority and / or as required under Section 138 of the <i>Roads Act 1993</i>) prior to the issue of the Construction Certificate. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the <i>Roads Act 1993</i>. The following details must be submitted to Council in order to obtain the Section 138 approval:</p> <ul style="list-style-type: none"> • A copy of approved design plans related to the development and proposed works to be undertaken. • Traffic Control Plan (TCP) to provide protection for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "Traffic Control at Work Sites". Warning and protective devices shall comply with the provisions of AS1742.3 - 2002 Traffic Control Devices for Works on Roads. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.

	<ul style="list-style-type: none"> Insurance details - Public Liability Insurance to an amount of \$20 million, to be held by applicant / contractor undertaking the works.
	Condition Reason: To ensure adequate civil works are undertaken in accordance with all plans and legislations.
35.	<p>Road Naming</p> <p>Prior to the issue of a Subdivision Works Certificate, the developer is to submit to Council and obtain approval for all proposed road names (in accordance with the Lithgow City Council's Road Naming Policy). The approved road names are to be shown on the submitted documentation accompanying the Subdivision Works Certificate.</p>
	Condition Reason: To ensure adequate works are undertaken in accordance with all plans and legislations.
36.	<p>Street Signs</p> <p>Street signs are required at all road junctions and must be purchased from Council. The location of the proposed street signs is to be indicated on the Engineering Drawings submitted with the Subdivision Works Certificate.</p>
	Condition Reason: To ensure adequate works are undertaken in accordance with all plans and legislations.
37.	<p>Traffic Signage</p> <p>Traffic signs, traffic signals, pavement markings, guide posts, delineators, safety barriers and the like, whether permanent or temporary, are to be designed and installed at all roads in accordance with guidelines contained within the Austroads publication, "Guide to Traffic Engineering Practice – Part 8: Traffic Control Devices", Australian Standard 1742 – Manual of Uniform Traffic Control Devices and the Roads and Traffic Authority "Road Design Guide". All traffic control devices and signage are to be detailed in the engineering drawings submitted with the subdivision works certificate. The consent of Lithgow City Council's Executive Manager of Operations or appointed officer will be required prior to the installation of any traffic control devices on existing roads.</p>
	Condition Reason: To ensure adequate works are undertaken in accordance with all plans and legislations.
38.	<p>Land Management</p> <p>All disturbed, regraded or exposed areas outside of development lots are to be stabilised and suitably revegetated. All revegetation is to be undertaken using native plants propagated from local native seed from on-site or a nearby seed source. Propagation material is to be sourced from areas to be cleared in preference to areas that will be retained as natural areas. Full details are to be included in the documentation for a Subdivision Works Certificate application.</p>
	Condition Reason: to ensure minimal impact to the environment.
39.	<p>Retaining Walls</p> <p>Detailed designs for all retaining walls to be provided as part of the Subdivision Works Certificate. Wall locations, sections and structural details (if required) are to be included. Proposed retaining wall locations shown on the provided plans and sections are included in step critical areas. All proposed Retaining wall materials to provide a minimum 50 year design life, but preferably 100 year design life and include suitable drainage conditions that prevent hydraulic pressure or blockage of backfill media. Full details to be included in documentation for a Subdivision Works Certificate application.</p>
	Condition Reason: to ensure minimal impact to the environment.
40.	<p>Services Infrastructure</p> <p>Water, electricity and gas installations are to comply with Section 4.1.3 of the NSW Rural Fire Service document 'Planning for Bushfire Protection 2006' (or as updated). Full details to be included in documentation for a Subdivision Works Certificate application.</p>
	Condition Reason: to ensure minimal impact to the environment.

41.	<p>Section 68 -Stormwater Detail</p> <p>Prior to the issue of a Subdivision Works Certificate the person acting with this consent shall obtain approval under Section 68 of the Local Government Act 1993 for the carrying out of stormwater works.</p> <p>Documentary evidence is to be provided to the Principle Certifying Authority demonstrating that these approvals have been obtained prior to the issue of a Construction Certificate.</p> <p>The person acting with this consent shall ensure that mandatory stage inspections prescribed by the Section 68 Approval are carried out by Council Officers at the relevant stage of development.</p> <p>Condition Reason: To ensure compliance with Section 68 requirements.</p>
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PRIOR TO THE SUBDIVISION WORK COMMENCES AND DURING CONSTRUCTION
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42.	<p>Commencement of Works Requirements</p> <p>Work on the subdivision shall not commence until:</p> <ul style="list-style-type: none"> • a Subdivision Works Certificate has been issued; • a Principal Certifying Authority has been appointed for the project and • any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with. <p>A Notice of Commencement of works is to be submitted to Lithgow City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.</p> <p>Condition Reason: To ensure adequate works are undertaken in accordance with all plans and legislations.</p>
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43.	<p>Engineering Inspections</p> <p>All road, drainage, kerb and gutter, water and sewerage reticulation works associated with a development shall be inspected by Council's Operations Department. The whole of the works are to be carried out to the satisfaction of the Executive Manager of Operations. Council shall inspect engineering works at the following stages as a minimum:</p> <p>Following site regrading and shaping, and prior to installation of footway services;</p> <ul style="list-style-type: none"> • Installation of erosion and sedimentation control measures; • Storm water drainage lines prior to backfill; • Water and sewer lines prior to backfill; • Testing of water and sewer lines; • Subgrade preparation, before placing pavement; • Establishment of line and level for kerb and gutter placement; • Completion of each pavement layer ready for proof roll testing; • Road pavement surfacing; • Completion of works <p>The developer or contractor shall give Council a minimum 48 hours' notice when requesting an inspection to ensure that development works are not delayed. The developer shall, if required by a Council Engineer, submit delivery dockets for all materials used, and all material and performance test results obtained in the development.</p> <p>Condition Reason: To ensure adequate works are undertaken in accordance with all plans and legislations.</p>
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44.	<p>Street Lighting</p> <p>A Street lighting is to be provided for all new and existing streets within the proposed subdivision to Lithgow City Council's standards.</p> <p>Condition Reason: to ensure minimal impact to the environment.</p>
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45.	<p>Works Signage</p>
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	<p>A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:</p> <ul style="list-style-type: none"> • stating that unauthorised entry to the work site is prohibited; • showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at anytime for business purposes and outside working hours; and • showing the name, address and telephone number of the Principal Certifying Authority for the work. <p>The sign is to be maintained for the duration of building work, subdivision work or demolition work. The sign must be removed when the work has been completed.</p>
	<p>Condition Reason: to ensure minimal impact to the environment.</p>
46.	<p>Work Site Facilities Requirement</p> <p>Site Facilities required:</p> <ul style="list-style-type: none"> • If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences. • A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. • Any such hoarding or fence is to be removed when the work has been completed. • A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work. • Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site. • Each toilet provided must: <ul style="list-style-type: none"> • be a standard flushing toilet, connected to a public sewer, or • if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or • an approved temporary chemical closet. • The provision of toilet facilities must be completed before any other work is commenced. • A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary: <ul style="list-style-type: none"> • protect and support the building from damage, and • If necessary, underpin and support the building in accordance with the details prepared by a professional engineer. • A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work. • Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.
	<p>Condition Reason: to ensure minimal impact to the environment.</p>
47.	<p>Damaged Council Property</p> <p>The developer shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.</p> <p>Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to the commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damage infrastructure at their expense.</p>
	<p>Condition Reason: to ensure minimal impact to the environment.</p>
48.	<p>Aboriginal Objects</p>

	<p>During any excavation work, in the event that any Aboriginal objects are identified within the area of works, works within the immediate vicinity of the Aboriginal object should cease and Heritage NSW should be contacted so that appropriate management strategies can be identified.</p> <p>In the unlikely event that a potential burial site or potential human skeletal material is exposed, work in the vicinity of the remains is to halt immediately to allow assessment and management. If the remains are suspected to be human, it will be necessary to contact NSW Police, Heritage NSW and the Heritage Division to determine an appropriate course of action.</p> <p>Condition reason: To ensure potential archaeology is appropriately managed.</p>
49.	<p>Notification requirements for Aboriginal Objects</p> <p>If unanticipated suspected Aboriginal heritage objects are uncovered at any time throughout the life of the project, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be notified in accordance with Section 89A of the National Parks and Wildlife Act 1974 (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by Heritage NSW.</p> <p>Condition reason: To ensure potential archaeology is appropriately managed.</p>
50.	<p>Unexpected Finds Protocol</p> <p>A protocol is to be developed to mitigate any risk of potential harm due to unexpected finds or ACM discovered during development. This should include stop work and reporting actions and be developed in line with the Contaminated Land Act and associated legislation.</p> <p>Condition reason: To ensure potential archaeology is appropriately managed.</p>
51.	<p>Road Authority Approval</p> <p>Written approval is to be obtained from the Road Authority for all proposed temporary changes to traffic conditions or traffic regulations on any existing Public Road as a result of the development. The Developer shall be responsible for all costs associated with any public notification and implementation of the proposed temporary changes.</p> <p>Condition Reason: to ensure minimal impact to the environment.</p>
52.	<p>Approvals Available</p> <p>A copy of the Notice of Determination and relevant Subdivision Works Certificates, including associated approved plans, is to be kept on-site at all times during construction works.</p> <p>Condition Reason: to ensure minimal impact to the environment.</p>
53.	<p>Hours of Construction</p> <p>Construction Hours: Subject to this clause, building construction is to be carried out during the following hours:</p> <ul style="list-style-type: none"> • between Monday to Friday (inclusive)—7.00am to 6.00pm • on a Saturday—8.00am to 1.00pm • Building construction must not be carried out on a Sunday or a public holidays. • Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm. <p>The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.</p> <p>Condition Reason: to ensure minimal impact to the environment.</p>
54.	<p>Rock Breaking</p> <p>Mechanical rock breaking is to be confined to between 9.00 am to 3.30 pm Monday to Friday excluding any Public Holiday. Rock-breaking methods must not include blasting.</p> <p>Condition Reason: to ensure minimal impact to the environment.</p>
55.	<p>AS3798-1996 Requirements</p> <p>Compaction of earthworks is to be carried out under Level 1 supervision as per AS 3798-1996 "Guidelines on earthworks for commercial and residential developments".</p> <p>Condition Reason: to ensure compliance with the Australian Standards.</p>
56.	<p>Dust and Air Quality Management</p> <p>Dust Emission and Air Quality:</p> <ul style="list-style-type: none"> • Materials must not be burnt on the site.

	<ul style="list-style-type: none"> • Vehicles entering and leaving the site with soil or fill material must be covered. • Dust suppression measures must be carried out to minimise wind-borne • emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.
	Condition Reason: to ensure minimal impact to the environment.
57.	<p>Storage of Building Materials</p> <p>Building materials and equipment must be stored wholly within the work site unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway unless prior written approval has been obtained from council.</p>
	Condition Reason: to ensure minimal impact to the environment.
58.	<p>Project Contact Details</p> <p>The project manager nominating a community contact person and advising adjoining owners and Council of the name of the nominated contact person, along with a contact telephone number. The contact person is to be available at all times for the duration of the construction work.</p>
	Condition Reason: to ensure minimal impact to the environment.
59.	<p>Surface Water Runoff Management</p> <p>Any alteration to natural surface levels on the site is to be undertaken in such a manner as to ensure that there is no increase in surface water runoff to adjoining properties or that runoff is impounded on adjoining properties, as a result of the development.</p>
	Condition Reason: to ensure minimal impact to the environment.
60.	<p>Erosion and Sediment Control Measures</p> <p>Erosion and sediment control measures are to be implemented prior to the commencement of works for each stage and be maintained during the period of construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the application, and with the below requirements:</p> <ul style="list-style-type: none"> • control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams and sediment basins; and • controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover. Erosion and sediment control measures are to be designed in accordance with the requirements of the Managing Urban Stormwater: Soils and Construction 4th Edition – Vol. 1 (the 'Blue Book') published by Landcom, 2004.
	Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
61.	<p>Contamination</p> <p>Should any suspect materials (identified by unusual staining, odour, discoloration or inclusions such as building rubble, asbestos, ash material, etc) be encountered during any stage of work (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contacted and conducted a thorough assessment.</p> <p>In the event that contamination is identified as a result of this assessment and if remediation is required, all works must cease in the vicinity of the contamination, and Council must be notified.</p>
	Condition Reason: to ensure minimal impact to the environment.
62.	<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>
	Condition Reason: To promote safe entry and exit to the construction site.
63.	<p>Principal Civil Contractor Required</p> <p>Before the commencement of subdivision works the person or entity having the benefit of this consent must engage an appropriate qualified and licenced Principal Civil Contactor, to undertake and manage</p>

	<p>all works and vehicle movements on site to completion of works Details of the nominated Principal Civil Contractor must be provided to the Principal Certifier.</p>
	<p>Condition Reason: To ensure the development works are undertaken in accordance with the requirements of the Environmental Planning and Assessment Act 1979.</p>
64.	<p>Site Access</p> <p>Prior to the commencement of any works on the land, a single vehicle / plant entry / access to the site shall be provided to minimise ground disturbance and prevent the transportation of soil onto any public place. Single sized 40mm or larger aggregate placed 150mm deep, and extended from the street, kerb /road to the site is to be provided as a minimum requirement.</p>
	<p>Condition Reason: to ensure minimal impact to the environment.</p>
65.	<p>Protection of Adjoining Areas</p> <p>A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the work 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 minimal impact to the environment.</p>
66.	<p>Tree Protection</p> <p>Prior to the commencement of work, tree protection measure(s) are to be implemented in accordance with Australian Standard AS 4970-2009 Protection of trees in development sites. Trees retained within 5 metres of the development footprint at a minimum require the following –</p> <ul style="list-style-type: none"> a) Fencing prior to construction works commencing. The fencing is to encompass the maximum possible area within the drip line of the canopy and remain in place until completion of construction works. b) Tree protection signage is to be attached to the fencing surrounding the retained tree(s). c) All storage, stockpile and laydown sites will be established away from any trees to be retained. Never stockpile under the 'drip zone' of a tree.
	<p>Condition Reason: to ensure minimal impact to the environment.</p>
67.	<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"> a) Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and b) Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and c) That is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and d) - That is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005. e) 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>

68.	<p>Erosion and Sediment Controls</p> <p>During subdivision work, erosion and control measures:</p> <ul style="list-style-type: none"> a) Must be managed in accordance with the approved Erosion and Sediment Control Plan and must be installed, inspected and maintained. b) Must be installed to ensure adjoining roads and properties are not impacted by dust, mud, sediment, soil or any other material created from the construction work. c) Must include stabilised vehicle access or other control measure must be installed on the site to prevent the deposition of sedimentation, soils, mud and other materials have been deposited on a road cleaning and restoration of the road pavement and delineation must be undertaken as soon as practicable. d) All disturbed areas are to be stabilized by turfing, mulching, paving or otherwise suitability stabilised. e) Vehicles entering and leaving the site must have their load covered and the vehicle must be cleaned to avoid tracking these materials onto public roads. f) Dust suppression measures must be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.
	Condition Reason: To ensure erosion and sediment controls are adequately managed onsite.
69.	<p>Maintenance of Site</p> <ul style="list-style-type: none"> a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. c) Any run-off and erosion control measures required must be installed in accordance with the approved Sedimentation and Erosion Control Plan and conditions of this consent and maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads. d) During construction - <ul style="list-style-type: none"> a. All vehicles entering or leaving the site must have their load covered, and b. All vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads. e) Only those areas involved in the construction of the civil works shall be disturbed, with all other areas of the site to be maintained with existing vegetation cover. f) The developer shall ensure that during construction works, all measures are taken to eliminate/suppress any dust nuisance emanating from the site.
	Condition Reason: to ensure minimal impact to the environment.
70.	<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, and c) the quantity of materials transported off-site and recycled or disposed of.
	Condition Reason: to ensure minimal impact to the environment.

BEFORE ISSUE OF A SUBDIVISION CERTIFICATE	
	Street Addresses

71.	Prior to making an application for a Subdivision Certificate for each Stage the Developer is to obtain from Council the required street addresses and show such addresses on the respective Administration Sheet.
	Condition Reason: To ensure the development complies with the NSW Address Policy.
72.	<p>All Works Completed All subdivision works, road works granted consent under s138 of the Roads Act 1993 and public utility installations associated with a particular Stage are to be completed, prior to issue of the relevant Subdivision Certificate.</p>
	Condition Reason: To ensure all works have been completed to the approved conditions of consent.
73.	<p>Repair of Damage The Developer making good any damage caused to a public road or associated structures, including drains and kerb and gutter, as well as to private property, and revegetating any disturbed areas resulting from the works.</p>
	Condition Reason: To ensure the development complies with the NSW Address Policy.
74.	<p>Subdivision Certificate Application Requirements A Subdivision Certificate Application is to be submitted to the NSW Planning Portal, accompanied by the appropriate fee.</p> <p>Each application is to be supported by, at a minimum, the following documentation, together with any other documentation required under the conditions of this consent:</p> <ol style="list-style-type: none"> a) The plan of subdivision prepared by a Registered Surveyor. b) The instrument prepared under s88B of the Conveyancing Act,1919 as appropriate.
	Condition Reason: To ensure adequate works are undertaken in accordance with all plans and legislations.
75.	<p>Conveyancing Act, 1919 - Section 88B Prior to the issue of a Subdivision Certificate, the submission of a Section 88B Instrument in accordance with the Conveyancing Act 1919 that creates the following Easements, Restrictions and Positive Covenants:</p> <ol style="list-style-type: none"> a) Interallotment drainage lines. b) Easements for services in favour of the property serviced and /or the appropriate utility provider. c) Asset Protection Zones (APZ) in accordance with the requirements of the NSW Rural Fire Service General Terms of Approval. d) Public stormwater drains, existing and proposed stormwater outlets, overland flow paths and e) No coal burning appliances are to be installed on the residential allotments. f) Aerated Wastewater Treatments Systems (AWTS) are required on each allotment as part of any future residential development, and in compliance with the Soil and Site Assessment for Onsite Wastewater Disposal (prepared by Harris Environmental Consulting, dated 13 June 2024). Moreover, the report notes that the AWTS must: <ul style="list-style-type: none"> • Be at least 1.5m from any building. • Have a power supply (and telephone line if telemetry or an automated monitoring/ alarm is fitted), will be required to deliver power to the treatment unit. • Be located above the 1% AEP (1:100) flood contour. g) All future dwellings are to contain water tanks for water supply, in accordance with Council's Development Control Plan 2021 or equivalent. h) All future developments are to be located outside the 1% AEP event and be in accordance with the approved flood risk assessment. i) Vegetation and Building restrictions around Pipers Fat Creek.
76.	<p>Construction Loads and Detention Basins All stormwater detention basins should be designed with consideration of construction loads of sediment as temporary sediment control basins, maintained at all times, and modified to suit final construction design for detention function prior to issue of the Subdivision Certificate.</p>
	Condition Reason: To ensure adequate works are undertaken in accordance with all plans and legislations.
	Underground Electricity

77.	<p>Written evidence of arrangements made with Endeavor Energy, or other approved supplier, for the provision of underground electricity supply to all lots and street lighting within each Stage, is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.</p> <p>(Note: Any required transformers are to be located in reserves or private property, with appropriate easements being created, and are not to be installed in road reserves.)</p> <p>Condition reason: To ensure compliance with relevant utility services and providers.</p>
78.	<p>Underground National Broadband Network</p> <p>Written evidence of arrangements made with the NBN Co. Ltd, or other approved supplier, for the provision of underground National Broadband Network services to all lots within each Stage. The evidence is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.</p> <p>Condition reason: To ensure compliance with relevant utility services and providers.</p>
79.	<p>Underground Telecommunications</p> <p>Written evidence of consultation with and any resulting arrangements made with the Telstra or similar for the provision of underground broadband and/or telecommunication services to all lots within each Stage. The evidence is to be submitted to the Principal Certifier prior to certification of the Subdivision Certificate in respect of that Stage.</p> <p>Condition reason: To ensure compliance with relevant utility services and providers.</p>
80.	<p>Certificate of Works As Executed (WAE)</p> <p>Works A "Work-As-Executed" (WAE) plan is required to be prepared by a Registered Surveyor or professional engineer and forwarded to Council prior to the final inspection. The WAE is to include, as a minimum:</p> <ul style="list-style-type: none"> • certification that all works have been completed generally in accordance with the approved plans and specification, • any departure from the approved plans, • any additional/deleted work, • the location of conduits, subsoil lines, stub mains and inter-allotment drainage lines, • pipeline long sections showing the constructed invert levels of each pipe at each pit and pipe dimensions, • details of overland flow provisions, • site regrading areas by new contours, and • all other details which have a bearing on the extent of works and their acceptance by Council • A copy of all documentation, reports and manuals, technical guidelines for handover of stormwater management facilities (bioretention basin/swell) to Lithgow City Council. <p>Condition Reason: To ensure compliance with Council's Engineering requirements.</p>
81.	<p>Maintenance Responsibilities</p> <p>A maintenance bond of 5% of final construction costs shall be paid to Council upon final inspection and approval of all civil works. The value of the maintenance bond shall be approved by Council after witnessing a certified copy of the contract documentation showing all civil construction costs for the subdivision. The maintenance period will start from the date of final inspection for a period of 12 months. At the conclusion of the 12 month period a final inspection is to be undertaken by Council at the request of the developer to determine if any defects have arisen during this time. All deficiencies are to be rectified by the developer, should outstanding works remain Lithgow City Council reserves the right to expend bond monies on rectification works.</p> <p>Condition Reason: To ensure compliance with Council's Engineering requirements</p>
82.	<p>Traffic Control Plan</p> <p>A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on any Public Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on the shoulder of any Public Road. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.</p>

	Condition Reason: To ensure compliance with Council's Engineering requirements
83.	<p>Environmental Protection</p> <p>Prior to the issue of the Subdivision Certificate, Council is to be provided with a report from Upper Macquarie County Council indicating:</p> <ul style="list-style-type: none"> • Noxious plants are under adequate management; or • Noxious plant management has been undertaken and adequate control measures are in place; or • Noxious plants are not a concern for the property
	Condition Reason: to ensure environmental protection is undertaken.
84.	<p>Compliance with Consent / Determination</p> <p>The development shall be completed in accordance with the relevant plans and conditions of consent prior to the release of the Subdivision Certificate.</p>
	Condition Reason: To ensure that the development has been undertaken in accordance with the approved documentation.
85.	<p>Completion of all works</p> <p>Before the issue of a Subdivision Certificate, all subdivision works must be completed to the satisfaction of the Principal Certifying Authority. Certification, prepared by a suitably qualified Engineer must be provided for the internal works, including road(s), driveways, culvert structure(s), and any associated stormwater drainage and earthworks, and submitted to the Principal Certifying Authority.</p>
	Condition reason: To ensure all works have been undertake in accordance with the plans and conditions of this consent.

PRESCRIBED CONDITIONS

<p>PRESCRIBED CONDITIONS</p> <p><i>Environmental Planning and Assessment Regulation 2021</i></p>	
86.	<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 15.</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).
87.	<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.
	Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
88.	<p>Notification of Home Building Act 1989 requirements</p> <p>(1) This section applies to a development consent for development involving residential building work if the principal certifier is not the council.</p> <p>(2) It is a condition of the development consent that residential building work must not be carried out unless the principal certifier for the development to which the work relates has given the council written notice of the following—</p> <ul style="list-style-type: none"> (i) for work that requires a principal contractor to be appointed— <ul style="list-style-type: none"> (a) the name and licence number of the principal contractor, and (b) the name of the insurer of the work under the Home Building Act 1989, Part 6, (ii) for work to be carried out by an owner-builder— <ul style="list-style-type: none"> (a) the name of the owner-builder, and (b) if the owner-builder is required to hold an owner-builder permit under the Home Building Act 1989—the number of the owner-builder permit. <p>(3) If the information notified under subsection (2) is no longer correct, it is a condition of the development consent that further work must not be carried out unless the principal certifier has given the council written notice of the updated information.</p> <p>(4) This section does not apply in relation to 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).
89.	<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> <ul style="list-style-type: none"> (i) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and (ii) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation. <p>(3) This section does not apply if—</p> <ul style="list-style-type: none"> (i) the person having the benefit of the development consent owns the adjoining land, or (ii) the owner of the adjoining land gives written consent to the condition not applying.

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 or subdivision 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.



BUSH FIRE SAFETY AUTHORITY

Subdivision – Subdivision

265 Portland Sunny Corner Road Portland NSW 2847, 1//DP129563, 3//DP836482

RFS Reference: DA20230906003931-CL55-1

Your Reference: (CNR-59743) DA150/23

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority DA20230906003931-Original-1 issued on 17/10/2023 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Michael Gray

Manager Planning & Environment Services
Built & Natural Environment

Friday 26 July 2024

