

SECTION 4.15 EVALUATION

Environmental Planning and Assessment Act 1979 (as amended)

Development Application No:	DA051/25 (PAN-523190)	
Subject Site:	Lots 585, 586, 587 DP 9370; Lot 31 DP 251410 81 Martini Parade, Lithgow NSW 2790	
Land size:	1128m ²	
Proposal:	Demolition of Existing Dwelling and construction of Multi dwelling housing (4 x 3-bedroom dwellings)	
Zoning:	R1 - General Residential under the Lithgow Local Environmental Plan 2014	
Permissibility:	Permitted with consent in accordance with Clause 3 LLEP2014	
Cost of Development:	\$1,050,000.00	
Applicant:	Mr Mitchell Partridge Elysian Projects Pty Ltd	
Owner:	Mr Mitchell Partridge Elysian Projects Pty Ltd	
Public Notification:	Advertised 28 days (30 April 2025 to 30 May 2025)	
Submissions:	Four (4) Submissions received in opposition	
Lithgow Development Control Plan 2021 Variations:	Clause 6.5.1 Siting & Setbacks (Garages fronting public road)	Supported
	Clause 6.5.6 Car and Bicycle Parking (maximum width of garage door)	Supported
Site Inspection:	16 June 2025	
Responsible Officer:	Sandra Politi (Ashlee Cutter consultant)	
Recommendation:	Approval subject to conditions	

Executive Summary

Objective of Report: To assess and recommend determination of DA051/25 with recommendation for approval subject to conditions.

The proposal is for the demolition of an existing dwelling and construction of four (4) x 3-bedroom dwellings in the R1 General Residential Zone.

In accordance with Section 2.3.7 the *Lithgow Community Participation Plan 2020*, the application is required to be notified as the proposal is:

- *A dwelling house, dual occupancy, secondary dwelling which contains a two-storey component located in General Residential (R1) zone.*
- *Demolition of an existing dwelling.*

The application was advertised for a period of 28 days between 30 April 2025 to 30 May 2025 and four (4) submissions in opposition were received. The submissions received are discussed further in this report.

The subject site is located within the Warragamba catchment which forms part of Sydney's water supply. In accordance with Part 6.5 of *SEPP (Biodiversity and Conservation) 2021* concurrence is required from WaterNSW. Concurrence was received from WaterNSW on 06 June 2025.

The proposed driveway works are located under the Low Voltage overhead powerlines along the eastern boundary with Martini Parade. A referral to Endeavour Energy under Section 2.48 of *SEPP (Transport and Infrastructure) 2021* is required. Approval, subject to conditions, from Endeavour Energy was provided on 05 May 2025.

Description of Site and Surrounds

The subject site comprises four separate lots, Lots 585, 586, 587 of DP 9370 that front Martini Parade, while Lot 31 DP 251410 fronts an unnamed rear lane. Together, the lots formally make up the site known as 81 Martini Parade, Lithgow. The site has a total site area of approximately 1128m² and is located on the western side Martini Parade within an existing residential area.

The subject site is in Coerwull Estate subdivision of 1918 which provided residential allotments and is typified by small scale Duration Cottage constructed to support the workers of the Small Arms factory.

The subdivision pattern of the subject site has been altered since its original form.

A single weatherboard cottage, with terracotta roof tiles, detached garage and outhouse is located on the site. A sewer main traverses the rear of the site, as seen in Figures 4 and 5 below. An underground stormwater channel, indicated as a proposed easement for drainage traverses the site as seen in Figure 6 below.

Coerwull Public School is located on the opposite side of Martini Parade, to the south of the subject site.

The site is not located within a Heritage Conservation Area or within the vicinity of any heritage items.



Figure 1: Streetview of Martini Parade looking west (Source: Google Streetview dated May 2015, date used for lack of vegetation)



Figure 2: Streetview of Martini Parade looking east (Source: Google Streetview dated May 2023)



Figure 3: Aerial image of subject site (interactive mapping 2025)

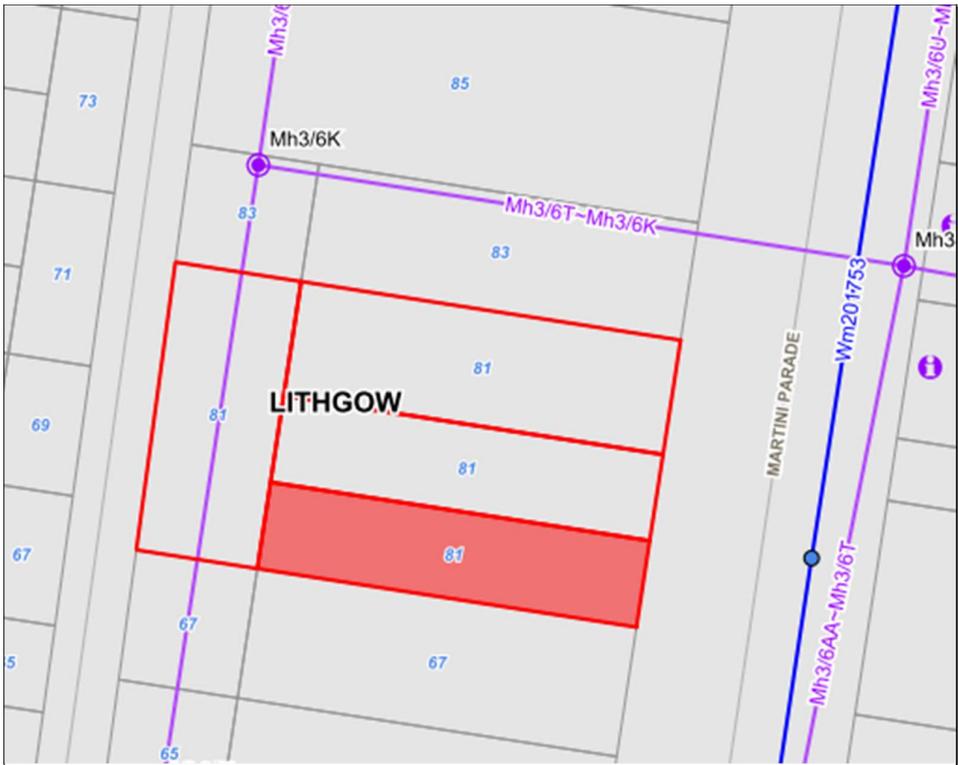


Figure 4: Infrastructure services in relation to subject site (Blue – water, Sewer – purple)

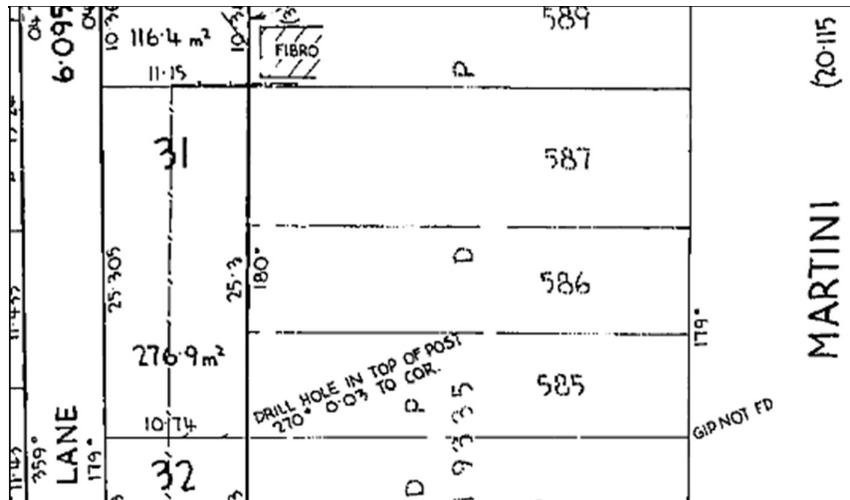


Figure 5: Title (DP 251410) of Subject Site indicating sewer main at rear

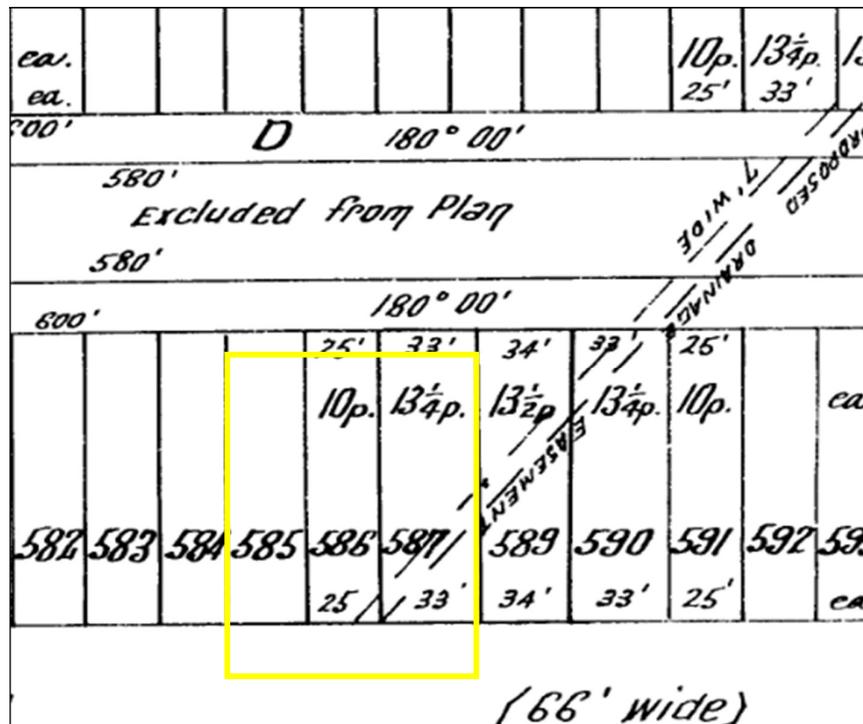


Figure 6: Title (DP 9370) of Subject Site indicating proposed drainage easement dissecting site.

Application Background

- 15 December 2023** Written confirmation was provided to the owner from Council's Transport Manager that Council can consider plans to consider building over the drainage easement on the site.
- 9 May 2025** A Request for Further Information Letter was sent to the applicant requesting amended plans.
- 2 June 2025** Amended plans were received.
- 2 June 2025** A Request for Further Information Letter was sent to the applicant requesting amended plans and to address the submissions received.

4 June 2025 A response was received from the applicant addressing the submissions and providing a written variation to the DCP requirements regarding the garage setbacks.

19 June 2025 The outstanding amended site plan indicating the correct property description was provided.

27 August 2025 An onsite meeting was held with staff, Councillors and residents.

Site Inspection Photographs

View of 81 Martini Parade – existing dwelling taken looking west from Martini Parade.



View of 83 Martini Place – (property to the north of 81 Martini Parade).



View of properties to the south of 81 Martini Parade.



View of properties to the north of Martini Parade.



Photo taken from rear of 81 Martini looking south at existing dwelling on 67 Martini Parade.



Photo taken from Laneway looking at the rear of 83 Martini Parade.



Photo taken from Laneway of 81 Martini Parade (looking east).



Photo of laneway looking south.



Photo of frontage looking south outside 81 Martini Parade showing school.



Photo showing dwelling on opposite side of 81 Martini Parade.



Photo showing dwelling on opposite side of 81 Martini Parade.



Photo showing dwelling on opposite side of 81 Martini Parade.



Showing 81 Martini and 67 Martini Parade.



Showing rear of 81 Martini Parade.



Proposed Development

Council is in receipt of Development Application (ref: DA051/25) seeking consent for the Demolition of an Existing Dwelling and Construction of a Multi Dwelling Housing (4 x 3-bedroom Dwellings) on Lots 585, 586, 587 DP 9370, Lot 31 DP 251410, 81 Martini Parade LITHGOW NSW 2790.

Specifically, the development proposes:

- The demolition of the existing dwelling, detached garage and outhouse on the site.
- Construction of (four) 4 x 3 bedroom dwellings;
 - Two storey;
 - Three (3) bedrooms;
 - Maximum height from ground level to top of parapet – 7.965m;
 - Externally clad with elements of facebrick below ground level;
 - Colourbond roof;
 - Single attached garage and stacked space for each dwelling;
 - Units 1 and 2 will have a single driveway from Martini Parade and Units 3 and 4 will have separate single driveways from the laneway.
 - Units 1 and 2 with 60m² of private open space to the rear of each unit and Units 3 and 4 with 46m² of private open space located towards the front of each unit.
- No subdivision proposed. Lots will be required to be consolidated.
- Removal of one (1) street tree on Martini Parade.
- 1.8m high colourbond internal and boundary fencing.
- Masonry wall max 600mm in height along the northern boundary for the purposes of directing overland flows.

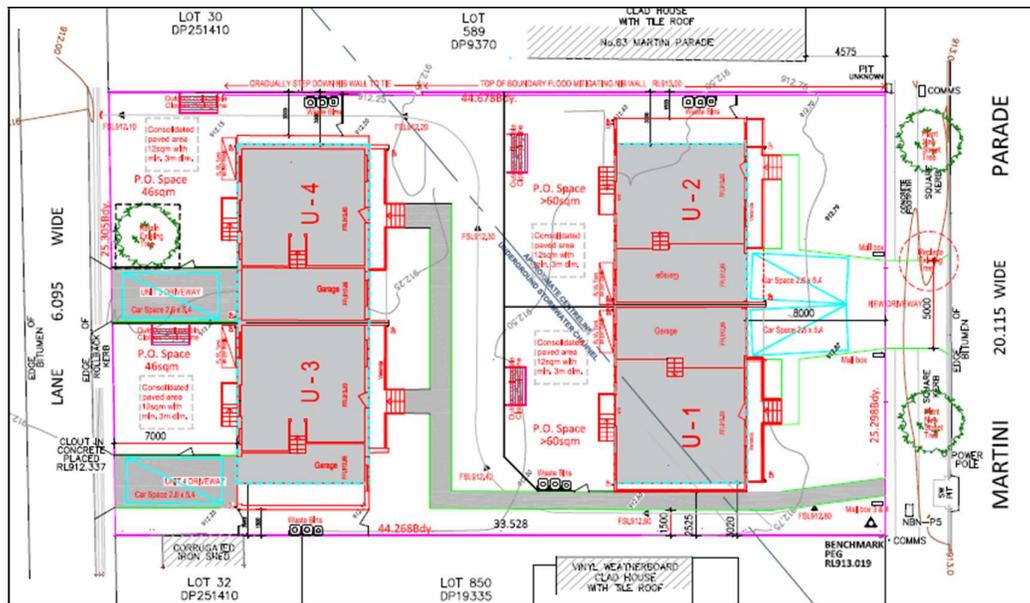


Figure 7: Proposed Site Plan (applicant)

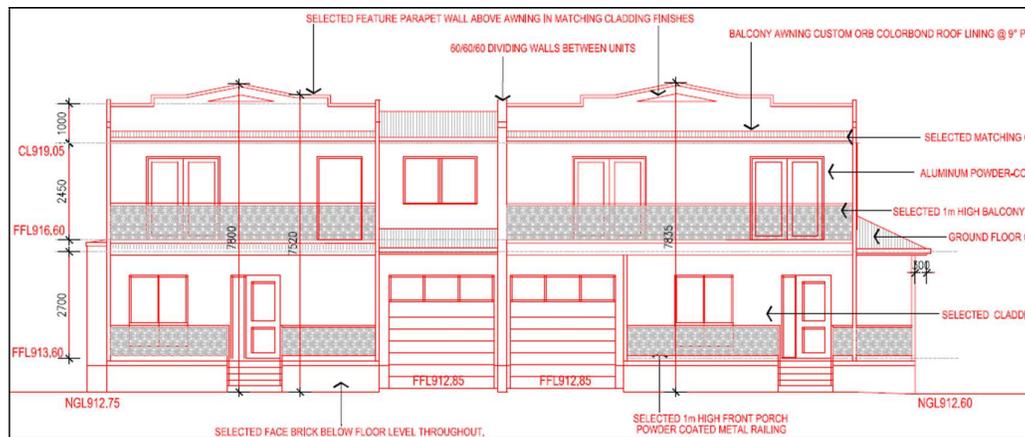


Figure 8: Proposed Front Elevation to Martini Parade (applicant)

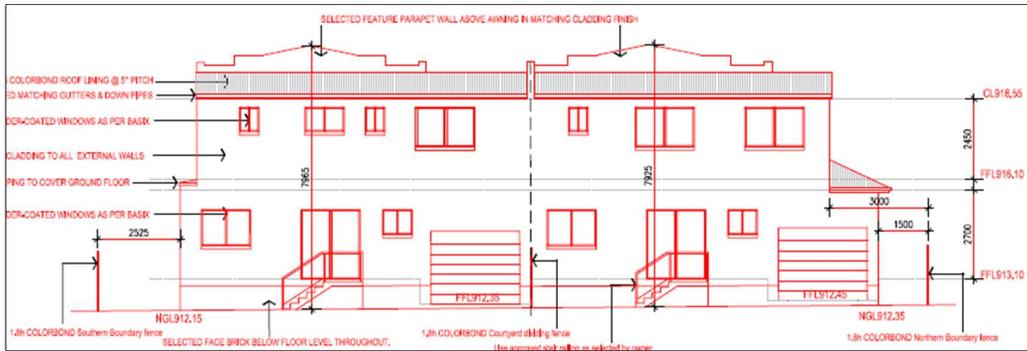


Figure 9: Proposed Elevation to the rear lane

Referrals

Internal Referrals

Branch	Comment
Building:	Councils Building Section have reviewed the proposed Development and recommend conditions to ensure any impacts will be avoided or mitigated.
Environmental and Health:	Not applicable.
Heritage Advisor:	Not applicable. Site is not within Heritage Character Area or a listed Heritage item.
Infrastructure Services:	<p>Councils Infrastructure Engineer has reviewed the proposed Development in relation to vehicular access, stormwater management and flood and recommends the following conditions:</p> <ul style="list-style-type: none"> contract works insurance is kept current for the duration of the development. driveway construction works and all development to comply with Council's Engineering Policies. A minimum one (1) metre clearance shall be provided between proposed driveway crossings and any street tree/existing services. All road, drainage, kerb and gutter, water and sewerage reticulation works associated with a development will be inspected by Council's Operations Department. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure. The site is within the flood planning area, and the development shall be designed in accordance with the recommendations of the Flood Impact Assessment prepared by Calare Civil. Foundations of proposed structures adjoining the drainage and/or services easement must be designed clear of the zone of influence. erosion and sediment controls measures installed prior to any construction activity.
Planning	Not applicable.
Property / Legal	Not applicable.
Water & Wastewater	<p>Councils Water and Wastewater engineer has reviewed the proposal and recommends the following conditions:</p> <ul style="list-style-type: none"> A Section 68 application to be submitted to Council showing council infrastructure, proposed connections to infrastructure and appurtenance such as meters, hydrants, valves.

	<ul style="list-style-type: none"> • Each of the proposed units will require an individual water meter for servicing. The property will be provided only one connection to Council's sewerage system with the connections from each unit to be completed as per Council policy 3.1 Water Meter and service installation. • Development Contributions are applicable. • An application for the Certificate of Compliance for all Water and Sewerage Supply works is to be submitted by the applicant at the completion of the works and prior to the Occupation Certificate. • A Certificate of Compliance issued under the Water Management Act 2000 only covers the water supply and sewerage supply works that are not defined as plumbing and drainage work within the meaning of the Plumbing and Drainage Act 2011.
Plumbing & Drainage	<p>Council Plumbing and Drainage has reviewed the proposal and has recommends the following conditions of consent:</p> <ul style="list-style-type: none"> • That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers. • Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council.
Waste	<p>The location of the proposed development allows for the two rear units (Units 3 & 4) to be serviced by the kerbside contractor in the rear lane. While the two front units (Units 1 & 2) can be serviced from Martini Parade.</p> <p>The developer will need to ensure suitable area to store the bins (12 x 240L) within the footprint of the property.</p>

External Referrals

Agency	Comment
DPE-Water	Not applicable.
Rural Fire Service	Not applicable.
Subsidence Advisory	Not applicable.
WaterNSW	The application was referred to WaterNSW who have provide approved conditions.
Endeavour Energy	The application was referred to Endeavor Energy who have provide approved conditions

Statutory Assessment

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

State Environmental Planning Policies

Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 (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**
Comment: No vegetation is proposed to be removed, therefore the provisions of Chapter 4 – Koala Habitat Protection 2021 under this SEPP are not applicable.

The site is within the Sydney Drinking Water Catchment and as assessment of the provisions of Chapter 6 – Water Catchments under this SEPP are applicable and assessed below.

Chapter 6 – Water Catchments	
Relevant Provisions	Comment
6.1 Land to which this Chapter applies	
This Chapter applies to land in the following catchments- (a) the Sydney Drinking Water Catchment, (b) the Sydney Harbour Catchment, (c) the Georges River Catchment, (d) the Hawkesbury-Nepean Catchment.	The subject site is located within the Sydney Drinking Water Catchment and as such the provisions of Chapter 6 apply.
Division 2 Controls on development generally	
6.6 Water quality and quantity	The proposal will not have a potential impact on water quality subject to conditions of consent regarding appropriate soil and erosion control measures and onsite waste management.
6.7 Aquatic ecology	The development will not have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation. The proposal does not involve the clearing of riparian vegetation or adjoins a natural waterbody.
6.8 Flooding	The site is not considered flood liable land. However, site is situated within the drainage corridor for an unnamed tributary with headwaters within the Hassans Walls State Forest. The proposed development is situated within the primary overland flow path for flood waters from Martini Parade.
6.9 Recreation and public access	Not applicable. The site is privately owned and does not impact any publicly accessible waterbodies.
6.10 Total catchment management	Not applicable. The proposal will not have adverse environmental impact on adjacent or downstream local government areas.
6.5 Sydney Drinking Water Catchment	
The objectives of this Part are— (a) to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and (b) to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.	The application was referred to Water NSW, see below. WaterNSW considers that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality if appropriate conditions are included in any development consent and are subsequently implemented.
6.63 Requirement of consistency with NorBE Guideline	

Chapter 6 – Water Catchments	
Relevant Provisions	Comment
Development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority is satisfied the development is consistent with the NorBE Guideline.	A NorBE Assessment has been undertaken by to WaterNSW, see below.
6.64 Concurrence of Regulatory Authority	
(1) Development consent must not be granted to development on land in the Sydney Drinking Water Catchment unless the consent authority has obtained the concurrence of the Regulatory Authority.	The application is considered to be Module 3 works in accordance with the <i>NorBE on Water Quality Assessment Guideline 2022</i> , and the application was referred to WaterNSW requesting concurrence. Concurrence subject to conditions was issued from WaterNSW (reference DAR 25057-a1 06/06/2025).
(2) For the Act, section 3.18(3), the Regulatory Authority must consider the following matters in deciding whether to grant concurrence— (a) the NorBE Guideline, (b) whether the development will have a neutral or beneficial effect on water quality.	WaterNSW noted the following from its assessment of the application: <ul style="list-style-type: none"> ▪ <i>no consolidation or subdivision of the lots has been proposed as part of this development application.</i> ▪ <i>while it is gently graded towards the south/ southeast boundary, the site is situated within the drainage corridor for an unnamed tributary with headwaters within the Hassans Walls State Forest. The proposed development is situated within the primary overland flow path for flood waters from Martini Parade.</i> ▪ <i>an existing 1150 mm wide and 1000 mm deep underground stormwater channel flows through the site in a northwest direction, conveying runoff during high rainfall events to the natural watercourses located downstream towards Farmers Creek.</i> ▪ <i>Water NSW notes from the Flood Impact Assessment that the proposed development will create a major obstruction of the flow paths, potentially resulting in increased flood levels on the neighbouring properties. The report suggests the flood water can be conveyed via a V-shaped driveway located between proposed units 1 -2 and units 3- 4, acting as a shallow drainage channel.</i> ▪ <i>as recommended in the Flood Impact Assessment report, all habitable areas shall be constructed above the 1% AEP flood level (including 500 mm freeboard) and all structural designs shall account for inundation and the hydraulic loadings associated with the 1% AEP flood event.</i>
(4) This section does not apply if the consent authority is satisfied the development has no potential impact on water quality.	

Chapter 6 – Water Catchments	
Relevant Provisions	Comment
	<p>The above matters have been addressed in the conditions.</p> <p>Water NSW considers that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality if appropriate conditions are included in any development consent and are subsequently implemented. Water NSW concurs with Council granting consent to the application subject to the following conditions.</p>

- State Environmental Planning Policy (BASIX) 2004**
Comment: BASIX Certificate No: 1767096M_05 (dated 27 March 2025) has been submitted with the application. Associated NatHERS Certificate has also been provided. The project details are consistent with the requirements of the BASIX Certificate and demonstrates that the development will comply with water, thermal comfort and energy targets. BASIX Certificate requires:

 - 1800L watertank for each dwelling.

The above has not been shown on the plans. A condition of consent is recommended.
- State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 Remediation of Land	
Relevant Provisions	Comment
4.6 Contamination and remediation to be considered in determining development application	
<p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and,</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p>	<p>The subject allotment is located within an established residential area.</p> <p>In addition, the site inspection did not indicate that any known contaminating activities have been carried out on the property.</p> <p>It is considered that the allotment has no known contaminants and is suitable for residential purposes.</p>

- State Environmental Planning Policy (Transport and Infrastructure) 2021**
Overhead Electricity
Comment: Low Voltage overhead powerlines are adjacent to the Eastern boundary of the site (11kV Endeavour Energy) as shown in the figure below. The development will contain a reasonable setback from the electrical easement. However, the proposal includes new driveway works under the powerlines. A referral was sent to Endeavour Energy in accordance with section 2.48 of the SEPP as the works are within 5m of the

powerlines. Endeavour Energy issued General Terms of Approval (GTAs), reference CNR-81370 and dated 05 May 2025 with approval subject to conditions.

Standard conditions of consent are recommended to be imposed regarding safe working near powerlines.

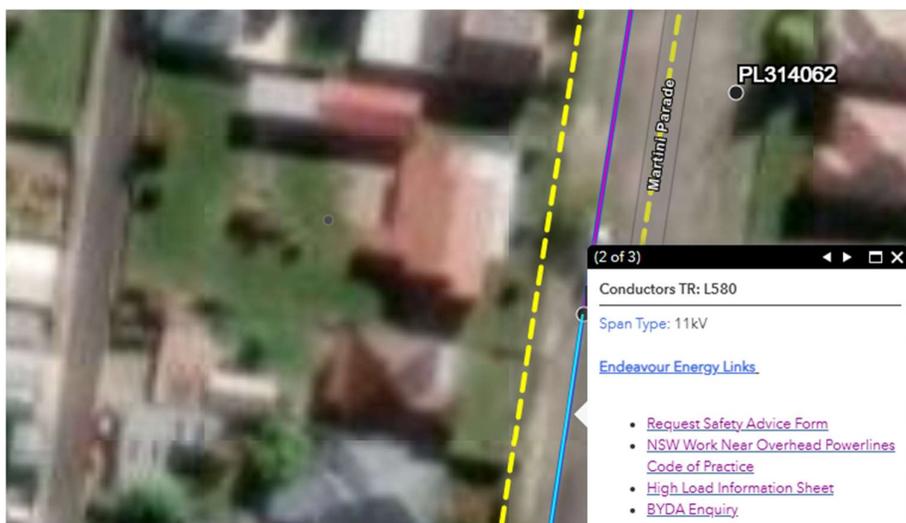


Figure 10: Overhead powerlines and easement (Source: Look up and Live, accessed 28/04/2025)

• **Lithgow Local Environmental Plan (LEP) 2014**

Clause 1.2 Aims of Plan	
Objective	Comment
(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,	Not applicable. The proposed development is a permissible land use and is considered to support the housing needs of the local community.
(a) to encourage sustainable and planned development that complements the unique character and amenity of Lithgow and enhances its towns, villages and rural areas,	Complies. The proposal will provide additional housing on an established residential lot.
(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Lithgow in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,	Complies. The proposal will provide suitable housing to meet the needs of the community and that the achieves the current sustainability requirements.
(c) to manage, facilitate and encourage sustainable growth and development that—	
(i) promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs to government, authorities and the community, and	Complies. The proposal will provide additional housing on an established residential lot and is considered to appropriately manage the necessary utilities, infrastructure and services required.
(ii) protects, enhances and conserves mineral and extractive resources lands, forests and agricultural lands and the contributions they make to the local, regional and State economy, and	Not applicable. Land use remains residential.

(iii) allows for the orderly growth of land uses while minimising conflict between land uses in a zone and land uses in adjoining zones, and	Complies. The proposal will provide additional housing on an established residential lot. The proposed development is considered unlikely to result in land use conflict as the subject site is within an established residential area.
(iv) encourages a range of housing choices in planned urban and rural locations to meet population growth and the diverse needs of the community, and	Complies. The proposal will provide greater housing choice within an existing established neighbourhood.
(v) preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and	Not applicable. Land use remains residential.
(vi) protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have the potential to contribute to improved environmental outcomes, and	Complies. The proposal is not located on environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value.
(vii) protects and enhances places and items of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and	Complies. Proposal does not impact on places and items of environmental, archaeological, cultural or heritage significance.
(viii) avoids or minimises the impact of development on drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and the maintenance of environmental and recreational values, and	Complies. Conditions of consent recommended to be imposed to ensure no impact to water quality.
(ix) strengthens and promotes employment land opportunities and appropriate tourism development and growth, and	Not applicable. Land use remains residential.
(x) creates resilience to natural hazards through local land use planning.	Not applicable. Land use remains residential.

Characterisation

The proposal is defined as multi dwelling housing:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of ***residential accommodation***—see the definition of that term in this Dictionary.

Zone of Land R1 - General Residential

Permissibility Permissible with consent

Multi dwelling housing is permissible with consent provided the land complies with the requirements of Clause 4.1A of the LEP as follows:

(2) *Development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that*

zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.

In accordance with Clause 4.1, the site has a Minimum Lot Size of 400m². Therefore, the following minimum lot size is required for multi dwelling housing on the subject site.

*Multi dwelling housing
Zone R1 General Residential
(b) 800 square metres (in any other case)*

The subject site has a land size of 1128m² and therefore complies with the requirements of Clause 4.1A.

Zone Objectives

Objective	Comment
R1 General Residential zone	
<ul style="list-style-type: none"> To provide for the housing needs of the community. 	The proposal will provide additional housing on an established residential lot.
<ul style="list-style-type: none"> To provide for a variety of housing types and densities. 	The proposal will provide greater housing choice within an existing established neighbourhood.
<ul style="list-style-type: none"> To enable other land uses that provide facilities or services to meet the day to day needs of residents. 	Not applicable. Land use remains residential.
<ul style="list-style-type: none"> To maintain or improve the water quality of receiving water catchments. 	Conditions of consent recommended to be imposed to ensure no impact to water quality.

LEP Clauses		
	Relevant Provisions	Comment
Part 2 Permitted or prohibited development		
2.3	Zone objectives and Land Use Table	The objectives of the zone and how the proposal satisfies the objectives are addressed above.
2.4	Unzoned land	Not applicable. Land is zoned R1 - General Residential.
2.5	Additional permitted uses for particular land	Not applicable.
2.6	Subdivision – consent required	Not applicable. No subdivision proposed.
2.7	Demolition – consent required	The proposal includes demolition of all structures currently located on the site – the single dwelling, detached garage and outhouse. A Demolition Plan has been provided. Conditions of consent recommended to be imposed.
2.8	Temporary use of land	Not applicable. Temporary use of land not proposed.
Part 4 Principal development standards		
4.1	Minimum subdivision lot size	<p>Requirement Minimum Lot Size: 400m²</p> <p>Subject site not located within land identified as "Area 1" or "Area 2" on the Lot Size Map.</p> <p>Comment: Proposal does not involve subdivision of land and therefore complies.</p>

LEP Clauses		
	Relevant Provisions	Comment
		MLS relevant to requirements of Clause 4.1A below.
4.1A	Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	<p>Requirement Multi dwelling housing Zone R1 General Residential <i>(b) 800 square metres (in any other case)</i></p> <p>Comment: The subject site has a land size of 1128m² and therefore complies with the requirements of Clause 4.1A.</p>
4.2	Rural subdivision	Not applicable.
4.3	Height of buildings	Not adopted.
4.4	Floor space ratio	Not adopted.
4.6	Exceptions to development standards	Not applicable.
Part 5 Miscellaneous provisions		
5.3	Development near zone boundaries	Not applicable.
5.4	Controls relating to miscellaneous permissible uses	Not applicable.
5.5	Controls relating to secondary dwelling on land in a rural zone	Not applicable.
5.9	Dwelling house or secondary dwelling affected by natural disaster	Not applicable.
5.10	Heritage conservation	Not applicable. Site not within a heritage conservation area or in the vicinity of any heritage items.
5.16	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	Not applicable. Land is zoned R1 - General Residential.
5.21	Flood planning	<p>The site is subject to overland flows during heavy rainfall events. A Flood Impact Assessment (prepared by Calare Civil) has been submitted with the application. That report notes that the subject site is subject to overland flows and concluded the following:</p> <ul style="list-style-type: none"> ▪ <i>All habitable areas are above the 1% AEP flood level (including 500 mm freeboard),</i> ▪ <i>The site can suitably convey the overland flows without resulting in an increase to the flood levels experienced on neighbouring lots. A detailed design of the site grading and particularly the driveways will be required, taking into consideration the flow paths and flood levels.</i> ▪ <i>Access to the property can be maintained during major flood events.</i> ▪ <i>The development does not create a risk to life or infrastructure and the flood hazard on the driveways and footpaths are within acceptable limits.</i> ▪ <i>All structural designs account for inundation and the hydraulic loadings associated with the 1% AEP flood event.</i> <p>That report recommended:</p>

LEP Clauses	
Relevant Provisions	Comment
	<ul style="list-style-type: none"> ▪ <i>A detailed driveway design to enable water to water unhindered.</i> ▪ <i>A nib wall along the northern boundary to direct flows away from 83 Martini Parade.</i> ▪ <i>Appropriate filling at the front the of lot.</i> ▪ <i>Garages to be setdown from the habitable floor levels.</i> ▪ <i>Garages to be designed to naturally drain floodwater.</i> ▪ <i>Habitable areas to be 500mm above the flood planning level.</i> ▪ <i>Structural design of garages is to be considered.</i> <p>The proposal has been designed to be consistent with the recommendations of that report to ensure that the proposal does not result in additional impacts to flooding from overland flows. Notwithstanding, an assessment of 5.21(2) has been undertaking.</p> <p><i>(a) is compatible with the flood function and behaviour on the land, and</i></p> <p>A satisfactory Flood Impact Assessment has modelled the overland flows on the subject site in relation to the proposal and found it to be satisfactory.</p> <p><i>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</i></p> <p>Design measures are to be implemented to ensure the overland flows are not directed to the adjoining properties.</p> <p><i>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</i></p> <p>Each proposed unit has access to an existing primary road frontage, via either Martini Street or the rear lane, ensuring adequate access for evacuation.</p> <p><i>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</i></p>

LEP Clauses		
	Relevant Provisions	Comment
		<p>The recommendations of the Flood Impact Assessment are to be implemented and conditions of consent are recommended to be imposed.</p> <p><i>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p> <p>Not applicable, not vegetation proposed to be removed, and proposal is not located near any natural watercourses.</p>
Part 7 Additional local provisions		
7.1	Earthworks	The proposed earthworks are ancillary to the proposed construction works. Minimal cut and filled is required as the proposal is to be constructed on piers to address the overland flows on the site. Subject to the proposal being designed in accordance with the Flood Impact Assessment submitted with the application, the proposal is unlikely to impact drainage or soil patterns, effect the future use of the site or the amenity of adjoining properties. Conditions of consent relating to unexpected finds are recommended to be imposed. Conditions of consent are also recommended to be imposed regarding soil and erosion control.
7.3	Stormwater management	Stormwater is to be managed wholly onsite through the use of appropriate BASIX rainwater tanks and connection to Council drainage. Conditions of consent will be implemented to ensure that stormwater drainage is diverted to the legal point of discharge.
7.4	Terrestrial biodiversity	The site is not identified as a 'Sensitive Land Areas - Biodiversity'
7.5	Groundwater vulnerability	The is identified as groundwater vulnerable in accordance with Council's mapping. No broad excavation is needed to facilitate the proposal and no significant impacts upon those matters contained within this clause is expected as a result of the proposed development. The application was referred to WaterNSW with conditions of consent recommended to be imposed.
7.6	Riparian land and watercourses	The site is not identified as a 'Sensitive Land Areas - Riparian land.'
7.7	Sensitive lands	The site is identified as a 'Sensitive Land Areas' – Groundwater Vulnerable. The proposal is not located on a slope greater than 25% or likely to have an adverse impact to high erosion, salinity, drainage or a karst

LEP Clauses		
Relevant Provisions		Comment
		environment. No vegetation is required to be removed.
7.8	Development within a designated buffer area	Not applicable. Site not within a designated buffer area.
7.10	Essential services	<p>a) the supply of water, - The site can connect to Council's reticulated water services. Conditions of consent will be implemented to ensure an adequate supply of water is provided.</p> <p>b) the supply of electricity, - The site has existing access to the electrical grid and this will remain unchanged as part of this application.</p> <p>c) the disposal and management of sewage, - The site can connect to Council's reticulated sewer services. Conditions of consent will be implemented to ensure adequate disposal of waste.</p> <p>d) stormwater drainage or on-site conservation, - Stormwater is to be directed into the existing underground stormwater channel that traverses the subject site. Conditions of consent recommended to be imposed to ensure stormwater is appropriately dispersed and does not create a nuisance to adjoining properties.</p> <p>e) suitable vehicular access. - New vehicular driveway off Martini Place and the rear land is considered suitable. Conditions of consent recommended for upgrade works to the kerb, including the reinstatement of the kerb and layback where the existing driveway is made redundant.</p>

Draft Environmental Planning Instruments (EPI)

Not applicable.

Provisions of any Voluntary Planning Agreements (VPA)

Not applicable.

Lithgow Development Control Plan (DCP) 2021

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

Chapter 2 – Site Requirements	
Development Control	Assessment Comments
2.2 Site Analysis, Local Character & Context	

2.2.1 Site Selection	The proposal will provide housing on an established residential lot. The proposed dwelling has been appropriately sited to minimise vegetation removal and earthworks. No building envelope for a dwelling is identified on the DP for the subject lot.
2.2.2 Site Analysis & Development Response a) The Site topography, climate and natural environment; b) Natural hazards on or near the Site; c) Potential land use conflicts; d) Heritage items or heritage conservation areas; e) Surrounding built form and landscape/streetscape character; and f) Amenity for the Site and adjacent sites (where relevant).	The proposal requires minimal earthworks. The proposal to be constructed on bearers and joists to overcome overland flows reducing the level of cut and fill required on site to be minimal. The site is not within a heritage conservation area or adjacent to any heritage items. The proposal, as discussed below, is considered to be acceptable in the streetscape.
2.2.3 Local Character & Context	The proposed dwelling is considered to be in keeping with the existing residential character of the immediate area, as demonstrated in the report below.
2.2.4 Visually Prominent Sites	
Development on a visually prominent site, particularly in rural and/or environmental zones or in heritage conservation areas, is sited and designed to minimise visual and environmental impact by: a) Locating buildings below key ridgelines; b) Responding to the site contours to minimise visually obtrusive changes in the landform; c) Retaining significant vegetation, particularly where it can act as a buffer to development; d) Using a cluster of smaller buildings rather than large single buildings; e) Blending into the existing landform or back-drop with appropriate form and materials; f) Articulating large buildings and/or facades.	The proposal replaces an existing single storey dwelling on the site. The proposed two storey design is consistent with the height of the streetscape, in particular the two Storey nearby Coerwell Public School which is also two storeys. The proposal also clusters two groupings of two units each to reduce the overall bulk and scale of the proposal. The side elevation of each unit is stepped which results in a design that increases separation between the proposal and the adjoining neighbours.
2.2.5 Reflective Materials	The proposed materials are satisfactory. A condition of consent is recommended to ensure they are non-reflective.
2.3 Slope Response, Earthworks & Retaining Walls	
2.3.1 Earthworks	The proposed earthworks are ancillary to the proposed construction works. Minimal cut and filled is required as the proposal is to be constructed on piers to address the overland flows on the site. Subject to the proposal being designed in accordance with the Flood Impact, the proposal is considered an appropriate approach to make the site usable for its intended residential purpose.
2.3.2 Retaining Walls	A nib wall, max 600mm high, is to be implemented along the northern boundary in accordance with the Flood Impact Assessment. This wall is not for retaining purposes, rather for direction of flood mitigation. Engineering Plans are to be

	provided regarding the structural suitability of the proposed wall.
2.4 Stormwater Management	
2.4 Stormwater Management	Stormwater is to be directed into the existing underground stormwater channel that traverses the subject site. Conditions of consent will be implemented to ensure that stormwater drainage is diverted to the legal point of discharge. Council's Development Engineer raised no objection subject to conditions.
2.5 Vehicle Access & Parking	
2.5.1 Guidelines & Standards	<p>In accordance with the Roads and Traffic Authority '<i>Guide to Traffic Generating Developments</i>,' an increase to traffic is calculated based on the following:</p> <p>Section 3.3.2 Medium density residential flat building.</p> <p>For: Larger units and town houses (three or more bedrooms):</p> <p>Daily vehicle trips = 5.0-6.5 per dwelling Weekday peak hour vehicle trips = 0.5-0.65 per dwelling.</p> <p>Proposal 3 additional new units: 5 x 3 = 15 daily trips 0.5 x 3 = 1.5 peak hour trips</p> <p>The surrounding road network around the proposed development can accommodate the small increase in traffic.</p>
2.5.2 Vehicle Access & Driveways	
1) Access	Considered suitable. New vehicular driveway off Martini Place and the rear lane is considered suitable. Conditions of consent recommended for upgrade works to the kerb, including the reinstatement of the kerb and layback where the existing driveway is made redundant.
2) Policy: All works comply with Council Policy – <i>Specification for the construction of driveways, footpath/gutter crossings and foot-paving (as amended).</i>	Complies. Conditions of consent recommended to be imposed.
3) All weather access: all weather access is required to all development to ensure that emergency services are able to access them at all times.	Complies. Conditions of consent recommended to be imposed.
4) Proximity to Intersection(s) & Sight-Lines	Proposed access located >50m from the nearest intersection with the access lane to the north.
5) Direction of Travel: Vehicle access and egress to/from a lot occurs in a forward direction.	Not applicable, each unit has its own driveway access onto either Martini Street or the rear lane. Considered acceptable.

6) Access to street	Complies.
7) Slope	Proposed driveways do not exceed a maximum grade of 25%.
8) Driveway width: a) Driveways servicing one (1) to two (2) dwellings or in rural areas are a minimum width of 3.5m b) Shared driveways servicing three (3) or more dwellings (up to eight (8) dwellings) have a minimum width of 4.5m (3.5m carriageway plus landscaping) increasing to 5.5m forward of the front building line or provide for passing bays based on the size of the development/length of driveway. d) Driveways do not dominate the street and provide the minimum width to achieve safety whilst being integrated with the landscape design for the site.	<p>The proposed driveway fronting Martini Street services both Units 1 and 2 and has a maximum width at the footpath of 5m. A single oversized driveway along this frontage is considered to be less dominating on the streetscape than two new driveways within close proximity to each other. The proposed driveway also replaces the existing driveway to north and conditions of consent are recommended that the kerb in this location is to be reinstated.</p> <p>The two driveways that service Units 3 and 4 front the rear lane. This rear lane provides rear access for the properties along Martini Parade and Rifle Parade. The new driveways are consistent with the character of this laneway. The current lot arrangement is 3 lots wide, therefore each of those lots has the potential to have rear access to this lane which would result in 3 access driveways. The current proposal results in only 2 new access driveways onto the rear lane.</p>
9) Setbacks/gates (Rural Areas)	Not applicable.
2.5.3 Loading/Unloading, Delivery & Servicing Facilities	Not applicable.
2.5.4 Parking Location, Design & Circulation	
2.5.5 On-Site Parking Numbers	<p>Requirement A minimum of 2 off-street (one enclosed) car parking spaces for units with 3 or more bedrooms.</p> <p>Proposed Complies. Single attached garage and stacked space 2.6m x 5.4m for each dwelling.</p> <p>Visitor space not required <5 units.</p>
2.5.6 Exemptions to Off-Street Car Parking Requirements	Not applicable.
2.5.7 Bicycle Parking	<p>Requirement 1 space per 4 units (or rooms for boarding houses)</p> <p>Proposed Complies. Provided in each garage.</p> <p>Visitor space not required <20 units.</p>
2.6 Pedestrian Access, Mobility & Safety	
2.6.1 Accessibility	Can comply.
2.6.2 Pedestrians	Proposal is not for more than 10 dwellings. Notwithstanding, the pedestrian path provided is separated from the proposed driveways.

	<p>Each unit has its own entrance visible from the relevant street frontage. Additionally, Units 3 and 4 have direct pedestrian access to Martini Parade reinforcing the passive surveillance to the street.</p> <p>Conditions of consent are recommended regarding lighting.</p>
2.6.3 Street Numbering & Letterboxes	A condition of consent is recommended regarding the consolidation of the existing lots. Additionally, street numbering and letterboxes will also be required by way of conditions of consent.
2.7 Designing for Crime Prevention	
Not applicable. The proposal is not for a use that requires a Crime Risk Assessment to be submitted: <i>i) Mixed-use developments (5 or more dwellings);</i>	
2.8 Utilities, Easements & Infrastructure	
2.8.1 Connection to Utilities	Site is capable of connecting to utilities. Conditions of consent to be imposed.
2.8.2 Building Near Utilities/Easements/Drainage Lines	<p>Sewer A sewer main traverses the rear of the site. The proposal is considered appropriate as the ground floor slab is to be constructed on piers. The piers shall be constructed to a suitable depth below zone of influence hence no additional load shall be imposed on top of the drainage infrastructure. The proposal is considered satisfactory.</p> <p>Stormwater An underground stormwater channel traverses the front portion of the subject site. Proposed Unit 1 is located over an underground stormwater channel and as such no easement can be created for the drainage infrastructure as required by section 3.4.4 of Council's Engineering Guidelines. The proposal is considered satisfactory.</p>
2.8.3 On-Site Sewage Management	Not applicable.
2.8.4 Liquid Trade Waste	Not applicable.
2.8.5 Re-Use of Waste-Water	Not applicable.
2.8.6 Water Supply	BASIX requires 1800L water tank for each unit, a condition of consent is recommended to be imposed. The site can connect to Council's reticulated water and sewer services.
2.9 Solid Waste Management	
2.9.1 Hazardous Materials & Asbestos	The building proposed to be demolished is of an age where asbestos is likely to have been used in its construction. Conditions of consent are recommended to be imposed regarding the safe removal of this material.
2.9.2 Solid Waste Management Plan – Larger Developments	A satisfactory Waste Management Plan has been provided detailing the storage and disposal of waste streams generated during demolition and construction. Conditions of consent recommended to be imposed.

2.9.3 Waste Storage & Collection – Larger Development	See comment on Waste Storage in Section 6.5.6W Waste Management below.
2.10 Amenity / Buffers for Sensitive Uses	
2.10.1 Noise & Vibration	Not applicable. Proposal not a high impact land use.
2.10.2 Air Emissions, Odour & Dust	Not applicable. The ongoing use of the proposal is not likely to generate significance air, odour and dust emissions.
2.10.3 Buffers to Sensitive Land Uses	Not applicable. Proposal not a high impact land use.
2.10.4 Buffers & Landscaping	Not applicable.
2.10.5 Agriculture & Right to Farm	Not applicable. Proposal within an existing residential area.
2.11 Water & Energy Efficiency	
BASIX requires noted above are shown on plans.	

Chapter 3 – Natural Environment & Hazards	
Development Control	Assessment Comments
3.2 Bushfire Prone Land	
O1. To meet the statutory requirements for bush fire protection in NSW.	Not applicable.
3.3 Vegetation Management & Biodiversity	
3.3.1 Vegetation Clearing for Development Requiring Consent.	Not applicable.
3.3.2 Threatened / Endangered Species / Ecological Communities	Not applicable.
3.3.3 LLEP 2014 – Terrestrial Biodiversity	Not applicable, as noted above.
3.3.4 Clearing NOT Associated with Development (Non-Rural Zones)	Not applicable.
3.3.5 Clearing NOT Associated with Development (Rural Zones)	Not applicable.
3.3.6 Declared Vegetation in this DCP	Not applicable.
3.3.7 Tree Removal Criteria	Not applicable.
3.4 Land and Soil	
3.4.1 Contaminated Land	Not applicable, as noted above.
3.4.2 Sensitive Land Areas	Not applicable, as noted above.
3.4.3 Erosion & Sedimentation	Conditions of consent recommended to be imposed.
3.4.4 other Geological or Soil-Related Issues	Not applicable.
3.5 Flood Prone Land	
3.5.1 Preliminary Flood Risk Assessment	The subject site is affected by overland flows. A flood impact assessment has been submitted with the application.
3.5.2 Key Controls	Complies. The recommendations of the flood impact assessment are consistent with the controls listed in this section.
3.5.3 Construction Requirements & Flood Proofing	Complies. The recommendations of the flood impact assessment are consistent with the requirements listed in this section.
3.6 Ground & Surface Water Protection	
This clause applies to land where the following Clauses of LLEP2014 apply: a) Clause 7.5 – Groundwater vulnerability; and/or	Not applicable, proposal is not a land use identified in section 3.6(1).

b) Clause 7.6 – Riparian land and watercourses;	
3.7 Mine Subsidence Risk	
1) Any development application in a Mine Subsidence District considers and addresses the relevant Guideline(s) for the subject site (as amended) prepared by Subsidence Advisory (SA) NSW.	Not applicable.

Chapter 6 – Residential Development	
Development Control	Assessment Comments
6.2 General Controls	
6.2.1 Site Analysis & Potential land Use Conflict	The proposal is consistent with the existing residential use of the site and is located within an established residential estate.
6.2.2 Site Suitability	The location of the proposal is consistent with the objectives of the zone, minimises cut and fill and provides adequate measures to address overland flows on the site. The proposal overall provides a reasonable standard of amenity.
6.2.3 landscaping & Tree protection	A Street Tree is to be removed. This tree is not considered to be significant and will be replaced with an additional 2 street trees.
6.2.4 Fencing	New 1.8m high boundary fencing is to be provided. Should side fencing on the northern boundary, be placed on top of the nib wall (as recommended by Flood Impact Assessment (prepared by Calare Civil) this fencing is to have an overall height of 1.4m in height. A condition of consent is recommended regarding the height of the side boundary fencing and any front fencing is to comply with the exempt provisions of SEPP 2008.
6.2.5 Sustainable Design	The submitted BASIX certificate demonstrates that the proposal meets the required thermal and sustainability targets. The proposal provides sufficient POS.

Chapter 6 – Residential Development		
Development Control	Assessment Comments	
6.5 Medium to Higher Density Housing		
6.5.1 Siting & Setbacks	Requirement	Proposal
	Front Setback to Primary Street (Zone R1 General Residential) 6.0m – two or more storeys OR average setback of adjacent dwellings (whichever is greater).	Units 1 and 2 6.28m setback. Complies. Units 3 and 4 6m setback. Complies.

	<p>Garages fronting a Public Road</p> <p>5.5m from the front boundary AND:</p> <p>0.5m behind the front building line.</p>	<p>Units 1 and 2 8m setback. Complies.</p> <p>Units 3 and 4 7m setback. Complies.</p> <p>Non-compliance, see below.</p>
<p>Comment: The garages of proposed Units 1 and 2 are setback 1.2m behind the front verandah. This verandah is a substantial feature of the front façade. Complies.</p> <p>The garages of proposed Units 3 and 4 front the rear lane and are not setback behind the building line. The proposal is considered acceptable as:</p> <ul style="list-style-type: none"> - The proposal allows for Martini Parade to remain the dominant primary front setback. The garages of these units face the rear lane to reduce additional garage doors on the Martini Street frontage. - The proposal allows for sufficient storage space to be provided in the garages in accordance with Section 6.5.6M Storage of the DCP. - The garage doors comply with the garage door width required for Section 6.5.6N Car and Bicycle Parking of the DCP. - The proposal has been designed to be consistent with utilitarian nature of the rear lane. Whilst the façades of Units 3 and 4 that front the rear lane are simplified and being the rear orientation of the unit, they are consistent with the nature of the rear lane and the rear orientation of the existing dwellings in the lane. <p>The applicant has addressed the variation to the DCP and as noted above, the proposed variation can be supported in this instance.</p>		
	<p>Side Boundary</p> <p>1.5m - single storey 3m - two storeys or greater</p>	<p>Complies.</p> <p>Unit 1: 2.525m setback to ground floor. 3m setback to first floor.</p> <p>Unit 2: 1.5m setback to ground floor.</p>

		<p>3m setback to first floor.</p> <p>Unit 3 1.5m setback to ground floor. 3m setback to first floor.</p> <p>Unit 4 2.5m setback to ground floor. 3m setback to first floor.</p>
	Rear Boundary	Not applicable. Site adjoins a laneway to the rear.
6.4.2 Average Setback of Adjacent Dwellings applicable	<p>Adjacent dwellings: No. 83 Martini Street (north) – 4.1m setback. No. 67 Martini Street (south) – 6.8m setback.</p> <p>The image below indicates the proposal is consistent with the front setback of the adjoining dwellings and the front setback of the existing dwelling that the proposal is to replace.</p> 	
6.5.2 Low Rise Medium Density Housing	<p>This section is applicable as the proposal is considered to be:</p> <p><i>Multi-dwelling housing; means – 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.</i></p>	
6.5.6A Building Envelopes	Requirement	Proposal
	Maximum Building Height 8.5m	7.965m from ground level to top of parapet (Unit 4). Complies.
	Maximum No. Storeys	Complies.

	2	
	Buildings on rear 40% Not exceed 5.4m in Height	Not applicable. Proposal fronts a rear lane.
6.5.6B Gross Floor Area / Floor Space Ratio	Maximum GFA 50%	Site 1128m ² Total Floor Area Unit 1: 10.635m x 7.475m + 8.88m ² = 88.3m ² Unit 2: 10.635m x 7.475m + 8.88m ² = 88.3m ² Unit 3: 10.635m x 7.475m + 8.4m ² = 88.3m ² Unit 4: 10.635m x 7.475m + 8.4m ² = 87.89m ² Total 352.38m ² = 31% Complies
6.5.6C Landscaped Area	Requirement	Proposal
	Minimum Landscaping Area 30%	Site 1128m ² Proposed Landscape Area 618.9m ² = 55%. Complies
	Minimum Dimension 1.5m	Complies.
	Forward of Building Line 50% landscaped	Area forward of the building line approx. 25m x 6m = 150m ² Landscaped areas approx. 9m x 6m x 2 = 108m ² =72% landscaped. Complies.
	Maintenance Plan	Can be conditioned.
	Soil Standards	Complies.
	Minimum Tree Planting Front: 1 x tree 5m Rear: 1 x tree 8m	2 x Magnolia Little Gem (5m) proposed in front. 2 x Flowering Pear (11m) proposed within site. Complies.
	Mature Trees to be retained	An existing tree in the rear is to be retained.
	Landscape Plan	Complies.

	50% to be native	
6.5.6D Local Character and Context	The proposal has been supported by a Design Verification Statement detailing how the design of the proposal has been informed from the characteristics of the surrounding area.	
6.5.6E Public Domain Interface	Requirement	Proposal
	Front door directly visible from street.	The front doors of: Units 1 and 2 front Martini Street. Complies. Units 3 and 4 front the internal space and do not have a direct frontage the street. However, the rear of these units has direct frontage to the rear lane which is acceptable in this instance as the rear lane is characterised by backyards the rear of dwellings rather than the front. These units also have direct pedestrian access to Martini Street. Complies.
	Dwelling has a habitable room that faces the street or public space.	Complies.
	Private courtyards within the front setback are only located within the articulation zones and / or behind the required front building line.	Not applicable. No private courtyards proposed in the front setback towards Martini Street.
	Fencing Front fences: <ul style="list-style-type: none"> • Are visually permeable (no more than 50% of the allowable fence area will be solid masonry, timber or metal). • Average height no greater than 1.2m. • Have a consistent character with other front fences in the street. • Are not to be constructed of solid metal panels or unfinished timber palings. 	No front fencing is proposed. A condition of consent is recommended that any fencing forward of the building line is to comply with Subdivision 17 Fences of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
	High solid walls are only used to shield a dwelling from the noise of classified roads. The walls are to have	Not applicable, none proposed.

	a maximum height of 2.1m and be setback at least 1.5m from the property boundary. Landscape planting is to be provided between the wall and the boundary, with a mature height of at least 1.5m.	
	Retaining walls greater than 600mm within the front setback are to be softened by planting for a minimum depth of 600mm on the low side of the retaining wall.	Not applicable, no retaining wall greater than 600mm within the front boundary proposed.
	Where development adjoins public parks, open space or bushland, or is a corner site, the design positively addresses this interface using any of the following design solutions...	Not applicable. Proposal does not adjoin a public park, open space or bushland, or is a corner site.
6.5.6F Pedestrian and Vehicle Circulation	Requirement	Proposal
AS2890 carparking spaces 2.5m – 2.7m wide x 5.4m in length.	Vehicle circulation and parking complies with AS2890.1.	Complies.
	Dwellings are to be connected by new internal streets and lanes which are overlooked by windows from habitable rooms and or private open space.	Complies.
	Where new streets or lanes are created...	Not applicable. No new streets or lanes to be created.
	Where less than 20 car spaces are provided reduce carriageway width to 3.5m, with passing areas as required by AS 2890.1.	Driveways front public roads, no passing bays required.
	Internal vehicle circulation must be...	Not applicable. No internal vehicular circulation required.
	Terminate driveways and streets with trees, open space or the window of a dwelling - not a garage or car space.	Not applicable.
	Streets to be designed to accommodate appropriate service vehicles likely to access the site.	Not applicable.
	Where on street parking is currently available in front of	The existing driveway will be reinstated to

	the development, the proposed driveways are located so that at least one car space remains.	kerb, providing sufficient on street parking. Complies.
	Car parking not associated with a dwelling must be: <ul style="list-style-type: none"> • setback from a fence is to be at least 1m • setback from another dwelling is to be at least 1m • setback from a habitable room window is to be at least 3m if the window exceeds 1m². • The setbacks should contain plants. 	Not applicable. All carparking proposed on site is associated with a dwelling. No visitor car parking required.
	New streets and lanes...	Not applicable.
	Provide safe shared spaces for vehicles, cyclists and pedestrians by including measures that reduce vehicle speeds such as changes in pavement texture at entries or key nodes, reduce demarcation between pedestrian and vehicle spaces.	Not applicable.
	Pedestrian paths that are separated from an internal road or lane by a kerb or landscaped area are to be provided where there are more than 20 dwellings.	Not applicable. Proposal is not for more than 20 dwellings. Notwithstanding, the pedestrian path provided is separated from the proposed driveways.
	Where pedestrian circulation is separated from vehicle circulation the paths are still to function like streets with pavement at least 1.5m wide, clearly identifiable dwelling entrances and clear lines of sight to create a legible and safe network.	Complies.
	Roads and pedestrian spaces are to have lighting designed in accordance with A1158.3.1 that avoids light spill in to private spaces.	Can be conditioned.

	Basement car parking not to protrude more than 1m above finished ground level except at the entrance to the car park.	Not applicable. No basement carparking proposed.
	Basement car park entrances to have a maximum width of 3.5m where there are less than 10 dwellings being serviced by the car park.	Not applicable. No basement carparking proposed.
	The maximum height of the car park entry is to be 2.7m.	Not applicable. No basement carparking proposed.
	Where driveways are adjacent to a tree, it is either outside the drip line or complies with the recommendations in a report prepared by a qualified arborist.	Existing tree within the rear of the site is to be retained and the proposed driveway of Unit 4 is outside the drip line. Complies.
6.5.6G Orientation, Siting and Subdivision	Requirement	Proposal
Note: No subdivision proposed	The minimum lot size for carrying out Multi-Dwelling housing is specified in Clause 4.1A (2) of Lithgow LEP 2014.	Complies.
	The minimum lot width measured at the building line is to be 20m.	Complies. Combined lot width totals 25m.
	Each dwelling is to have a frontage to an existing public street or new pedestrian or vehicle street or lane.	Complies.
	The frontage measured at the building line is to be at least 5m.	Complies. Combined lot width totals 25m.
	Dwellings should be orientated away from side boundaries and towards the front and rear.	Complies. Dwellings orientated towards Martini Street and the rear lane.
	A window that is more than 3m from the boundary to a living room of an adjoining dwelling is to receive more than 3 hours of direct sunlight between 9am and 3pm on the winter solstice (June 21). If the window	The lounge room of the adjoining dwelling at No. 67 Martini Parade is within 3m of the boundary. Shadow Diagrams have been provided indicating that this room will receive

	currently receives less than 3hrs - direct sunlight is not reduced.	more than 3hrs direct sunlight in the afternoon.
	Where the location of the living room of an adjoining dwelling cannot be verified the proposed development is accommodated within a building envelope defined by a 35° plane springing from 3.6m above the boundary.	Complies. See above.
	Unless a dwelling is over a basement, the ground floor is not more than 1.3m above ground level, and no more than 1m below ground level.	The proposal is to be constructed on bearers and joists to overcome overland flows. The ground floor is proposed to be 1.1m above ground level. Complies.
	Dwellings are located to step with the Topography.	Proposal acceptable given the constraints related to overland flows on the site.
	All lots must have access to reticulated water and sewer, electricity, telecommunications, and where available gas.	Complies.
	Basement car parking should not be provided within the setbacks described in 2.4A	Not applicable.
	The minimum separation between two or more buildings containing dwelling on the same lot is 3m.	Complies.
	Provide a break of 3m between buildings more than 45m long.	Not applicable.
6.5.6H Solar and Daylight Access	Requirement	Proposal
	The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3pm on the winter solstice (June 21).	Units 1 and 2 living area and Private Open Space comply. Units 3 and 4 and Private Open Space comply.
	Comment: Shadow Diagrams indicate that proposal will result in overshadowing to the adjoining property to the south, No. 67 Martini Parade:	
	Units 1 and 2 will not overshadow the living room or private open space from noon onwards.	

	Units 3 and will not overshadow the living room or private open space until 3pm. The Shadow Diagrams indicates that No. 67 Martini Parade will receive a minimum of 2 hours direct sunlight between 9 am and 3pm on the winter solstice - during the middle of the day.	
	Daylight may not be borrowed from other rooms, except where a room has a frontage to a classified road.	Not applicable. All habitable rooms have adequate natural light.
	No part of a habitable room is to be more than 8m from a window.	Complies.
	No part of a kitchen work surface is to be more than 6m from a window or skylight.	Complies.
	Courtyards are to be: • Be fully open to the sky; and • Have a minimum dimension of one third of the perimeter wall height, an area of 4m ² .	Not applicable. No courtyards proposed.
	A window is visible from 75% of the floor area of a habitable room.	Complies.
6.5.6I Natural Ventilation	Requirement	Proposal
	Natural ventilation is available to each habitable room.	Complies.
	Each dwelling is to be naturally cross ventilated.	Complies.
6.5.6J Ceiling Height	Requirement	Proposal
	Minimum ceiling heights are: • 2.7m to ground floor habitable rooms. • 2.7m to upper level living rooms. • 2.4m to upper level habitable rooms (excluding living rooms). The ceiling height is measured from finished floor level to finished ceiling level.	2.7m to ground floor. 2.4m to upper level habitable rooms, no living area proposed on upper level. Complies
6.5.6K Dwelling Size and Layout	Requirement	Proposal
	Dwellings are required to have the following minimum internal floor areas: • 3+ beds: 115m ² not including the additional bathroom.	Complies. Unit 1: 54.47m ² + 66.41m ² = 120.88m ² Unit 2: 54.47m ² + 66.41m ² = 120.88m ² Unit 3:

		$54.47\text{m}^2 + 66.41\text{m}^2 = 120.88\text{m}^2$ Unit 4: $54.47\text{m}^2 + 66.41\text{m}^2 = 120.88\text{m}^2$
	The minimum internal areas outlined above only contain one bathroom. The minimum area of each additional bathroom is 5m ² added onto the minimum dwelling area.	Noted above, complies.
	The minimum area of any additional bedroom is 12m ² . The area of each additional bedroom is then added to the minimum internal floor area contained in the table above.	3 bedrooms proposed. Not applicable.
	Kitchens should not be part of a circulation space such as a hallway.	Complies.
	One bedroom has a minimum area of 10m ² excluding space for a wardrobe.	Complies. Bed 1 in: Units 1 and 2 = 17.6m ² Unit 3 = 17.03m ² Unit 4 = 17.6m ²
	Bedrooms have a minimum dimension of 3m in any direction (excluding wardrobe space).	Complies.
	Combined living and dining rooms are to have a minimum area of: • 3+ beds: 28m ² not including the kitchen or stair space.	Complies. Unit 1 – 34.14m ² Unit 2 – 32.68m ² Unit 3 – 31.77m ² Unit 4 – 31.77m ²
	Living room or lounge rooms are to have a minimum width of 4m (excluding fixtures).	Complies.
6.5.6L Principal Private Open Spaces (POS)	Requirement	Proposal
	POS minimum 45m ²	Unit 1: >60m ² Unit 2: >60m ² Unit 3: 46m ² Unit 4: 46m ²
	Minimum dimension 5m	Minimum dimension 6m. Complies.
	Provide a consolidated paved area of 12m ² with minimum dimension of 3m.	Complies.
	POS located behind front building line.	Complies.

	POS to be adjacent to the living room, dining room or kitchen to extend the living space.	Complies.
	8m ² of POS to be covered.	Complies. Front verandah of each unit achieves min 8m ² .
6.5.6M Storage	Requirement	Proposal
	Minimum dimension of 500mm is provided: 3+ beds 10m ³	16m ³ provided within each garage (this also includes the bicycle storage). Complies.
	At least 50% of the required storage is to be located inside the dwelling.	Complies.
	Storage not located in dwellings is secure and clearly allocated to specific dwellings if in a common area.	Not applicable. Storage within garage.
6.5.6N Car and Bicycle Parking AS2890 carparking spaces 2.5m – 2.7m wide x 5.4m in length.	Requirement	Proposal
	A minimum of 2 off-street (one enclosed) car parking spaces for units with 3 or more bedrooms.	Complies. Single attached garage and stacked space 2.6m x 5.4m for each dwelling.
	Visitor Parking to be provided where the development contains more than 5 dwellings.	Not applicable. Four dwellings proposed.
	Car parking spaces and circulation are to comply with AS 2890.1:2004	Complies.
	Bicycle Space 1 covered space per dwelling	Provided in each garage. Complies.
	Basement car parking is not to protrude more than 1m above finished ground level except at the entrance to the car park.	Not applicable.
	The maximum dimensions of any basement car park entry are to be 2.7m high by 3.5m wide.	Not applicable.
	Where a driveway is adjacent an existing tree, it is either outside the drip line or complies with the recommendations in a report prepared by a qualified arborist.	Not applicable.
	The setback of a car space from a primary, secondary or parallel road is to be at least:	Setback to Rear Lane – 7m. Setback to Martini Lane – 8m.

	<p>Setback of dwelling >4.5m</p> <p>Carparking spaces 1m behind the building line</p>	<p>Complies.</p> <p>Non – Compliance, see below.</p>
	<p>Comment: Clause 6.5.6N(3) of the DCP recommends that off street car spaces are to be setback at least 1m behind the building line. The off street car spaces do not comply with this setback as all off street car spaces will be in front of the building line.</p> <p>The objective of this DCP recommendation is "Visual and environmental impacts of car parking and garages do not dominate the streetscape and have an appropriate scale relationship with the dwelling".</p> <p>This variation is justified because the car spaces will not dominate the streetscape, the property has a wide frontage, landscaping is proposed. Furthermore, the car spaces will have no adverse impact on the environment</p> <p>The applicant has addressed the variation to the DCP and as noted above, the proposed variation can be supported in this instance</p>	
	<p>Maximum width of all garage doors facing a primary or secondary road:</p> <p>Lot Width >25m</p> <p>Garage Doors 12m</p>	<p>2 x 3m garage doors on each frontage = 6m total. Complies.</p>
<p>6.5.6O Visual Privacy</p>	<p>Requirement</p> <p>Orientate living room windows, primary private open space to the street or rear.</p> <p>At least one windows for each habitable room is provided without the need for a privacy screen.</p> <p>Privacy screen is required:</p> <p>Boundary: <3m FFL above Ground Level: 1 - 3m</p> <p>Boundary: <6m FFL above Ground Level: >3m</p> <p>Dwellings on same lot: <6m</p>	<p>Proposal</p> <p>Complies.</p> <p>Not applicable. No privacy screens required.</p> <p>Unit 1: <3m – Ground Level 2.5m. No windows proposed. Complies.</p> <p>Unit 2: <3m Ground Level 1.5m. No windows proposed. Complies.</p>

	<p>FFL above Ground Level: 1 - 2m</p> <p><12 FFL above Ground Level: >2m</p> <p>Note: This does not apply to bedroom windows that have an area less than 2m² or windows that have a frontage to a road or public open space.</p>	<p>Unit 3: <3m Ground Level 1.5m. No windows proposed. Complies.</p> <p>Unit 4: <3m Ground Level 2.5m. No windows proposed. Complies.</p>
	A privacy screen is required at the edge of that part of a terrace, deck, balcony or verandah that is parallel or faces towards a side or rear boundary...	All units have a front verandah that is enclosed at the sides. Complies.
	Where privacy screens are provided to windows, they must not cover part of the window required to meet the minimum daylight or solar access requirements or restrict ventilation.	Not applicable. No privacy screens required.
6.5.6P Acoustic Privacy	Requirement	Proposal
	Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.	Conditions of consent recommended.
6.5.6Q Noise and Pollution	Requirement	Proposal
	Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion.	Not applicable. Site not within 20 ANEF contour.
	Dwellings that are within 100m of a classified road or 80m from a rail corridor are to have LAeq measures are not exceeding...	Not applicable. Site not within 100m of a classified road or 80m from a rail corridor.
6.5.6R Architectural Form and Roof Design	Requirement	Proposal
	Provide in the Design Verification Statement a description as to how the architectural form reduces the visual bulk and responds and provides a cohesive design response.	Provided.

	The roof design is integrated harmoniously with the overall building form.	Complies.
	Skylights and ventilation systems are integrated into the roof design.	Complies.
6.5.6S Visual Appearance and Articulation	Requirement	Proposal
	Provide in the Design Verification Statement a description as to how the aesthetics and articulation contribute to the character of the local area.	Provided.
	The development may have a primary road articulation zone that extends up to 1.5m forward of the minimum required setback from the primary road.	Not applicable. Proposal complies with front setback requirements.
6.5.6T Pools and Detached Development	Not applicable.	
6.5.6U Energy Efficiency	Requirement	Proposal
	Provide an outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothes line for each dwelling.	Provided. Complies.
	Any clothes drying area should be screened from public and communal areas.	1.8m boundary fence to screen clothes lines of Units 3 and 4. Complies.
6.5.6V Water Management and Conservation	Requirement	Proposal
	Stormwater system is to: <ul style="list-style-type: none"> • Comply with requirements in the DCP that applies to the land. • Be approved (if required) under s.68 of the Local Government Act 1993). 	Stormwater is to be appropriately disposed of via watertanks and into Council's existing stormwater system. Conditions of consent recommended.
	Detention tanks are to be located under paved areas, driveways or in basements.	Not applicable, no detention tanks proposed.
6.5.6W Waste Management	Requirement	Proposal
	Provide storage space for the type and number of bins designated in council's waste policy.	3 bins provided. Complies.
	Where waste storage is provided in a communal area, access to this waste area is to be provided for all residents without crossing a private lot.	Not applicable. Bin storage area provided adjacent to each dwelling.
	Where waste storage is provided in the basement	Not applicable.

	car park, a maximum ramp gradient of 1:6 is to be provided to the waste collection point.	
	Where a rear lane has provision for waste collection trucks used by council, the collection point is to be from the rear lane.	The location of the proposed development allows for the two rear units to be serviced by the kerbside contractor in the rear lane. While the two front units can be serviced from Martini Parade. Each frontage would therefore result in 6 bins collected each fortnight.
	Despite any requirements in council's waste policy, on-site waste vehicle access is not required where: <ul style="list-style-type: none"> • there are less than 20 dwellings, or • the development is Torrens title subdivided 	The proposal is for less than 20 dwellings and no subdivision is proposed.
	Where vehicle access is not provided to the site, any communal on-site collection point is to...	Not applicable, vehicle access is provided to the site.
	If the waste collection point is used for permanent storage of bins, it is to be screened from view from the public domain and any structure to have height no greater than 1.3m, if forward of the building line.	Not applicable, bin storage is provided within each site and screened by the boundary fencing.
	Storage areas for rubbish and recycling bins are to be provided: <ul style="list-style-type: none"> • Within garages; • In screened enclosure that is part of the overall building design; or • In the basement car park. 	Bin storage is provided within each site and screened by the boundary fencing and is considered acceptable.
	Communal waste areas are to be located at least 3m from any bedroom of living room window.	Not applicable. No communal waste area proposed.
6.5.6X Universal Design	All dwellings are to include the Liveable Housing Design Guideline's Silver level universal design features. Comment: All dwellings are capable of complying.	
6.5.6Y Communal Areas and Open Space	Not applicable. More than 10 dwellings not proposed.	

Environmental Planning and Assessment Regulation 2021

Section 4.15(1)(a)(iv) of the EP&A Act requires the consent authority to consider any prescribed matters under the Environmental Planning and Assessment Regulation 2021 (the Regulation).

In accordance with Section 7.1 of the Fire Hydrant for *Minor Residential Development Guideline 2016* prepared by Fire & Rescue NSW under the *National Construction Code (NCC) Series Volume Two*, a street fire hydrant is to be within 60m of the entrance to development. A hydrant is located along Martini Parade. The rear boundary is approximately 55m from this hydrant. The proposal complies with the guideline:



Figure 11: Hydrant Location (source: Council Intramaps)

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

Likely Impacts of the Development

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

Head of Consideration	Comment
Natural Environment	It is expected that the proposed development will not result in any significant adverse environmental impacts. No tree removal is proposed, and the proposal is not located near any natural watercourses. Conditions of consent will be implemented to ensure that stormwater drainage is diverted to the legal point of discharge and to ensure that erosion and sediment is controlled during construction.
Built Environment	Design The proposal has been supported by a Design Verification Statement detailing how the design of the proposal has been informed from the characteristics of the surrounding area.

	<p>The proposal achieves the provisions of the DCP in relation to Siting and Setbacks, Building Envelopes and Gross Floor Area / Floor Space Ratio. Given, that the proposal achieves the requirements of the DCP, the proposal is considered acceptable in relation to the streetscape.</p> <p>Solar Access The proposed dwelling ensures each habitable room has sufficient access to sunlight. The submitted BASIX certificate demonstrates that the proposal meets the required thermal and sustainability targets.</p> <p>Views, overshadowing and privacy to and from the surrounding land The Shadow Diagrams submitted with the application indicate that the adjoining property to the south, will receive a minimum of 2 hours direct sunlight between 9 am and 3pm on the winter solstice - during the middle of the day.</p> <p>The proposal has addressed potential privacy issues as: No windows on the ground floor are within 3m of the boundary. No windows are proposed on the side (southern and northern) elevations. The balcony and front verandah of each units are enclosed at the sides, minimising visual impact.</p> <p>The proposal achieves the provisions of the DCP in relation to overshadowing and privacy. Given, that the proposal achieves the requirements of the DCP, the proposal is considered acceptable in relation to the streetscape.</p> <p>The proposed development is consistent with the objectives of the R1 - General Residential zone and is considered compatible with the adjoining and surrounding residential uses.</p>
Social Impact	The land use of the subject site remains residential. The proposal supports the housing needs of the Lithgow community by providing a variety of housing types within an existing established residential neighbourhood within close proximity of the Lithgow CBD.
Economic Impact	The land use of the subject site remains residential. The proposal will provide employment opportunities during construction and allow a variety of housing types within close proximity of the Lithgow CBD.

Site Suitability

Section 4.15(1)(c) of the EP&A Act requires the consent authority to consider the suitability of the site for the development. As discussed in the report above, the site is considered suitable for the proposed development.

Water Quality

Comment: The subject property is located within the Warragamba catchment which forms part of Sydney's water supply. The proposal is found to be satisfactory in relation to potential impacts to water quality subject to conditions, as discussed above.

Overland Flows

Comment: The site is subject to overland flows during heavy rainfall events. A Flood Impact Assessment (prepared by Calare Civil) has been submitted with the application. The proposal has been designed to be consistent with the recommendations of that report to ensure that the proposal does not result in additional impacts to flooding from overland flows.

Traffic

Comment: The proposal results in 3 additional units on the site which is considered to generate an additional 15 vehicle trips per day or 1.5 peak hour vehicle trips in accordance with the Roads and Traffic Authority 'Guide to Traffic Generating Developments.' The surrounding road network is sufficient in absorbing this minor increase.

The proposal achieves the provisions of the DCP in relation to carparking by providing two off-street carparking spaces for each unit. In accordance with the DCP, visitor car parking spaces are not required to be provided.

The current lot arrangement is 3 lots wide, therefore each of those lots has the potential to have rear access to the rear lane which would result in 3 access driveways. The current proposal results in only 2 new access driveways onto the rear lane. The new driveways are consistent with the character of the rear lane, with existing driveways for others properties already accessed from the rear lane.

A condition of consent is recommended to be imposed requiring the installation of 'No Parking' signs in the rear lane.

Public Participation

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

In accordance with Section 2.3.7 the *Lithgow Community Participation Plan 2020*, the application is required to be notified as the proposal is:

- *A dwelling house, dual occupancy, secondary dwelling which contains a two storey component located in General Residential (R1) zone.*
- *Demolition of an existing dwelling.*

The application was advertised for twenty-eight (28) days and notified to twelve (12) adjoining neighbours.

Notification Period: 30 April 2025 and 30 May 2025.

Submissions: Four submissions were received in opposition. The submitters concerns and Councils response is provided in the following table:

Submission Comment		Council Response
Plans	Incorrect Details on plans	Amended plans were requested to clarify these matters.
	Inconsistency between plans	Amended plans were requested to clarify these matters.
Rear Lane	Use of Rear Lane for garbage truck	The rear lane can accommodate Council's kerbside contractor.

	Up to 12 bins being placed in the laneway	<p>The location of the proposed development allows for the two rear units to be serviced by the kerbside contractor in the rear lane. While the two front units can be serviced from Martini Parade. Each frontage would therefore result in 6 bins collected each fortnight.</p> <p>The subject site has a total frontage of approximately 25m to the rear lane. It is considered acceptable that 6 bins can be adequately accommodated along this frontage.</p>
	Potential for cars to park in rear lane reducing access	<p>The proposal achieves the provisions of the DCP in relation to carparking by providing two off-street carparking spaces for each unit. In accordance with the DCP, visitor car parking spaces are not required to be provided.</p> <p>A condition of consent is recommended to be imposed requiring the installation of 'No Parking' signs in the rear lane.</p>
	Appropriateness of 2 new driveways access off rear lane.	<p>The subject site is a consolidation of several lots. The current lot arrangement is 3 lots wide, therefore each of those lots has the potential to have rear access to the rear lane which would result in 3 access driveways. The current proposal results in only 2 new access driveways onto the rear lane.</p> <p>The new driveways are consistent with the character of the rear lane, with existing driveways for other properties accessed from the rear lane.</p>
Traffic	Increased traffic along Martini Parade	<p>An existing dwelling is located on the site. An increase of 3 additional units is considered to generate an additional 15 vehicle trips per day or 1.5 peak hour vehicle trips in accordance with the Roads and Traffic Authority '<i>Guide to Traffic Generating Developments.</i>'</p> <p>The surrounding road network around the development can handle the small increase in traffic.</p>
	Increased traffic along rear lane *properties along Rifle Parade only access is from lane	<p>As noted above, the current lot arrangement is 3 lots wide, therefore each of those lots has the potential to have rear access to the rear lane which would result in 3 access driveways. The current proposal results in only 2 new access driveways onto the rear lane.</p>
	Number of visitor carparking spaces	<p>Section 6.5.6N of the DCP requires visitor carparking to be provided where the development proposes 5 or more dwellings. The proposal therefore is not required to provide on-site car parking for visitors.</p>
Streetscape	Inconsistent with streetscape in appearance, height and scale	<p>The proposal has been supported by a Design Verification Statement detailing how the design of the proposal has been informed from the characteristics of the surrounding area.</p>

		<p>Additionally, the proposal achieves the provisions of the DCP:</p> <p>Section 6.5.1 Siting & Setbacks of the DCP requires side setbacks of 1.5m for single storey and 3m from two storeys or greater. The proposal complies with these setback requirements. The proposal has been stepped to at the sides to better integrate the proposal with the adjoining single storey neighbours. Additionally, this creates greater separation between the first floor and the existing adjoining dwellings to reduce impacts on overshadowing and amenity.</p> <p>Section 6.5.6A Building Envelopes of the DCP indicates a Height of Buildings of 8.5m. The proposal complies with this requirement being 7.965m from ground level to top of parapet.</p> <p>Section 6.5.6B Gross Floor Area / Floor Space Ratio requires a maximum gross floor area of 50% on the site. The proposal results in a gross floor area of 31% well under the requirement.</p> <p>Given, that the proposal achieves the requirements of the DCP, the proposal is considered acceptable in relation to the streetscape.</p>
Impact to neighbours	Overshadowing	<p>The proposal complies with the requirements of section 6.5.6H Solar and Daylight Access of the DCP.</p> <p>Shadow Diagrams indicate that proposal will result in overshadowing to the adjoining property to the south, No. 67 Martini Parade:</p> <p>Units 1 and 2 will not overshadow the living room or private open space from noon onwards.</p> <p>Units 3 and 4 will not overshadow the living room or private open space until 3pm.</p> <p>The Shadow Diagrams indicate that No. 67 Martini Parade will receive a minimum of 2 hours direct sunlight between 9 am and 3pm on the winter solstice - during the middle of the day. Complies with the requirements of the DCP.</p>
	Privacy from windows and outdoors areas	<p>In accordance with Section 6.5.6O Visual Privacy of the DCP, the proposal complies with the requirements:</p> <p>Privacy Screens are not required as no windows on the ground floor are within 3m of the boundary. Additionally, no windows are</p>

		<p>proposed on the side (southern and northern) elevations.</p> <p>The balcony and front verandah of each unit is enclosed at the sides, minimising visual impact.</p> <p>The proposal is located over 35m from the private open space of the properties to the west. These properties also have a number of outbuildings, garages and rear fences to further reduce overlooking.</p>
	Noise from number of residents	The subject site is zoned R1 - General Residential and Multi unit housing is permissible on the subject site with consent. An increase in the number of residents on the site as a result of the proposal is not unreasonable given the use is a permitted land use and the proposal complies with the requirements of the DCP.
	Noise from air-conditioning units	Conditions of consent recommended to ensure that Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
Infrastructure	Additional load on existing sewer mains	The site can connect to Council's reticulated sewer services. Conditions of consent will be implemented to ensure adequate disposal of waste.
	Appropriateness of building over sewer mains	The proposal is considered appropriate as the ground floor slab is to be constructed on piers. The piers shall be constructed to a suitable depth below zone of influence hence no additional load shall be imposed on top of the drainage infrastructure. The proposal is considered satisfactory.
	Appropriateness of building over stormwater	Proposed Unit 1 is located over an underground stormwater channel and as such no easement can be created for the drainage infrastructure as required by section 3.4.4 of Council's Engineering Guidelines. The proposal is considered satisfactory.
	Increased flooding from stormwater	A Flood Impact Assessment prepared by a suitably qualified consultant has been provided. The proposal has been designed to be consistent with the recommendations of that report to ensure that the proposal does not result in additional impacts to flooding.
Fencing	Details and height of boundary fencing	Amended plans have been provided indicated that internal boundary fencing and external boundary fencing is to be Colourbond fencing, 1.8m in height.
Landscaping	Unsuitable species in relation to height and character of area	The applicant has indicated that the location of tree species has been placed away from services ensuring no obstruction or future issues are caused.

	Unsuitable species in relation stormwater and sewer services	The applicant has indicated that the selection of trees being of the pear variety are within the deciduous variety matching in with a large array of streets in Lithgow local government area. Trees selected have been chosen based on their vibrant colour and growth size to best provide future shade and privacy.
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Contributions

Section 7.12 Development Contributions Plan 2024

Council's *Section 7.12 Development Contributions Plan 2024* applies to this development given it is for residential development at an estimated cost of \$1,050,000.00.

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

Based on an estimated cost of works of \$1,050,000.00, Section 7.12 Development Contributions for the proposal total **\$10,500.00**.

Development Servicing Plan for Water Supply and Sewerage

Lithgow Water and Lithgow Sewer charges applicable. Charges calculated utilising the *Lithgow Development Servicing Plan 2018*, Water Directorate Section 64 Determination of Equivalent Tenements Guidelines. Charges applicable:

Water

4 (units) x 0.8 (ET) x \$3,477.80 (charge) = \$11,128.96
 1 ET credit
 Total Water = \$7651.16

Sewer

4 (units) x 1.0 (ET) x \$3,250.24 (charge) = \$13,000.96
 1 ET credit = \$3,250.24

Total charges = \$9750.72

Total charges = \$17,401.88 as at 27 May 2025

The Public Interest

The public interest is best served by the orderly and economic use of land for permissible uses and that does not impact unreasonably on the use and development of surrounding land. Based on the information submitted and an assessment of the proposal, the development is considered to be in the public interest.

Discussions and Conclusions

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

Attachments

Schedule A- Conditions of consent.

Recommendation

THAT Application DA051/25 is approved subject to conditions set out in Schedule A.

Assessment Prepared By:

acutter

Ashlee Cutter
Consultant Development Control Planner

Assessment Reviewed By:

Will Cherrington
Team Leader Development

REASONS FOR CONDITIONS

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

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

**Schedule A
Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated Approval Body)**

GENERAL CONDITIONS																																																																																																											
1.	Approved Development Development Consent is granted for Demolition of Existing Dwelling and construction of Multi dwelling housing (4 x 3 bedroom units) at Lots 585, 586, 587 DP9370 & Lot 31 DP251410, 81 Martini Parade, LITHGOW NSW 2790.																																																																																																										
	Condition reason: To ensure all parties are aware of the approved development description and development address.																																																																																																										
2.	<p>Approved plans and supporting documentation Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1"> <thead> <tr> <th colspan="6">Approved Plans</th> </tr> <tr> <th>Title</th> <th>Author</th> <th>Project</th> <th>Sheet</th> <th>Revision</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td>Site Plan</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>1a</td> <td>Issue C</td> <td>03/06/2025</td> </tr> <tr> <td>Sediment Control Plan</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>1d</td> <td>Issue A</td> <td>26/01/2025</td> </tr> <tr> <td>U1 & U2 Ground Floor Plan</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>2a</td> <td>Issue B</td> <td>03/03/2025</td> </tr> <tr> <td>U1 & U2 First Floor Plan</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>2b</td> <td>Issue B</td> <td>03/03/2025</td> </tr> <tr> <td>U1 & U2 Elevations</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>3</td> <td>Issue B</td> <td>03/03/2025</td> </tr> <tr> <td>U1 & U2 Sections</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>4</td> <td>Issue B</td> <td>03/03/2025</td> </tr> <tr> <td>U3 & U4 Ground Floor Plan</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>5a</td> <td>Issue B</td> <td>03/03/2025</td> </tr> <tr> <td>U3 & U4 First Floor Plan</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>5b</td> <td>Issue B</td> <td>03/03/2025</td> </tr> <tr> <td>U3 & U4 Elevations</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>6</td> <td>Issue B</td> <td>03/03/2025</td> </tr> <tr> <td>U3 & U4 Sections</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>7</td> <td>Issue B</td> <td>03/03/2025</td> </tr> <tr> <td>Demolition Management Plan</td> <td>Sabton & Son</td> <td>PR024.021</td> <td>1c</td> <td>Issue A</td> <td>26/01/2025</td> </tr> <tr> <td>Landscape Site Analysis</td> <td>New Terrain Landscape Design</td> <td>24020</td> <td>1 of 4</td> <td>Issue C</td> <td>26/05/2024</td> </tr> <tr> <td>Landscape Plan</td> <td>New Terrain Landscape Design</td> <td>24020</td> <td>2 of 4</td> <td>Issue C</td> <td>26/05/2024</td> </tr> <tr> <td>Landscape Specification</td> <td>New Terrain Landscape Design</td> <td>24020</td> <td>3 of 4</td> <td>Issue C</td> <td>26/05/2024</td> </tr> <tr> <td>Landscape Details</td> <td>New Terrain Landscape Design</td> <td>24020</td> <td>4 of 4</td> <td>Issue C</td> <td>26/05/2024</td> </tr> </tbody> </table>					Approved Plans						Title	Author	Project	Sheet	Revision	Date	Site Plan	Sabton & Son	PR024.021	1a	Issue C	03/06/2025	Sediment Control Plan	Sabton & Son	PR024.021	1d	Issue A	26/01/2025	U1 & U2 Ground Floor Plan	Sabton & Son	PR024.021	2a	Issue B	03/03/2025	U1 & U2 First Floor Plan	Sabton & Son	PR024.021	2b	Issue B	03/03/2025	U1 & U2 Elevations	Sabton & Son	PR024.021	3	Issue B	03/03/2025	U1 & U2 Sections	Sabton & Son	PR024.021	4	Issue B	03/03/2025	U3 & U4 Ground Floor Plan	Sabton & Son	PR024.021	5a	Issue B	03/03/2025	U3 & U4 First Floor Plan	Sabton & Son	PR024.021	5b	Issue B	03/03/2025	U3 & U4 Elevations	Sabton & Son	PR024.021	6	Issue B	03/03/2025	U3 & U4 Sections	Sabton & Son	PR024.021	7	Issue B	03/03/2025	Demolition Management Plan	Sabton & Son	PR024.021	1c	Issue A	26/01/2025	Landscape Site Analysis	New Terrain Landscape Design	24020	1 of 4	Issue C	26/05/2024	Landscape Plan	New Terrain Landscape Design	24020	2 of 4	Issue C	26/05/2024	Landscape Specification	New Terrain Landscape Design	24020	3 of 4	Issue C	26/05/2024	Landscape Details	New Terrain Landscape Design	24020	4 of 4	Issue C	26/05/2024
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Stormwater layout Plan, Title Page, Notes & Details	MJW Civil	1110-DA	SW001	B	04/01/2025
Stormwater layout Plan, Ground Floor Plan, Notes & Details	MJW Civil	1110-DA	SW010	B	04/01/2025
Stormwater layout Plan, Ground Floor Plan, Notes & Details (cont.)	MJW Civil	1110-DA	SW011	B	04/01/2025
Structural Plan – Note Sheet 1 of 2	Calare Civil	24.0007	S1	A	27/08/2024
Structural Plan – Note Sheet 2 of 2	Calare Civil	24.0007	S2	A	27/08/2024
Slab & Footing Plan	Calare Civil	24.0007	S3	A	27/08/2024
Slab & Footing Plan	Calare Civil	24.0007	S4	A	27/08/2024
Structural Sections and Details	Calare Civil	24.0007	S5	A	27/08/2024
Structural Sections and Details	Calare Civil	24.0007	S6	A	27/08/2024
Structural Sections and Details	Calare Civil	24.0007	S7	A	27/08/2024
Structural Sections and Details	Calare Civil	24.0007	S8	A	27/08/2024
SITE PLAN LAYOUT – 9am Shadow Diagram	Sabton & Son	PR024.021	P1e.i	B	03/03/2025
SITE PLAN LAYOUT – Noon Shadow	Sabton & Son	PR024.021	P1e.ii	B	03/03/2025
SITE PLAN LAYOUT – 3pm Shadow Diagram	Sabton & Son	PR024.021	P1e.iii	B	03/03/2025
Approved Documents					
Title	Author	Project	Revision	Date	
Flood Impact Assessment	Calare Civil	2024.0007	P1	19/02/2024	
Stormwater Quality Assessment	Calare Civil	2024.0007-L01	-	17/03/2025	

BASIX Certificate	Greenworld Architectural Drafting	No. 1767096M_05	-	25/03/2025
NathERS Summary	Greenworld Architectural Drafting	No. #HR-448BK0-05	-	27/03/2025
Statement of Environmental Effects	-	-	1	20/02/2025
Waste Management Plan	-	-	-	15/03/2025

In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans/documents and a condition of this consent, the condition prevails.

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

3. **Clearance from Powerlines**
- a. The applicant's attention is drawn to Section 49 of the *Electricity Supply Act 1995* (NSW). Relevantly, Endeavour Energy may require structures or things that could destroy, damage or interfere with electricity works, or could make those works become a potential cause of bush fire or a risk to public safety, to be modified or removed.
- If the development changes, there may be potential safety risks and it is recommended that Endeavour Energy is consulted for further comment;
 - Any existing encumbrances in favour of Endeavour Energy (or its predecessors) noted on the title of the above property should be complied with;
 - Any activities in proximity to electrical infrastructure must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure;
 - Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW);
 - The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed;
 - Preference is for no activities to occur in easements and they must adhere to minimum safety requirements;
 - Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load;
 - Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines;
 - Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW';
 - Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
- b. It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.
- c. Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
- d. Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
- e. Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.

	<p>f. Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.</p> <p>Condition Reason: So that safe clearances are maintained from electrical powerlines, and because of representations to this effect from Endeavour Energy.</p>
4.	<p>General Terms of Approval – Endeavour Energy The development shall be constructed, completed and managed in accordance with and comply with the requirements of Endeavour Energy General Terms of Approval (GTAs), reference CNR-81370 and dated 05/05/2025. The GTAs are replicated below:</p> <p>a) <u>Look and Up Live</u> Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.</p> <p>b) <u>Network Asset Design</u> Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.</p> <p>c) <u>Network Connection</u> Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.</p> <p>d) <u>Protected Works</u> Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the Electricity Supply Act 1995 (NSW).</p> <p>e) <u>Safety Clearances</u> Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines. No works or loads must occur within the zone of influence of underground cables.</p> <p>f) <u>Service Conductors</u> Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.</p> <p>g) <u>Vegetation Management</u> Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.</p> <p>Condition Reason: To ensure compliance with the General Terms of Approval issued by the relevant approval bodies.</p>
5.	<p>General Terms of Approval – WaterNSW The development shall be constructed, completed and managed in accordance with and comply with the requirements of WaterNSW General Terms of Approval (GTAs), reference DAR 25057-a1 and dated 06/06/2025.</p> <p>No revisions to the development layout or works that will have any impact on water quality, shall be permitted without the agreement of Water NSW.</p> <p>Reason for Condition: <i>Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.</i></p>

BUILDING WORK

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE	
6.	<p>Sewerage Infrastructure Prior to the issue of Construction Certificate, the following shall be provided for Council review and approval.</p> <ul style="list-style-type: none"> - The Site Plan shall be updated to show the location of the existing sewer main which traverses across the lot, proposed sewer ties and water services. - The Zone of Influence Drawing should demonstrate no impact on the existing sewer main (which traverse across the lot) by the new development (if required). - There should be a minimum cover of 750mm on the driveway to the sewer main. - Proposed concrete slab above the driveway is sufficient to protect the existing sewer main.

	Reason for Condition: To ensure that the design and operation of the sewerage infrastructure is undertaken in accordance with Council's guidelines.
7.	<p>Flood Impact Assessment Requirements Prior to the issue of the Construction Certificate, documentation to reflect the recommendations of the Flood Impact Assessment prepared by Calare Civil Revision P1 Job Number 2024.0007 dated 19/02/2024 is to be submitted.</p> <p>Condition reason: To ensure the recommendations are implemented.</p>
8.	<p>WaterNSW Requirements</p> <p><u>Sewerage Infrastructure</u></p> <p>a) All dwellings shall be connected to Council's reticulated sewerage system and shall ensure that all new sewerage infrastructure is designed, located, and installed in accordance with Council's requirements and be to the satisfaction of Council.</p> <p><u>Access Driveway and Carpark</u></p> <p>b) All driveways and car parking areas shall:</p> <ul style="list-style-type: none"> ▪ be constructed as shown on the Stormwater Layout Plan Ground Floor Plan, Notes & Details and in accordance with the recommendations listed in the Flood Impact Assessment report, both set out in the table of Condition 1 ▪ be sealed and shall drain to stormwater pits and directed to Council's existing drainage line located to the northern boundary of the site, and <p>be designed accordingly to have sufficient capacity to convey flows, avoid any additional ponding upstream and avoid directing water onto neighbouring properties.</p> <p><u>Stormwater Management</u></p> <p>c) All stormwater management measures as shown on the Stormwater Layout Plan Ground Floor Plan, Notes & Details and as specified in the Flood Impact Assessment report set out in the table of Conditions shall be incorporated in the final stormwater drainage plan to be approved by the Principal Certifier. The final approved stormwater management plan shall be implemented.</p> <p>d) A rainwater collection and reuse system for the building roof shall be installed that:</p> <ul style="list-style-type: none"> ▪ includes rainwater tanks with a minimum total capacity of 1,800 litres for each dwelling above any volume required for mains top-up ▪ ensures roofs and gutters designed to maximise the capture of rainwater in the tanks ▪ ensures that the tanks are plumbed to toilets, showers and other areas for non-potable use including use landscape watering, and ▪ ensures that all rainwater tank overflow is directed to Council's existing drainage line located to the northern boundary of the site. <p>e) No variation to stormwater treatment or management that will have any impact on water quality shall be permitted without prior agreement of Water NSW.</p> <p><u>Construction Activities</u></p> <p>f) An Erosion and Sediment Control Plan shall be prepared 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"> ▪ be developed prior to the issuance of a Construction Certificate and be to the satisfaction of the Principal Certifier ▪ meet the requirements outlined in Chapter 2 of NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004), and ▪ include controls that prevent sediment or polluted water leaving the site or entering any stormwater drain or natural drainage system. <p>Reason for Condition:</p> <ul style="list-style-type: none"> - To ensure that the design and operation of the sewerage infrastructure is undertaken in a way that minimises the risk of sewage overflows to ensure a sustainable neutral or beneficial effect on water quality over the longer term. - To ensure appropriate stormwater management measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.

	<p>- To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.</p>
9.	<p>Section 7.12 Local Contributions Payment of a 7.12 contribution in accordance with Lithgow City Council Section 7.12 Development Contribution Plan (2024) shall be made to Council, prior to the release of the Construction Certificate.</p> <p>The amount payable is \$10,500.00.</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 (2024).</p> <p>Condition Reason: To demonstrate compliance and ensure fees are paid in accordance with the Lithgow Contributions Plan.</p>
10.	<p>Long Service Levy Prior to the issue of a Construction Certificate, the owner/developer shall pay a long service levy at the prescribed rate to the Long Service Levy Corporation and evidence of payment is to be submitted to the Principal Certifier.</p> <p>Note:</p> <ul style="list-style-type: none"> The levy rate is 0.25% of the cost of building and construction works of \$250,000.00 and or more (including GST). Council cannot accept payment of the Long Service Levy and is to be paid directly to the Long Service Corporation: <p>Link: https://www.longservice.nsw.gov.au/bci/levy#pay-the-levy</p> <p>Condition Reason: To demonstrate compliance and ensure fees are paid.</p>
11.	<p>Water and/or Sewerage Development Contributions Development Contributions are levied in accordance with the Development Service Plans for Water Supply and Sewerage enforce at the time of payment. The amount of the contribution per Equivalent Tenement is published in Council's adopted Fees and Charges. Contributions are subject to annual CPI increases.</p> <p>The number of Equivalent Tenements in a development is determined using the methodology and definitions as described in the Water Directorate Section 64 Determinations of Equivalent Tenements Guidelines, April 2017. Council will make a copy available to the applicant for the purpose of determining the contribution amount.</p> <p>The approved development is subject to Water and/or Sewerage Development Contributions. Contributions are levied in accordance with Section 64 of the Local Government Act 1993 which allows council to exercise this function pursuant to Division 5 of Part 2 of Chapter 6 of the Water Management Act 2000.</p> <p>Condition Reason: To ensure compliance with the Water Management Act 2000 and Council's Development Services Plan.</p>
12.	<p>Section 68 – Local Government Act Prior to the commencement of any plumbing, sanitary drainage work or connection to Council's water and sewerage infrastructure, and prior to the issue of the Construction Certificate for the proposal separate approval must be obtained under Section 68 of the Local Government Act 1993. The Section 68 Application shall be assessed by Lithgow City Council as the regulatory authority for any activity under Section 68 Table B for water and wastewater.</p> <p>The application must:</p> <ul style="list-style-type: none"> be accompanied with all drawings of site showing council infrastructure, proposed connections to infrastructure and appurtenance such as meters, hydrants, valves etc. include the details of the proposed connection points to Council water and sewerage system including size and position. A review of the existing connections to site will need to be undertaken to review if the available pressure and flow is adequate for the development. <p>Condition Reason: To ensure the appropriate sewer and water connections, in accordance with Council's requirements.</p>
13.	<p>Driveway Construction</p>

	<p>Construction Certificate documentation is to incorporate the following measures for the approval of the Principal Certifier:</p> <ol style="list-style-type: none"> The access driveway shall have a minimum 170m sight distance in both directions along intersecting public road. Vehicular access and maneuvering associated with the subject development shall be designed in accordance with AS 2890.1. Driveway construction works (new or replacement of existing driveway access) needs to comply with Council's Policy 10.18 – Specification for the Construction of Driveways, Footpath / Gutter Crossing and Footpaving (available on Council's website). The application fee for the inspection is required to be paid prior to inspection being undertaken. Notification of at least 48 hours is required to arrange inspections (no inspection undertaken on Fridays). All development to be constructed in accordance with Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk. <p>Further information can be obtained regarding Driveway approvals by contacting Council's Infrastructure Services Department on (02) 6354 9904 during business hours.</p>
	<p>Condition Reason: To ensure compliance with the relevant guidelines.</p>
14.	<p>External lighting</p> <p>Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and documents, and the following requirements:</p> <ol style="list-style-type: none"> comply with AS 1158: Lighting for Roads and Public Spaces; comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting; lighting must be placed at all entrances to, and exits from the premises lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas; lighting must not interfere with traffic safety; lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance. <p>The lighting plan must be submitted to the certifier.</p> <p>Note – All above documents refer to the version in effect at the time the consent is granted</p>
15.	<p>Landscape Maintenance Plan</p> <p>Prior to the issue of a Construction Certificate, an ongoing landscaping maintenance plan is to be provided as part of the approved landscape plan.</p>
	<p>Condition Reason: To ensure compliance with Section 6.5.6C(2) of the Lithgow Development Control Plan 2021.</p>
16.	<p>Consolidation of Lots (amended)</p> <p>Prior to the issue of a Construction Certificate, evidence that the lots making up the subject site have been consolidated into a single allotment and registered with NSW Land Registry Services is to be submitted to Council and the Certifier (if applicable). The lots to be consolidated into a single parcel include:</p> <ul style="list-style-type: none"> - Lot 585 DP 9370 - Lot 586 DP 9370 - Lot 587 DP 9370

	- Lot 31 DP 251410
	Condition Reason: To ensure the development is undertaken lawfully.
17.	<p>Structural Engineers Certificate</p> <p>A certificate prepared by an appropriately qualified and practising structural engineer, certifying the structural adequacy of the nib walls as recommended by the Flood Impact Assessment (prepared by Calare Civil, dated 19/02/2024) and their ability to withstand the proposed structural loads, must be provided to the Certifier prior to the issue of a Construction Certificate.</p>
	Condition Reason: To ensure the retaining walls are structurally adequate for the intended use or function.
18.	<p>Fencing</p> <p>Prior to the issue of Construction Certificate, details of any new boundary fencing are to be provided.</p> <p>a. Should side fencing on the northern boundary, be placed on top of the nib wall (as recommended by Flood Impact Assessment (prepared by Calare Civil, dated 19/02/2024), this fencing is to have an overall height of 1.4m in height.</p> <p>b. Front fencing shall be provided to the development in accordance with the requirements of Subdivision 17 Fences of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>, including but not limited to:</p> <p>a) Any fencing provided forward of the front building line shall comply with the following requirements:</p> <p>i) not be more than 1.2m above ground level (existing), and</p> <p>ii) be of timber or masonry construction. No Colourbond is to be used in fencing located forward of the building line.</p>
	Condition reason: To ensure appropriate fencing is provided.

BEFORE BUILDING WORK COMMENCES	
19.	<p>Notice of Commencement of Building Work</p> <p>Principal Certifier has been given at least 2 days' notice of the intention to commence building works in accordance with section 6.6(2)(e) of the Act.</p>
	Condition Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.
20.	<p>Certification</p> <p>Prior to commencing any construction works, the following requirements of the Environmental Planning and Assessment Act 1979 are to be complied with:</p> <ul style="list-style-type: none"> • A principal certifier is appointed in accordance with section 6.6(1) of the Act, and • If the principal certifier is not Council, Council has been notified of the appointment of the principal certifier no later than 2 days before building work commences in accordance with section 6.6(2) of the Act, and • A construction certificate has been issued for the building works in accordance with section 6.7 of the Act, and
	Condition Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.
21.	<p>Construction Activities (Water NSW)</p> <p>The Erosion and Sediment Control Plan shall be implemented, and no works shall commence until effective erosion and sediment controls have been installed. The controls shall be regularly inspected, maintained, and retained until works have been completed and ground surface stabilised or groundcover re-established.</p>
	Condition Reason: To manage adverse environmental and water quality impacts during the construction phase of the development and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.
22.	<p>Water Meter</p> <p>Each of the proposed units will require an individual water meter for servicing. The property will be provided only one connection to Council's sewerage system with the connections from each unit to be completed as per Council policy 3.1 Water Meter and service installation</p>
	Condition Reason: To ensure the servicing of each dwelling in accordance with Council's standards.
23.	Council's Engineering Requirements

	<p>a. Where works are proposed within the road reserve, the developer shall obtain approval from Council under Section 138 of the Roads Act 1993 <u>before any works are undertaken</u>. Works within the road reserve include driveway cross-overs, erecting structures, excavation, changes to the road, or any other activities as defined by the Roads Act 1993.</p> <p>b. Any works that will have an impact on pedestrian or vehicle use of footpath / roads will require a Temporary Road / Footpath Closing Application to be submitted, with the submission of appropriate documents and fees paid. Approvals need to be submitted for assessment at least 4 weeks <u>prior to proposed works</u> for adequate referral and assessment. Further information can be obtained regarding Temporary Road / Footpath Closing Applications by contacting Council's Infrastructure Services Department on (02) 6354 9904 during business hours.</p> <p>c. <u>Prior to the commencement of any works</u> on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.</p> <p>d. The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council <u>prior to commencement of any works</u>. 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>e. The redundant access driveway and layback are to be removed and the footpath and kerb reinstated in accordance the relevant Council guidelines.</p> <p>f. No Parking signs are to be installed in the rear lane.</p>
	<p>Condition reason: To ensure approval is obtained and payment received for changes to public infrastructure</p>
24.	<p>Protection of adjoining areas A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works—</p> <p>(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or</p> <p>(b) could cause damage to adjoining lands by falling objects, or</p> <p>(c) involve the enclosure of a public place or part of a public place.</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
25.	<p>Toilet facilities Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
26.	<p>Garbage receptacle A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
27.	<p>Notice of Work for Plumbing and Drainage Work Prior to the comment of any plumbing and/or drainage work, a Notice of Works is to be submitted to Council from the licensed plumber contractor in accordance with the Plumbing and Drainage Act.</p> <p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works in accordance with the Plumbing and Drainage Act.</p>

DURING BUILDING WORK	
28.	<p>Set-Out Survey Required Prior to pouring concrete, a set-out survey (prepared by a registered practicing Surveyor) is to be submitted to the Principal Certifier nominating the location of the development in accordance with the Stamped Plans & Documentation.</p> <ul style="list-style-type: none"> - Such a survey is to show the location of the footings and/or slab formwork for the subject development in relation to easements, other buildings on-site and the allotment boundaries. <p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
29.	<p>Clear of the zone of influence Foundations of proposed structures adjoining the drainage and/or services easement must be designed clear of the zone of influence.</p> <p>Condition Reason: To ensure the works do not impact on services and infrastructure.</p>
30.	<p>Construction Hours Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.</p> <p>Condition Reason: To protect the amenity of the surrounding area</p>
31.	<p>Site Management</p> <ol 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. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. 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. Copies of receipts stating the following must be given to the principal certifying authority— <ol style="list-style-type: none"> i. the place to which waste materials were transported, ii. the name of the contractor transporting the materials, iii. the quantity of materials transported off-site and recycled or disposed of. <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</p>
32.	<p>External colours and finishes</p> <ol style="list-style-type: none"> a) The development shall incorporate colours and finishes that are consistent with the approved plans and schedule. b) Metal roof/wall cladding shall be provided in a non-reflective/non-glary colour scheme such as "Colourbond" steel sheeting. <p>Condition Reason: To ensure the development complies with the approved plans and referenced documents.</p>
33.	<p>Earthworks</p> <ol style="list-style-type: none"> a. Fill placed in residential or commercial lots shall be compacted in accordance with AS 3798-2007 Guidelines on Earthworks for Commercial and Residential Developments. b. The only waste derived fill material that may be received at the development site must be: <ul style="list-style-type: none"> • Virgin excavated natural material, within the meaning of the Protection of the Environment Operations Act 1997; and • Any other waste-derived material the subject of a resource recovery exemption under cl.91 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material. c. Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. d. 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 works (including earthworks, site preparation or construction works, etc) such works shall cease immediately until a qualified environmental specialist has been contact and conducted a thorough assessment. e. 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>f. The Applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.</p>
	<p>Condition Reason: To ensure any fill is compacted to an appropriate standard, suitable for future development.</p>
34.	<p>Plumbing and Drainage Requirements</p> <p>a. All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of AS 3500.2 (relevant publication date) and Complying with the Plumbing Code of Australia (PCA) and all relevant Australian Standards.</p> <p>b. All plumbing and drainage works are to be inspected and approved by Lithgow City Council as the delegated regulatory authority for plumbing and drainage works within the Lithgow City Council area.</p> <p>c. Forty-eight (48) hours' notice shall be given to Lithgow City Council for inspection of the following plumbing and drainage works:</p> <ul style="list-style-type: none"> • Internal and external drainage lines prior to backfilling. • On completion of all plumbing drainage and sanitary fixture installations.
	<p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.</p>
35.	<p>Engineering Requirements</p> <p>a. All vehicles entering or leaving the site must have their loads covered, and before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</p> <p>b. A minimum one (1) metre clearance shall be provided between proposed driveway crossings and any street tree/existing services. All existing services conflicting with the proposed driveway are to be relocated in accordance with the relevant Authority's regulations and standards.</p> <p>c. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Martini Place 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 Martini Place.</p> <p>d. No construction vehicles are to enter or exit the site via the rear lane.</p> <p>e. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.</p>
	<p>Condition reason: To promote safe entry and exit to the construction site.</p>
36.	<p>Archaeology discovered during excavation</p> <p>If any object having interest due to its age or association with the past is uncovered during the course of the work—</p> <p>(a) all work must stop immediately in that area, and</p> <p>(b) the Office of Environment and Heritage must be advised of the discovery.</p> <p><i>Note. Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the Heritage Act 1997 may be required before further the work can continue.</i></p>
	<p>Condition Reason: To ensure appropriate steps are taken in the event of an unexpected find on site.</p>
37.	<p>Aboriginal objects discovered during excavation</p> <p>If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—</p> <p>(a) all excavation or disturbance of the area must stop immediately in that area, and</p> <p>(b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the <i>National Parks and Wildlife Act 1974</i>.</p> <p><i>Note. If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the National Parks and Wildlife Act 1974.</i></p>
	<p>Condition Reason: To ensure appropriate steps are taken in the event of an unexpected find on site.</p>

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

38.	<p>WaterNSW Requirements <u>Stormwater Management</u></p> <p>a. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and the Principal Certifier prior to the issuance of an Occupation Certificate that all stormwater management measures have been installed as per these conditions of consent and are in a functional state.</p> <p><u>Operational Environmental Management Plan</u></p> <p>b. An Operational Environmental Management Plan shall be prepared by a person with knowledge and experience in the preparation of such plans prior to the issuance of an Occupation Certificate. The Plan shall:</p> <ul style="list-style-type: none"> ▪ be provided to the site's owner and appointed management authority ▪ include details on the location, description and nature of stormwater management measures such as pits, pipes and rainwater collection system ▪ outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management measures, including the frequency of such activities ▪ identify the individuals or positions responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and ▪ include checklists for recording inspections and maintenance activities. <p>c. All stormwater treatment devices shall be monitored, maintained, and managed as per the Operational Environmental Management Plan.</p>
	Reason for Conditions: To ensure appropriate stormwater management measures are designed, implemented and maintained to achieve a sustainable neutral or beneficial impact on water quality, particularly during wet weather, over the longer term.
39.	<p>Identification Survey Required</p> <p>An Identification Survey (prepared by a registered practicing Surveyor) is to be submitted to the Principal Certifier demonstrating the location of the development in accordance with the Stamped Plans & Documentation.</p> <p>- Such a survey is to show the location of the subject development in relation to easements, other buildings on-site and the allotment boundaries.</p>
	Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
40.	<p>Flood Impact Assessment</p> <p>The recommendations of the Flood Impact Assessment prepared by Calare Civil Revision P1 Job Number 2024.0007 dated 19/02/2024 are to be fully implemented.</p>
	Condition reason: To ensure the recommendations are implemented.
41.	<p>Fulfilment of BASIX Commitments</p> <p>The commitments listed in the approved BASIX Certificate (No: 1767096M_05, dated 23/03/2025) are required to be fulfilled, in accordance with Clause 44 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
	Condition reason: To ensure compliance with the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
42.	<p>Disturbed areas</p> <p>The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifier upon completion of the work.</p>
	Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways
43.	<p>Reinstatement of ground cover</p> <p>Upon completion of all works in the road reserve, all disturbed verge areas fronting development site are to be turfed. The turf shall extend from the back of kerb to the property boundary, with the exception of driveways, concrete footpaths, service lids or other infrastructure which is not to be turfed over. Turf laid up to concrete footpaths, service lids or other infrastructure shall finish flush with the edge.</p>
	Condition reason: To ensure the road reserve is restored to its former condition.
44.	Removal of Waste upon Completion

	<p>Prior to the issue of any Occupation Certificate:</p> <ol style="list-style-type: none"> all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and written evidence of the waste removal must be provided to the satisfaction of the Council (where a principal certifier is not required).
	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored
45.	<p>Certificate of Compliance – Council Wastewater</p> <p>Prior to the issue of an Occupation Certificate, the Applicant shall provide Lithgow City Council with a Certificate of Compliance and approved Drainage Diagram (SSD) for all sanitary plumbing and drainage installation.</p>
	Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.
46.	<p>Certificate of Compliance - Water and Sewerage Supply works</p> <p>An application for the Certificate of Compliance for all Water and Sewerage Supply works is to be submitted by the applicant at the completion of the works and prior to Subdivision Certificate or Occupation Certificate. This application is to be accompanied by all plumbing, drainage and civil works details associated with the water and sewerage supply including Work as Executed drawings.</p> <p>A Certificate of Compliance issued under the Water Management Act 2000 only covers the water supply and sewerage supply works that are not defined as plumbing and drainage work within the meaning of the Plumbing and Drainage Act 2011.</p> <p>In accordance with Section 307 Water Management Act 2000 Council may impose a requirement on the applicant to address outstanding matters. Where a matter remains unresolved Council may be satisfied that a requirement has been complied with if the applicant lodges with the Council such security to cover the cost of ensuring full compliance.</p> <p>A Certificate of Compliance must be issued prior to the release of the Subdivision Certificate/Occupation Certificate. In accordance with Section 306(2) Water Management Act 2000 a precondition to the issue of the Certificate of Compliance is the payment of Development Contributions and that all water and/or sewerage conditions of consent are satisfied.</p>
	Condition Reason: To ensure compliance with the Water Management Act 2000 and Council's Development Services Plan.
47.	<p>Utilities and Services</p> <p>Prior to the issue of an Occupation Certificate, any required alteration to or relocation of, utility services on, or adjacent to, the subdivision, have been completed.</p>
	Condition reason: To ensure compliance with relevant utility services and providers.
48.	<p>Additional Street Address</p> <p>Prior to the issue of Subdivision Certificate, an application for additional street addresses must be made to Lithgow City Council in accordance with Section 5.2 of the NSW Address Policy published by Geographical Names Board of NSW.</p>
	Condition Reason: To ensure the development complies with the NSW Address Policy.
49.	<p>Australia Post</p> <p>Letter boxes shall be provided to the to the satisfaction of Australia Post.</p>
	Condition reason: To ensure the development complies with Australia Post requirements.
50.	<p>Waste Storage (amended)</p> <p>Each dwelling shall be provided with an area to be used to store Council's standard garbage and recycling containers (3 x 240L bins) with such areas not visible form the street and easily accessible to dwelling occupiers.</p>
	Condition reason: To ensure the development provides appropriate waste storage.
51.	<p>Completion of Landscape and Tree Works</p> <p>Prior to the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.</p>

	Condition Reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
52.	<p>Repair of Infrastructure Prior to the issue of an Occupation Certificate:</p> <p>a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or</p> <p>b) b) if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.</p>
	Condition Reason: To ensure any damage to public infrastructure is rectified.

OCCUPATION AND ONGOING USE	
53.	<p>Occupation Certificate The development shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifier.</p>
	Condition reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021
54.	<p>Landscape Maintenance The provisions of the approved landscaping maintenance plan are to be undertaken regularly to ensure to longevity of the approved landscape woks.</p>
	Condition Reason: To ensure compliance with Section 6.5.6C(2) of the Lithgow Development Control Plan 2021.
55.	<p>External Lighting During Ongoing Use During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.</p>
	Condition Reason: To ensure the safe operation of the premises and protect the amenity of the local area.
56.	<p>Outdoor lighting – obtrusive effects All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 "Control of the Obtrusive Effects of Outdoor Lighting".</p>
	Condition Reason: To protect the amenity of the surrounding area.

DEMOLITION WORK

BEFORE DEMOLITION WORK COMMENCES	
57.	<p>Approved demolition works The existing dwelling, detached garage and outhouse at 81 Martini Parade LITHGOW NSW 2790 is to be demolished.</p>
	Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development
58.	<p>Site hoarding A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works –</p> <p>(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or</p> <p>(b) could cause damage to adjoining lands by falling objects, or</p> <p>involve the enclosure of a public place or part of a public place.</p>
	Condition reason: To ensure safe site management measures are implemented during demolition.
59.	<p>Removal of asbestos Before demolition work commences involving the removal of asbestos, a standard commercial manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not</p>

	less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the demolition site and maintained for the duration of the removal of the asbestos.
	Condition reason: To ensure safe site management measures are implemented during demolition.
	Disconnect essential services Before demolition work commences, all services such as water, telecommunications, gas, electricity, and sewerage, must be disconnected in accordance with the relevant authority's requirements.
	Condition reason: To ensure safe site management measures are implemented during demolition.
60.	Notice of commencement for demolition At least one week before demolition work commenced, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include: a) Name b) Address c) Contact phone number d) License type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and e) The contact telephone number of Council, and f) The contact telephone number of SafeWork NSW (4921 2900)
	Condition Reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

DURING DEMOLITION WORK	
61.	Demolition hours Demolition may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no demolition is to be carried out at any time on a Sunday or a public holiday.
	Condition Reason: To protect the amenity of the surrounding area.
62.	Removal of waste materials Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines (2014) (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm) Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
	Condition reason: To ensure safe site management measures are implemented during demolition.
66.	Removal of asbestos While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: <ul style="list-style-type: none"> • Only an asbestos removal contractor who holds the required class of Asbestos License issued by SafeWork NSW must carry out the removal, handling and disposal of the asbestos material; • Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environmental Protection Authority to accept asbestos waste; and • Any asbestos waste load over 100kg (including asbestos containing soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool Waste Locate.
	Condition reason: To ensure safe site management measures are implemented during demolition.
67.	Compliance with AS 2601-2001 Any demolition must be carried out in accordance with AS 2601—2001, The demolition of structures and the WorkCover Authority of NSW publication "Demolition work code of practice July 2014"
	Condition reason: To ensure safe site management measures are implemented during demolition.
68.	Site management

	All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. Condition Reason: To ensure safe site management measures are implemented during demolition.
	Mitigating nuisance during demolition works Demolition work shall not create general nuisance by reason of inadequate dust, noise or environmental controls. Condition Reason: To ensure safe site management measures are implemented during demolition.
69.	Lead paint removal Any work involving lead paint removal must not cause lead contamination of air or ground. Condition Reason: To ensure safe site management measures are implemented during demolition.

ON COMPLETION OF DEMOLITION WORK

70.	Completion of demolition works All disturbed/exposed soil due to proposed demolition works shall be regressed/revegetated after the completion of the demolition works. Condition Reason: To ensure the site is returned to a satisfactory condition
71.	Asbestos removal If the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person must be submitted to council within fourteen (14) days of completion of the demolition works. Condition Reason: To ensure safe site management measures were completed during demolition.

PRESCRIBED CONDITIONS

PRESCRIBED CONDITIONS <i>Environmental Planning and Assessment Regulation 2021</i>	
72.	Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989 (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. (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. (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. (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. (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. (6) This section does not apply— (i) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or (ii) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies. (7) In this section— relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19. Condition reason: Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).

73.	<p>Erection of signs</p> <p>(1) This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>(2) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <p>(i) showing the name, address and telephone number of the principal certifier for the work, and</p> <p>(ii) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</p> <p>(iii) stating that unauthorised entry to the work site is prohibited.</p> <p>(3) The sign must be—</p> <p>(i) maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p>(ii) removed when the work has been completed.</p> <p>(4) This section does not apply in relation to—</p> <p>(i) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p>(ii) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p>
	<p>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</p>
74.	<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> <p>(i) for work that requires a principal contractor to be appointed—</p> <p>(a) the name and licence number of the principal contractor, and</p> <p>(b) the name of the insurer of the work under the Home Building Act 1989, Part 6,</p> <p>(ii) for work to be carried out by an owner-builder—</p> <p>(a) the name of the owner-builder, and</p> <p>(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> <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>
	<p>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</p>
75.	<p>Shoring and adequacy of adjoining property</p> <p>(1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>(2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—</p> <p>(i) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</p> <p>(ii) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</p> <p>(3) This section does not apply if—</p> <p>(i) the person having the benefit of the development consent owns the adjoining land, or</p> <p>(ii) the owner of the adjoining land gives written consent to the condition not applying.</p>
	<p>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</p>
76.	<p>Fulfilment of BASIX</p>

	<p>It is a condition of a development consent for the following that each commitment listed in a relevant BASIX certificate is fulfilled—</p> <ul style="list-style-type: none"> (i) BASIX development, (ii) BASIX optional development, if the development application was accompanied by a BASIX certificate.
	<p>Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).</p>

General advisory notes

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

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

Building work 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.