

## SECTION 4.15 EVALUATION

Environmental Planning and Assessment Act 1979 (as amended)

<b>Development Application No.</b>	DA011/25 (PAN-507639)
<b>Subject Site</b>	210-214 Main Street Lithgow NSW 2790, Lot 5 DP 19238, Lot 10 DP131092 and Lot 1 DP308160, Prop_ID 598651
<b>Proposal</b>	Residential Flat Buildings including Subdivision (Torrens and Strata)
<b>Zoning</b>	E1 Local Centre – Lithgow Local Environmental Plan 2014 (LEP2014)
<b>Permissibility</b>	Residential Flat Buildings and subdivisions are permissible under Lithgow Local Environmental Plan 2014, subject to development consent as per the E1 Land Use Table and Clause 2.6.
<b>Cost of Development</b>	\$6,228,233.00 (Including GST as per Clause 208(4) of the Environmental Planning and Assessment Regulation 2021).
<b>Applicant</b>	The Trustee For Hospland Unit Trust
<b>Owner</b>	Hospland Pty Ltd
<b>Notification</b>	23 April 2025 to 26 May 2025 - Lithgow Community Participation Plan 2020
<b>Submissions</b>	Two (2) submissions received outside of the notification period)
<b>Variations</b>	<u>Lithgow Development Control Plan 2021</u> <ul style="list-style-type: none"><li>• 6.5.1 Siting &amp; Setbacks</li></ul>
<b>Site Inspection</b>	8 December 2025
<b>Development Planner/Assessing Officer</b>	Lauren Stevens-Development Planner Reviewing officer – Will Cherrington Reviewing officer - Sandra Politi
<b>Recommendation</b>	Approval subject to attached conditions

### **Executive Summary**

Objective of Report: To assess and recommend determination of DA011/25 with recommendation for approval subject to conditions.

On 3 April 2025, the subject Development Application DA011/25 was lodged with Council seeking consent for subdivision of land (torrens and strata) and the construction of one residential flat building comprising four (4) x strata dwellings on land known as Lot 5 DP 19238, Lot 10 DP131092 and Lot 1 DP308160, 210-214 Main Street, Lithgow.

Pursuant to the Lithgow Community Participation Plan 2020, the Application was notified and placed on public exhibition for a period of 28 days from 23 April 2025 to 26 May 2025.

No submissions were received during the public exhibition period, but two submissions were received outside the public exhibition period. The submissions relate to the future use of the adjoining Theatre Royal site, specifically in relation to the requirement for parking on the subject site, which is addressed later in this report.

The application was placed on hold for some time until a detailed Site Investigation Report was undertaken. The report was submitted to Council on 1 April 2026.

### **Description of Site and Surrounds**

The subject site is formally known as Lot 5 DP 19238, Lot 10 DP131092 and Lot 1 DP308160, 210-214 Main Street, Lithgow. The property is located on the western end of the Lithgow Main Street precinct, north side of Main Street. It adjoins the former Theatre Royal building to the

east, residential apartments to the west and the railway line to the north. Queen Elizabeth Park is located opposite to the property and Main Street.

The site contains irregular shaped allotments with a site area of approximately 1467m<sup>2</sup> (combined allotments) and a slight fall to the north.

The new buildings are proposed to be constructed on currently vacant land that is sealed with asphalt and retains some remnant footings of former residential buildings (structures that were constructed prior to 1940's). Council's records indicate it was a paddock in 1982.

The site is flood-affected under the Lithgow Council's Flood Prone Maps and is located within the Lithgow Council's Main Street Heritage Conservation area as well as adjoining a local heritage listed item (Theatre Royal).





Figure 2: Photo of the property from Main Street, 2025



Figure 3: Photo of the Right of Carriageway, 2025

## **Proposed Development**

Council is in receipt of Development Application No. DA011/25 seeking consent for a residential flat building and subdivisions (Torrens and Strata) at 210-214 Main Street Lithgow.

Specifically, the development proposes:

- Subdivision of land into two (2) torrens title lots
- A Residential Flat Building (4 x 3 bedroom strata dwellings)
- Subdivision into four (4) strata lots

### Subdivision of land - two (2) torrens title lots

The development involves a subdivision into two (2) torrens title allotments. Lot A is proposed to contain the residential flat building while Lot B is for carparking (7 vehicle spaces plus an accessible parking space) and right of access. Lot A is proposed to contain an area of 1270.4m<sup>2</sup> and Lot B is proposed to contain an area of 428.5m<sup>2</sup>.

The right of carriageway currently services the adjoining residential building to the west and carparking to the rear of the Theatre Royal. This access adjoins James Street to the east of the site. The proposed carparking spaces is proposed to be for any future use of the Theatre. Lot B will be managed and maintained by the owner of the allotment.

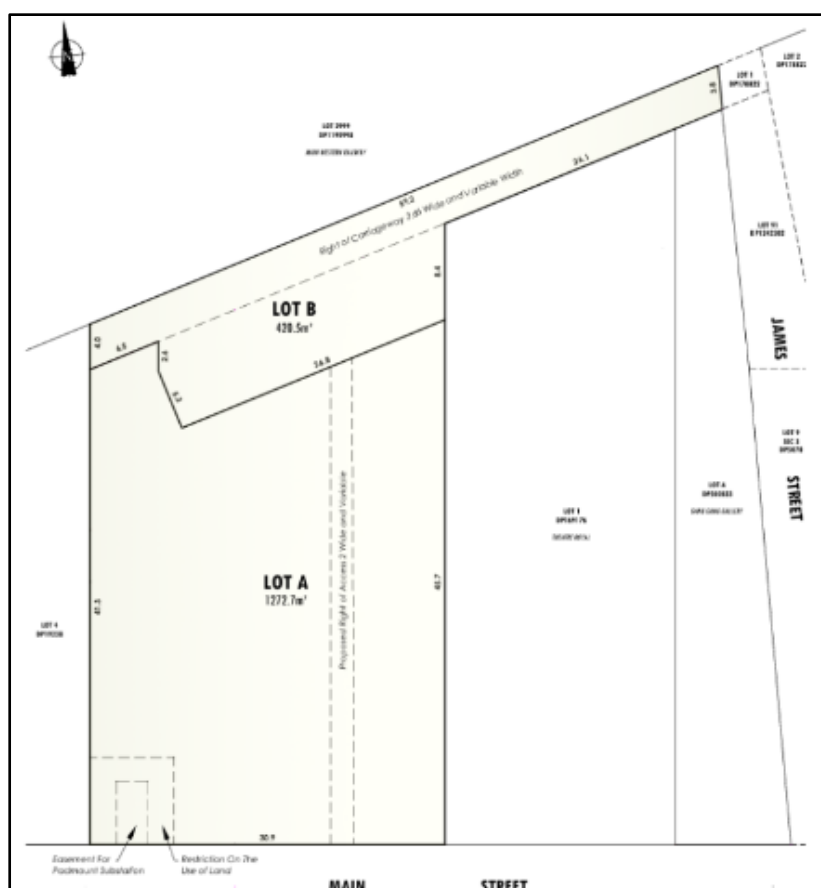


Figure 4: Proposed Torrens Title Subdivision

### Residential Flat Building

The development proposes to construct one (1) residential flat building comprising four (4) strata dwellings, each consisting of three (3) bedrooms, a combined dining, lounge and kitchen area, two (2) bathrooms and a double garage.

Three of the buildings will have common walls between them, with the fourth building being separated by a private undercover walkway and storage area. This is to comply with the residential flat building definition under the Lithgow Local Environmental Plan 2014.

Each building will have a frontage to Main Street with black fencing around the front property boundary to the private courtyards and stairs to the front door entrances. The appearance at the front elevation will be 2 storeys with featured brickwork above the roof line to keep with the heritage appearance of the adjoining Theatre Royal.

The ground floor level will be slightly above the Main Street footpath view with the existing retaining wall along the front boundary to be reconstructed.

The rear of the buildings will be viewed as three storeys with the basement proposed to contain the garages to each building.

The first floor level of the buildings is proposed to contain the kitchen, dining and lounge area while the first floor area will contain the bedrooms. Balconies are proposed both floors at the front and back of the buildings.

The buildings are to be constructed of selected brickwork with a colourbond roof and solar panels.



Figure 5: Proposed Northern and Southern Building Elevations

The setback of the buildings is 16.84 along the western boundary to the north (rear of the site at the shortest measurement), 1.217m from the adjoining eastern boundary (Theatre Royal), 8.571m from the front southern boundary and 1.2m from the adjoining western boundary.

The overall height of the building, including the façade is approximately 10m high.

#### Subdivision – four (4) strata lots

The development involves the strata subdivision of the residential flat building into four (4) lots. The common area of the property contains the access, visitor parking area, landscaping,

wastebin area and the undercover walkway. A security gate and fencing is to be located along the proposed new boundary of the torrens title subdivision.

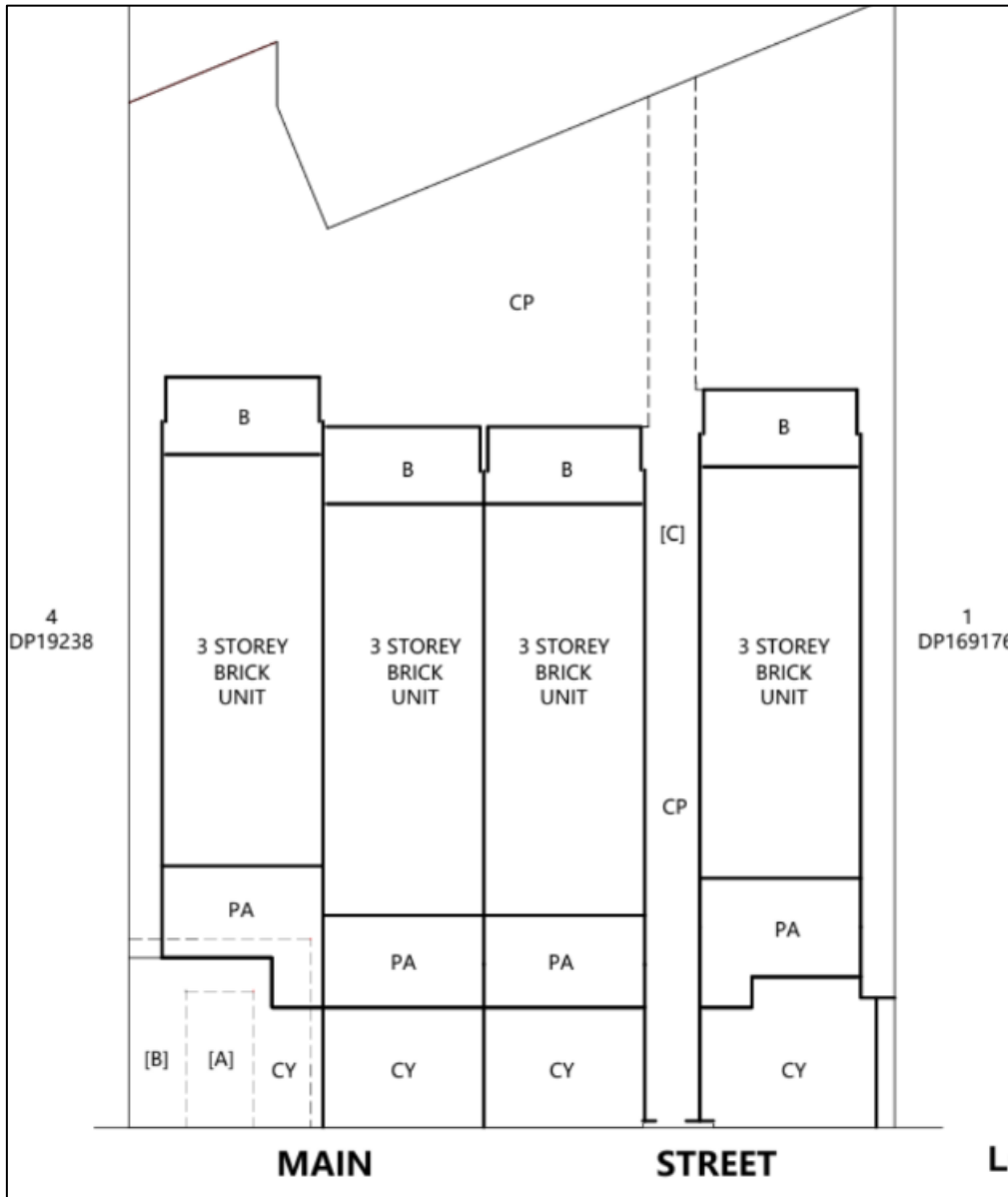


Figure 6: Proposed Strata Title Subdivision

Historical connection with the adjoining Theatre Royal

Some historical development consents granted for the Theatre Royal include a condition requiring the subject site to be used for up to 51 parking spaces for the Theatre Royal and amalgamation of the two sites. While those consents are not operational, if DA011/25 is approved, it is recommend that a condition be imposed on the consent requiring the surrender of DA143/87, DA42/88 and DA414/06 relating to the Theatre Royal.

Any future use of the Theatre Royal will require a fresh development application which will need to address parking in connection with the proposed use.

<b>DA</b>	<b>Approved</b>	<b>Status</b>
DA414/06	Reception and Entertainment Centre (e.g. movie theatre, restaurant, reception centre, school ceremonies/community activities and live entertainment/night club) this included a patron limit of 500 and 50 car parking spaces	Lapsed/Not Activated.  A condition was included on the consent indicating that the consent is to lapse 6 month after the date it commences.  Therefore, given that the consent was not activated, the consent has been deemed to have lapsed.
DA240/06	Internal Alterations and Additions to Theatre Royal: This application did not contain any operational business proposal for the use of the premises. Any future proposals for permission to operate from the premises is subject to Council's process and approvals at that time. The development further did not involve any maintenance or upgrading to the carparking area.	Completed-Interim Occupation Certificate granted 20/07/2007
DA32/99	Restoration of Awning damaged by a vehicle	Unknown due to no completion certificate on file
DA42/88	Restaurant, Function Room and Amusement Centre  A condition was included on the consent indicating that a total of fifty one (51) off street car parking spaces are to be provided, bitumen sealed as per the application.  The allotments were also to be consolidated into one (1).	Lapsed/Not Activated due to non-compliance with consent conditions.
DA143/87 Modification in 2000	Caberat Restaurant/Theatre and Night Club.  A condition was included on the consent indicating that a total	Activated via the demolition of dwellings.  It was noted in the Council report for the modification that the Nitespot has been operating as a nightclub for several years

	of fifty (50) off-street carparking spaces are to be provided.  The allotments were also to be consolidated into one (1).	however was not strictly in accordance with Council's Development Consent.  No final occupation certificate approval to operate was granted.
DA147/82	Establishment of a Tourist Bureau and Restaurant	Repealed as per the above DA.
BA177/97	Alterations	Unknown due to no completion certificate on file
BA312/82	Internal Alterations to Theatre	Unknown due to no completion certificate on file
BA45/72	Alterations to existing building	Unknown due to no completion certificate on file

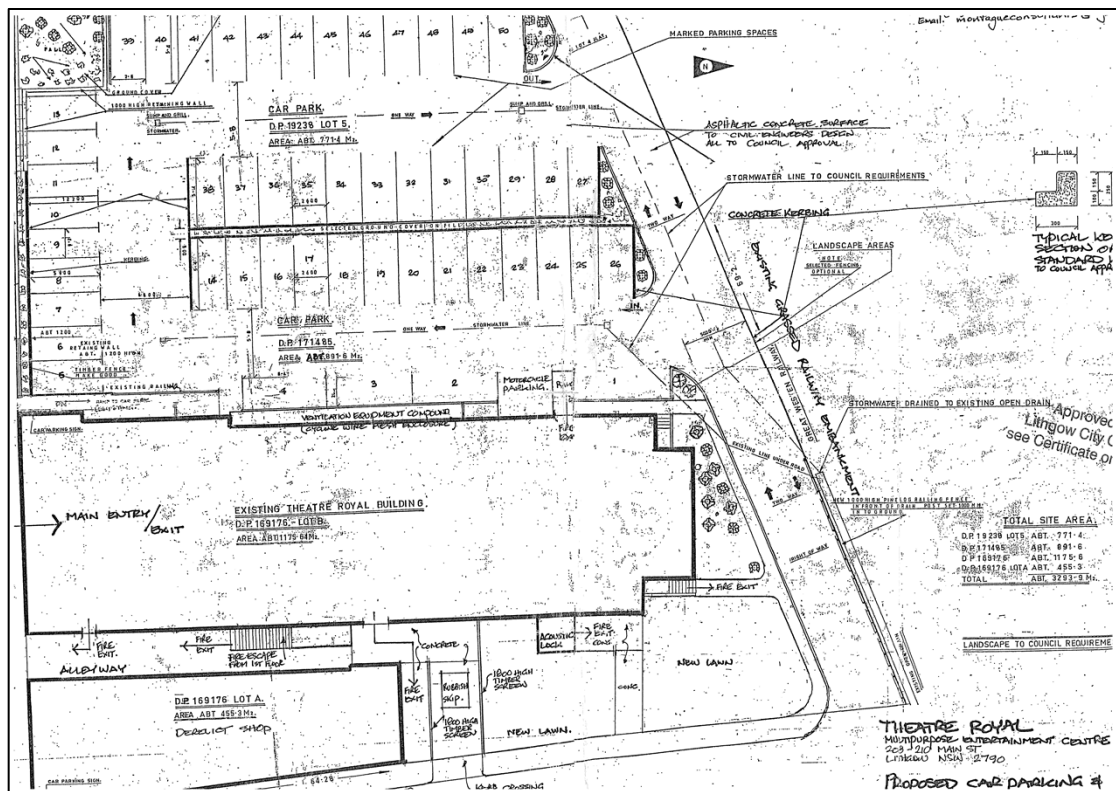


Figure 7: DA414/06 Site Plan

**Referrals**

**Internal Referrals**

Branch	Comment
Building	The application was referred to Council's Building Department for comment in relation to the structural infrastructure. Council's Building Department has no objection to the application subject to conditions on the consent. (Response received 5 August 2025).
Environmental Health &	NA.
Heritage Advisor	NA- No referral was required given that a heritage assessment was undertaken by a consultant and submitted with the DA.
Infrastructure Services	The application was referred to Council's Infrastructure Department for comment in relation to vehicular access and stormwater.

	Council's Infrastructure Department has no objection to the application subject to conditions on the consent. (Response received 28 November 2025).
Planning	NA.
Property/Legal	NA.
Water & Wastewater	The application was referred to Council's Water and Wastewater Department for comment in relation to connection to services. Council's Water and Wastewater Department has no objection to the application subject to conditions on the consent. (Response received 7 August 2025).
Plumbing, Drainage and Trade Waste Officer	The application was referred to Council's Plumbing, Drainage and Trade Waste Officer for comment in relation to connection to services. Council's Plumbing, Drainage and Trade Waste Officer has no objection to the application subject to conditions on the consent. (Response received 6 August 2025).

### External Referrals

Agency	Comment
DPE-Water	NA- No watercourses are located within the vicinity of the development.
Rural Fire Service	NA- The property is not bushfire prone.
Subsidence Advisory	NA- The property is not within a proclaimed mine subsidence district, with Subsidence Advisory NSW records indicating no underground coal mining occurring beneath the property.
WaterNSW	The application was referred to WaterNSW in accordance with Sydney Drinking Water SEPP. No concerns or objections were raised by Water NSW. The proposed development is therefore considered satisfactory subject to compliance with their recommended conditions of consent. (Refer to concurrence letter received 28 August 2025).
Endeavour Energy	The application was referred to Endeavour Energy in accordance with CI 2.48 SEPP (Transport and Infrastructure 2021). No concerns or objections were raised by Endeavour Energy. The proposed development is therefore considered satisfactory subject to compliance with their recommended conditions of consent. (Refer to response letter received 30 April 2025).
Sydney Trains	The application was referred to Sydney Trains in accordance with CI 2.48 SEPP (Transport and Infrastructure 2021) and Clause 2.98 Development Adjacent to rail corridors. No concerns or objections were raised by Sydney Trains. The proposed development is therefore considered satisfactory subject to compliance with their recommended conditions of consent. (Refer to response letter received 27 August 2025).

### **Statutory Assessment - Evaluation under EP&A Act 1979**

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 1979* (EP&A Act).

### **Environmental Planning Policies**

Section 4.15(1)(a)(i) of the EP&A Act requires the consent authority to consider the provisions of environmental planning instruments (EPIs), which includes State Environmental Planning Policies (SEPPs) and Local Environmental Planning Policies.

#### State Environmental Planning Policies

SEPPs applicable to this assessment are addressed in the following sections:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021,
- State Environmental Planning Policy (Resilience and Hazards) 2021,
- State Environmental Planning Policy (BASIX) 2004,
- State Environmental Planning Policy (Housing) 2021,
- State Environmental Planning Policy (Transport and Infrastructure) 2021,
- Lithgow Local Environmental Plan (LEP) 2014,
- Lithgow Development Control Plan (DCP) 2021

### **State Environmental Planning Policy (Biodiversity and Conservation) 2021**

<b>Chapter 6 – Water Catchments</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
<b>6.1 Land to which this Chapter applies</b>	
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.
<b>Division 2 Controls on development generally</b>	
6.6 Water quality and quantity	The proposed development provides appropriate onsite stormwater management. Based on the information submitted, the proposed development is considered unlikely to result in adverse impacts on water quality and quantity.
6.7 Aquatic ecology	Not applicable.
6.8 Flooding	Yes- the development is located within the flood prone area under the Lithgow Local Environmental Plan 2014.
6.9 Recreation and public access	Not applicable.
6.10 Total catchment management	The proposed development has been referred to WaterNSW for comment. WaterNSW has no objection to the application subject to conditions on the consent.
<b>6.5 Sydney Drinking Water Catchment</b>	
The objectives of this Part are— (a) to provide for healthy water catchments that will deliver high quality water to the Sydney area while also permitting compatible development, and (b) to provide for development in the Sydney Drinking Water Catchment to have a neutral or beneficial effect on water quality.	The proposed development is considered to be in keeping with the objectives of this Part.
<b>6.63 Requirement of consistency with NorBE Guideline</b>	
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.	Based on aerial imagery and the information provided including that previously provided, Water NSW is satisfied that the proposed development can achieve a neutral or beneficial effect (NorBE) on water quality provided appropriate conditions are included in any development

<b>Chapter 6 – Water Catchments</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
	consent and are subsequently implemented.
<b>6.64 Concurrence of Regulatory Authority</b>	
(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 was referred to WaterNSW who has no objection to the application subject to conditions on the consent.
(2) For the Act, section 3.18(3), the Regulatory Authority must consider the following matters in deciding whether to grant concurrence— (a) the NorBE Guideline, (b) whether the development will have a neutral or beneficial effect on water quality.	
(4) This section does not apply if the consent authority is satisfied the development has no potential impact on water quality.	

### **State Environmental Planning Policy (Resilience and Hazards) 2021**

<b>Chapter 4 Remediation of Land</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
<b>4.6 Contamination and remediation to be considered in determining development application</b>	
(1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and,  (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  (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.	A Preliminary Contamination Investigation was undertaken and submitted with the application.  The investigation report identified an oil pan along the western boundary with the soil surface around the pan being stained. Foreign materials including tyres, fridge and oil heater were identified along the northern and southern boundaries. No additional signs of visible contamination such as discolouration or staining were identified around these materials.  Previous structures on the site may have included asbestos and lead based paints. Potential exists for subsurface building materials to remain.  Historical fill material may have been applied to the site prior to construction of hard surfaces/following the removal of former structures. Potential exists for fill associated with the Main Western Railway being placed over the site.

<b>Chapter 4 Remediation of Land</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
	<p>A transformer and concrete pit is further located within the south west corner of the site.</p> <p>It was recommended within the preliminary investigation report that a detailed investigation of the site is required to characterise area of potential contamination and suitability for residential land-use. Soil sampling and analysis is required to characterise potential contamination to determine suitability for residential land-use or assess the need or remediation to make the site suitable or residential land-use.</p>
<p>(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.</p>	<p>As stated above and due to the findings of the Preliminary Investigation Report, a Detailed Contamination Investigation was required and undertaken.</p> <p>Soil samples confirmed elevated levels of TRH (&gt;C10-C16), TRH (&gt;C16-C34), TRH (&gt;C34- C40), benzo(a)pyrene, carcinogenic PAHs, chromium, zinc and copper exceeding the adopted residential thresholds. The contamination is associated with historical fill containing ash.</p> <p>Fill encountered on the site comprised pale brown to dark brown sand, clayey sand to sandy clay with varying layers of ash up to 1m. Ash comprised odorous dark tar ash, white and grey ash. Red brick and timber assumedly remnants of historical footings were encountered in some boreholes.</p> <p>An oil spill and stained soil on the western boundary is less than 1m<sup>2</sup>. The extent of the impacted material is generally defined by the area of soil staining.</p> <p>Cement sheeting fragments were visually identified with asbestos containing cement sheeting fragments are non-friable. The presence are expected to impact the whole site.</p> <p>Two groundwater monitoring wells were drilled to intercept shallow groundwater in upslope and downslope areas of the site. Groundwater was encountered in all monitoring wells drilled on the site. Phase separated hydrocarbons were not visually identified in groundwater samples collected.</p>

<b>Chapter 4 Remediation of Land</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
	<p>No odour was present in groundwater samples collected.</p> <p>Hydrocarbon contaminants were below the level of detection and adopted thresholds in all groundwater samples collected. Benzo(a)pyrene was not detected in leachate samples analysed.</p> <p>Elevated groundwater levels of zinc and copper exceeding thresholds for 95% protection of freshwater ecosystems were identified. Levels of copper additionally exceeded drinking water guidelines. Elevated up gradient levels of zinc and copper in groundwater indicate elevated environmental background and regional levels. The site is capped hardstand and no pathway to groundwater is present.</p> <p>Heavy metal (chromium, zinc and copper) and hydrocarbon (TRH (&gt;C10-C16), TRH (&gt;C16-C34), TRH (&gt;C34-C40) benzo(a)pyrene, carcinogenic PAHs) contaminants impacted area is approximately 34m by 23m up to 1m depth across the northern western and eastern sections of the site. The impacted area is associated with fill containing ash. Asbestos is expected to impact the whole site.</p>
(3) The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	Refer to comments above.
(4) The land concerned is— (a) land that is within an investigation area, (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out, (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land— (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether	<p>The detailed Investigation Report recommends remediation of the impacted area and in compliance with the SEPP.</p> <p>Remediation works should be undertaken in accordance with a Remediation Action Plan (RAP) and supervised by a suitably qualified environmental scientist. Viable remedial options include:</p> <ul style="list-style-type: none"> <li>• Excavation and disposal to a licensed landfill, or</li> <li>• Capping of impacted soil on site, subject to design and approval.</li> </ul>

<b>Chapter 4 Remediation of Land</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).	<p>Minor works should be undertaken including removal of stained soil associated with a drain pan along the western boundary.</p> <p>Due to the presence of asbestos containing materials and building materials impacting the whole site, site development works should be undertaken in accordance with an asbestos management plan.</p> <p>As such the above recommendations would be conditioned on the consent should the application be approved.</p> <p>The development therefore complies with the State Environmental Planning Policy (Resilience and Hazards) 2021.</p>

#### **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

A BASIX Certificate (No. 1747881M\_02, dated 14 November 2024) has been submitted with the Development Application which demonstrates that the development will comply with water, thermal comfort and energy targets. The development therefore complies with the requirements of SEPP (BASIX) 2004.

#### **State Environmental Planning Policy (Housing) 2021**

<b>Part 4 Residential Flat Buildings and Shop Top Housing</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
<p><b>174 Development Permitted with development consent</b></p> <p>Development for the purposes of residential flat buildings is permitted with development consent on land to which this chapter applies in a low and mid rise housing area in Zone R2 Low Density Residential or R3 Medium Density Residential.</p>	Not Applicable as the development is located in the E1 zone.

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

<b>Chapter Two: Infrastructure</b>	
Chapter Two - State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) applies to the development pursuant to Clause 2.2 and aims to facilitate the effective delivery of infrastructure across the State.	
<b>Relevant Provisions</b>	<b>Comment</b>
<b>Division 5 Electricity transmission or distribution</b>	

<b>Chapter Two: Infrastructure</b>	
Chapter Two - State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&I SEPP) applies to the development pursuant to Clause 2.2 and aims to facilitate the effective delivery of infrastructure across the State.	
<b>Relevant Provisions</b>	<b>Comment</b>
<i>Subdivision 2 Development likely to affect an electricity transmission or distribution network</i> Clause 2.48 of the T&I SEPP requires certain developments to be referred to the relevant electricity supply authority and any response is to be considered as part of the assessment.	The development was referred to Endeavour Energy under Clause 2.48(2)(a) and (b) as there are existing electricity lines that run along the Main Street footpath in front of the property as well as within vicinity to an easement for a padmount substation.  The responses received from Endeavour Energy under Clause 2.48(2)(b) has indicated that the development is acceptable with recommended conditions to be included in the development consent.
<b>Division 15 Railways</b>	
<i>Subdivision 2 Development in or adjacent to rail corridors and interim rail corridors—notification and other requirements</i>	
2.98 Development adjacent to rail corridors	<ul style="list-style-type: none"> <li>• The development will have no adverse effect on rail safety,</li> <li>• The development does however propose a colourbond roof within vicinity to the rail corridor that utilises electric trains,</li> <li>• Does not involve the use of a crane in air space above any rail corridor,</li> <li>• The proposed access driveway directly adjoins the boundary of the rail corridor. It is unknown of the exact measurements of the exposed overhead electricity power line used for railway infrastructure due to the topography of the railway line being at a higher elevation than the development.</li> </ul> As such, the development was referred to Railcorp for comment as per Clause 2.98.
2.99 Excavation in, above, below or adjacent to rail corridors	The development is located within 25m horizontally of the rail corridor, however does not involve the penetration of ground depth of 2m below ground level.
2.100 Impact of rail noise or vibration on non-rail development <i>(3) If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—</i> <i>(a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,</i> <i>(b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</i>	A Rail Noise and Vibration Assessment was undertaken and submitted with the application.  The results of the rail nose was recorded to be a maximum of 57.8dB(A) during the daytime and 59.2dB(A) during the night time.  The assessment provided construction noise recommendations specifically for the bedrooms.  The results for the vibration monitoring during all hours appears to comply with the preferred value for the vibration dose value

**Chapter Two: Infrastructure**

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

Relevant Provisions	Comment
	<p>criteria. As such the rail vibration emissions will not result in human discomfort nor structural damage at the proposed development.</p> <p>The report concluded that the proposed site will comply with the requirements of the relevant Australian and NSW Guidelines, Standards and Policies, and the recommendations outlined in the construction recommendations within the report. This would be conditioned on the consent should the application be approved.</p>
<b>Division 17 Roads and traffic</b>	
<p><u>Subdivision 2 Development in or adjacent to road corridors and road reservations</u> 2.119 Development with frontage to classified road</p> <p><i>(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that—</i></p> <p><i>(a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and</i></p> <p><i>(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—</i></p> <p><i>(i) the design of the vehicular access to the land, or</i></p> <p><i>(ii) the emission of smoke or dust from the development, or</i></p> <p><i>(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and</i></p> <p><i>(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.</i></p>	<p>The development contains a frontage to Main Street that is a classified road, owned and managed by Transport for NSW.</p> <p>Access to the property is proposed to be via a side road entry off James Street. This access currently exists for the adjoining units and the previous Theatre when it was operating. The access is considered safe for the current users as well as the proposed development given it is only for 4 units and the Theatre not being in use.</p> <p>The safety, efficiency and ongoing operation of the classified road is not expected to be impacted by the development.</p> <p>A noise assessment was undertaken for the development and concluded that the development undertake construction requirements to minimise noise impacts. As such this would be conditioned on the consent, if the development was approved.</p>
2.120 Impact of road noise or vibration on non-road development	Refer to previous comments relating to noise.
2.122 Traffic-generating development	The development is not defined as being a traffic-generating development as per Schedule 3 below.

**Chapter Two: Infrastructure**

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

Relevant Provisions	Comment
<p><b>Schedule 3 Traffic-generating development to be referred to TfNSW—Chapter 2</b></p> <p>Size or capacity—site with access to classified road or to road that connects to classified road (if access within 90m of connection, measured along alignment of connecting road)</p> <ul style="list-style-type: none"> <li>• Residential accommodation - 75 or more dwellings</li> </ul>	<p>The development is not defined as being a traffic-generating development as per Schedule 3; therefore the development is not required to be referred to Transport for NSW.</p>

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

<b>Clause 1.2 Aims of Plan</b>	
<b>Objective</b>	<b>Comment</b>
(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 for a residential flat building that will provide accommodation to the Lithgow area.
(a) to encourage sustainable and planned development that complements the unique character and amenity of Lithgow and enhances its towns, villages and rural areas,	<p>Complies – the development is located within a mixed use area, (adjoins the former Theatre Royal building to the east, residential apartments to the west and the railway line to the north. Queen Elizabeth Park is located opposite the property on Main Street.</p> <p>Each building will have a frontage to Main Street with black fencing around the front property boundary to the private courtyards and stairs to the front door entrances. The appearance at the front elevation will be 2 storeys with featured brickwork above the roof line to keep with the heritage appearance of the adjoining Theatre Royal.</p> <p>The site has been vacant for many years, with the development propose to make the site more attractive as well as being designed to complement the surrounding streetscape character.</p>
(b) to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Lithgow in a way that allows the needs of present and future generations to be met by implementing the principles of ecologically sustainable development,	Complies – the proposed development is considered to provide for a range of development opportunities that contribute to the social, economic and environmental resources by providing a facility for the community. The development would provide employment during construction and once operational.

	The development will contribute to social impacts to the surrounding residential developments given it will provide additional housing to the area within close proximity to the Lithgow Business Centre.
(c) to manage, facilitate and encourage sustainable growth and development that—	Refer to below comments.
(i) promotes the efficient and effective delivery of utilities, infrastructure and service and minimises long-term costs to government, authorities and the community, and	Complies – the proposed development is considered to appropriately manage the necessary utilities, infrastructure and services required.
(ii) protects, enhances and conserves mineral and extractive resources lands, forests and agricultural lands and the contributions they make to the local, regional and State economy, and	Not applicable - the proposed development relates to the construction of a residential flat building.
(iii) allows for the orderly growth of land uses while minimising conflict between land uses in a zone and land uses in adjoining zones, and	Complies – the proposed development is considered to accommodate growth in the Lithgow region by providing additional accommodation that will be in proximity to the Lithgow Central Business district.  The location of the development is within a mixed use area. The proposed development is therefore unlikely to result in land use conflict with the surrounding commercial uses.
(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 development provides for a variety of housing choices, that being for residential flat buildings. The development is expected to help with population growth and diverse needs.
(v) preserves and protects land that has been identified for future long term urban development from inappropriate fragmentation and development, and	Not applicable – the site has not been identified for long term urban development.
(vi) protects and enhances environmentally sensitive areas, ecological systems, areas of high scenic, recreational, landscape or conservation value and areas that have the potential to contribute to improved environmental outcomes, and	Complies – appropriate consideration has been given to the environmentally sensitive areas. Based on the information submitted and the matters outlined in this 4.15 Assessment Report, the development is considered to achieve compliance with this objective.
(vii) protects and enhances places and items of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and	Complies - appropriate consideration has been given to the environmentally sensitive areas. Based on the information submitted and the matters outlined in this 4.15 Assessment Report, the development is considered to achieve compliance with this objective.  The subject site is not mapped as being an item of heritage significance however does adjoin the former Theatre Royal. Conditions will be placed on the consent

	to ensure minimal impacts will occur to the heritage building as well standard conditions should any relics be found.
(viii) avoids or minimises the impact of development on drinking and environmental water catchments to protect and enhance water availability and safety for human consumption and the maintenance of environmental and recreational values, and	Complies – The proposed development has been referred to WaterNSW for assessment and considered to satisfy the requirements under the SEPP-Water Catchments. As such the development will have no impact on water.
(ix) strengthens and promotes employment land opportunities and appropriate tourism development and growth, and	Complies- the development proposes to accommodate employment opportunities during construction and whilst operational.
(x) creates resilience to natural hazards through local land use planning.	Complies – the development is considered to adequately respond to the environmental factors present at the site, including flood prone land.

### Characterisation

Pursuant to the Lithgow LEP 2014, the proposed use is defined as a Residential Flat Building and Subdivision.

### Definition

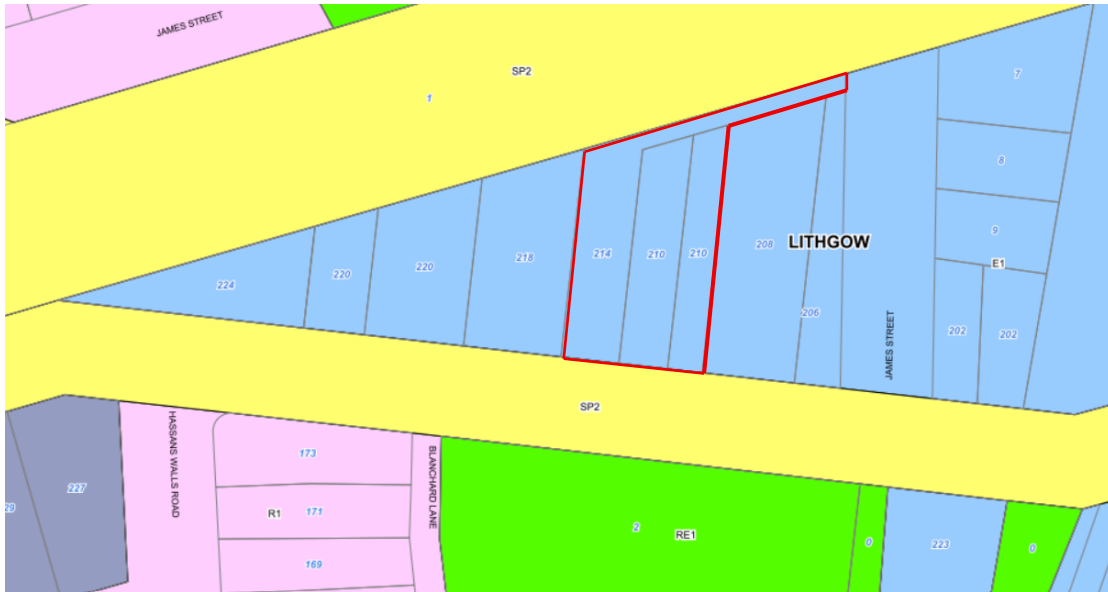
**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing.

**Note**—Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

The applicant had pre-lodgement meetings with Council to determine and design the development to comply with the residential flat building definition.

The development is considered to be one building, four dwellings, under one roof. The development does not contain shared facilities therefore it is not defined as co-living housing. The inclusion of the strata subdivision removes the development from being defined as multi dwelling housing as multi dwellings are required to be on one allotment. To be defined as an attached dwelling, all dwellings are to be connected by a common wall. Dwelling No. 4 is not connected by a common wall to the other dwellings and therefore the development is not defined as attached dwelling.

Zone of Land E1 Local Centre



**Permissibility** The development being a 'Residential Flat Building' and 'Subdivision' is considered permissible under Lithgow Local Environmental Plan 2014, subject to development consent as per Clause 2.3.

Clause 2.3 states:

**2.3 Zone objectives and Land Use Table**

- (1) The Land Use Table at the end of this Part specifies for each zone—
  - (a) the objectives for development, and
  - (b) development that may be carried out without development consent, and
  - (c) development that may be carried out only with development consent, and
  - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

Additionally, Clause 4.1 applies to subdivisions and states:

**4.1 Minimum subdivision lot size**

- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of any land—
  - (a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015,

No minimum allotment size applies to the land as per Council's Lot Size Map.

**Zone Objectives**

Objective	Comment
<p><b><i>E1 Local Centre zone</i></b></p> <ul style="list-style-type: none"> <li>• To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</li> </ul>	<p>Complies – Although the residential part of the development is not applicable, the torrens title subdivision component, allows vehicle parking for the Theatre should any change of use or new use occur in the future for the building.</p>

<b>Objective</b>	<b>Comment</b>
<ul style="list-style-type: none"> <li>• <i>To encourage investment in local commercial development that generates employment opportunities and economic growth.</i></li> </ul>	Complies – the development would generate employment during construction and operation (i.e. gardens). The formed parking area on the site may further encourage employment opportunities for the theatre in the future.
<ul style="list-style-type: none"> <li>• <i>To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.</i></li> </ul>	Complies – The development is proposed to be located within proximity to the Lithgow Business Centre. It will be designed to have a frontage to the streetscape and pedestrian access, as well taking in heritage aspects to the adjoining Theatre.
<ul style="list-style-type: none"> <li>• <i>To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</i></li> </ul>	Not Applicable as the development is for residential accommodation and subdivision or parking and access.
<ul style="list-style-type: none"> <li>• <i>To maintain the built integrity of the area by enabling development that is sympathetic to the heritage character and significance of the area and surrounding streetscapes and features.</i></li> </ul>	Complies – The development has been designed to enhance the streetscape and blend in with the character of the streetscape. Heritage element have been incorporated into the buildings to suit the surrounding heritage items and conservation area.
<ul style="list-style-type: none"> <li>• <i>To maintain or improve the water quality of receiving water catchments.</i></li> </ul>	Complies – The development contains adequate stormwater designs that has been assessed by WaterNSW as achieving a neutral or beneficial effect on water quality.
<ul style="list-style-type: none"> <li>• <i>To ensure development within the area is of a scale consistent with the needs of the local community and will not detract from the role of the Lithgow core business area as the primary centre.</i></li> </ul>	Complies - The scale of the development will be slightly smaller than the adjoining buildings, however; will consist of 3 bedrooms for each dwelling. This allows the development to be valuable to the needs of the community without impacting the core business area. The development is located on a vacant property adjoining existing residential units.

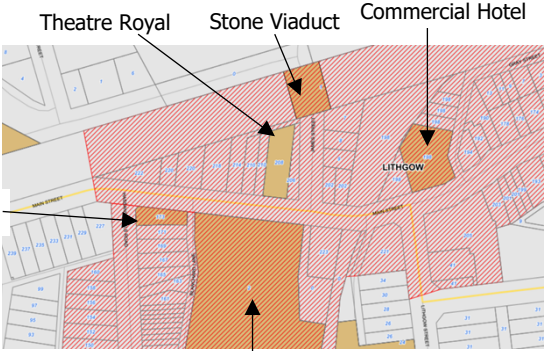
General Controls and Development Standards (Part 2, 4, 5 and 7)

The LEP 2014 contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered below.

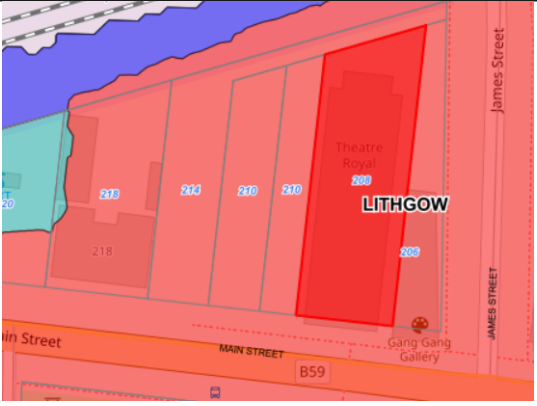
<b>LEP Clauses</b>		
<b>Relevant Provisions</b>		<b>Comment</b>
<b>Part 2 Permitted or prohibited development</b>		
2.3	Zone objectives and Land Use Table	Complies – the development is permitted in the zone subject to Council consent. The development also complies with the objectives of those zones.
2.4	Unzoned land	Not applicable.
2.5	Additional permitted uses for particular land	Not applicable.
2.6	Subdivision – consent required	Complies- the proposal involves a torrens title subdivision and s strata subdivision.
2.7	Demolition – consent required	Not applicable.
2.8	Temporary use of land	Not applicable.
<b>Part 4 Principal development standards</b>		

<b>LEP Clauses</b>		
<b>Relevant Provisions</b>		<b>Comment</b>
4.1	Minimum subdivision lot size	Not applicable – there is no minimum allotment size for the E1 zone.
4.2	Rural subdivision	Not applicable.
4.3	Height of buildings	Not applicable.
4.4	Floor space ratio	Not applicable.
4.6	Exceptions to development standards	Not applicable.
<b>Part 5 Miscellaneous provisions</b>		
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	<p>Complies – The development is located within the Main Street Heritage Conservation Area C07. It also adjoins a local heritage item being the Theatre Royal and is in the vicinity of other local heritage items including The Stone Viaduct on James Street, Queen Elizabeth Park and Edwardian House on Hassans Walls Road.</p> <p>The Park and the Theatre represent the gateway to the Main Street Heritage Conservation Area. The heritage inventory report indicates that the area contains a mixture of late Victorian (1880-1900), Edwardian (1900-1915) and the Twenties and Thirties (1915-1940) architectural style buildings. The street is line by a strongly defined street wall of relatively uniform height and alignment (generally of 2 storeys), particularly along the south side which gives it immediate identification as the Main Street.</p> <p>Queen Elizabeth Park, created in 1900's, is known as a war memorial park which contains monuments and memorials. It further consists of gardens, a rotunda, playground, and historical and current uses to stage band performances, the reception place for prominent visitors, public meetings and demonstrations.</p> <p>The Theatre Royal was originally constructed as a live theatre, turned into a cinema, a night club and a restaurant. Alterations have occurred to the Theatre over the past including a new frontage, balcony and refurbishment. The Theatre is a large brick construction building, which steps down from tis Main Street frontage to the rear. The Theatre consists of a Victorian Italianate style</p>

<b>LEP Clauses</b>	
<b>Relevant Provisions</b>	<b>Comment</b>
	<p>frontage and parapet with symmetrical façade and gable corrugated tin roof.</p> <p>Past heritage reports stated that the Park and Theatre Royal created an area of entertainment and historical functions of events.</p> <p>Edwardian House has views of the park from the rear of the building. It is a freestanding brick Federation Style residence with combination hip and gable rooflines. The residence has its main frontage to Hassans Walls Road with rear service frontage to the Queen Elizabeth Laneway and side frontage to Main Street. Along this boundary further contains a large brick fence.</p> <p>The design of the development proposes to utilise similar aspects to the surrounding heritage buildings as well as maintaining its own integrity. The detailing such as the inclusion of parapets, height of the building, building material (brick face), rectangular doors, and balconies are significant to maintain the heritage aspects. The setback of the development from the streetscape with courtyards at the front shows the separation of the heritage significant building being the Theatre, to the modern building appearance.</p> <p>The development would unlikely affect Edwardian House, given that the house is directly located adjacent to the Lynton Court Apartments adjoining the development site and the vehicle hire site. Main Street is a large road with footpaths either side. Therefore, the development would have minimal impact to Edwardian House.</p> <p>The James Street Stone Viaduct is part of the railway line at the rear of the site. Due to the setback and the topography of the land being the railway line having a higher topography than the development site, it is unlikely that the viaduct would be impacted upon.</p> <p>The development is expected to compliment Queen Elizabeth Park given that the site is currently vacant of building structures, contains a broken retaining wall along the frontage, contains old waste material and broken asphalt. Therefore, the development would create a positive visual and social atmosphere to the area.</p>

LEP Clauses		
	Relevant Provisions	Comment
		<p>The development therefore would complement the streetscape, the existing heritage items and the heritage Main Street conservation area. Standard conditions of consent would also be included should the application be recommended for approval.</p> 
Alls	Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	Not applicable.
5.21	Flood planning	<p>The Stormwater Management Plan submitted with the application states that during major rainfall events, the current site is subject to inundation from two sources:</p> <ol style="list-style-type: none"> <li>1) Out of bank flows from flooding within Sheedys Gully, that overtop the kerb on Main Street and flow down the pedestrian accessway alongside the Theatre Royal, and</li> <li>2) A backwater from ponding that occurs at the sag point on James Street.</li> </ol> <p>The proposed development will raise the frontage of the site, providing a barrier to overland flows on Main Street, however the walkway between the proposed development and the Theatre will be subject to overland flow.</p> <p>Inundation of the proposed basement level will likely to occur due to the backwater effect from James Street, as such it is intended that the basements will not include any habitable areas or hazardous material storage areas.</p> <p>The HEC-RAS modelling completed within the Stormwater Report provides evidence that the development does not result in any changes to the primary overland flow paths or flooding mechanisms. Given that only minor filling is proposed to achieve the design levels, and the site is not considered to be within a flood</p>

LEP Clauses	
Relevant Provisions	Comment
	<p>storage area (floodway only), no compensatory storage volume is required to offset the proposed fill, however, the proposed changes to the site grading was modelled to confirm any possible impacts.</p> <p>From the modelling it was found that there was negligible impact on the flood levels experienced, with a peak water levels being as follows:</p> <ul style="list-style-type: none"> <li>• Main St = 913.15m AHD, 0.02m lower than the existing scenario, and</li> <li>• Basement/carpark = 911.72m, AHD, 0.01m lower than the existing scenario. In addition, with the raising of the pad level to 911.25m AHD, this will reduce the inundation depth to 470mm.</li> </ul> <p>Regarding the flood planning and habitable floor levels, these are informed by the peak water. Based on the above the flood planning levels should be:</p> <ul style="list-style-type: none"> <li>• Non-habitable areas subject to the James Street backwater effect = 911.72m AHD. Noting that inundation shall not exceed 500mm, the minimum floor level for non-habitable areas shall be 911.22m AHD.</li> <li>• Habitable areas subject to the backwater effect = 912.22m AHD, this includes 500mm freeboard from the peak water level.</li> <li>• Habitable areas subject to overland flows on Main St = 913.65m AHD this includes 500mm freeboard from the peak water level.</li> </ul> <p>As such the following recommendations are to be implemented to ensure no adverse flood impacts:</p> <ul style="list-style-type: none"> <li>• Upgrades to the local pit and pipe network to enable free drainage of the site during events up to an including the 20% AEP event.</li> <li>• The design of the ground floor level needs to allow for flood inundation and account for the hydraulic loading from flood waters.</li> </ul> <p>The flood report was assessed by Council's Engineers and found to be satisfactory for the development.</p>

LEP Clauses		
	Relevant Provisions	Comment
		
Part 7 Additional local provisions		
7.1	Earthworks	<p>The buildings propose approximately 2.75m of fill at the front of the property (the current carpark area just inside the wall will be backfilled to form the building pad or the front gardens and paths off Main Street) with the rear of the buildings to contain a basement on the existing ground level.</p> <p>An existing retaining wall will remain at the front of the property to contain the fill.</p> <p>The existing brick fence along the Main Street frontage will further be removed, given it being in a dilapidated state.</p> <p>The development has been assessed by appropriate authorities for potential impacts from earthworks and is found to be satisfactory subject to conditions of consent, should the application be approved. This includes clean fill requirements.</p>
7.3	Stormwater management	<p>The development is adjacent to the Sheedys Gully drainage channel that extends down to Farmers Creek.</p> <p>The site currently discharges stormwater via a combination of an existing piped drainage network and overland flow paths.</p> <p>A stormwater management plan and report were undertaken and submitted with the application. The report outlines the constraints and methodologies against the stormwater requirements.</p> <p>The following water management strategies are proposed;</p> <ul style="list-style-type: none"> <li>• Provide rainwater tank to each dwelling to reduce the runoff generate from the roof area.</li> </ul>

LEP Clauses		
Relevant Provisions		Comment
		<ul style="list-style-type: none"> <li>• Reduce impervious areas through landscaping.</li> <li>• Reinstate and maintain the swale at the toe of the Main Western Railway embankment and grade the driveway.</li> </ul> <p>The development and the stormwater management plan submitted with the application has been assessed by appropriate authorities with no objection to the stormwater management proposals subject to conditions of consent being imposed, if approved.</p>
7.4	Terrestrial biodiversity	Not applicable.
7.5	Groundwater vulnerability	Not applicable.
7.6	Riparian land and watercourses	Not applicable.
7.7	Sensitive lands	Not applicable.
7.8	Development within a designated buffer area	Not applicable.
7.10	Essential services	<p>Complies - The development will provide reticulated water, electricity, underground sewerage management/disposal, stormwater drainage and suitable vehicular access through the design and via conditions of consent.</p> <p>As such, the development will have all essential services as required and complies with CI 7.10.</p>

#### Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

NA.

#### Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

Section 4.15(1)(a)(iii) of the EP&A Act requires Council to consider the provisions of any development control plans.

The development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within the Lithgow Development Control Plan 2021 (LDPC2021).

#### Lithgow Development Control Plan (DCP) 2021

Applicable DCP Chapters			
Chapter 2 – Site Requirements	X	Chapter 3 – Environment & Hazards	X
Chapter 4 – Heritage	X	Chapter 5 – Subdivision	X
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
<b>2.2 Site Analysis, Local Character &amp; Context</b>	
2.2.1 Site Selection	The development is permissible in the applicable zone and complies with the zone

	<p>objectives. The development is consistent with surrounding landuses being for a mixture of uses, however is subject to mitigation measures relating to potential impacts from the railway line. Some measures have been identified in the noise report and documents submitted with the application. These measures and additional measures will be conditioned on the consent should the application be approved.</p> <p>The development is predicted to provide employment during construction and whilst operational.</p> <p>The manoeuvring area around the site has been assessed by Council's Engineers and found to be adequate for the development.</p> <p>The access to and from the site is also assessed by Council's Engineers and found to be adequate subject to conditions on the consent.</p> <p>The development is located within the heritage conservation area and adjoins a heritage listed item. Refer to Chapter 4 below for more details.</p>
<p>2.2.2 Site Analysis &amp; Development Response</p> <ul style="list-style-type: none"> <li>a) The Site topography, climate and natural environment;</li> <li>b) Natural hazards on or near the Site;</li> <li>c) Potential land use conflicts;</li> <li>d) Heritage items or heritage conservation areas;</li> <li>e) Surrounding built form and landscape/streetscape character; and</li> <li>f) Amenity for the Site and adjacent sites (where relevant).</li> </ul>	<p>Consideration has been given to the site topography and natural environment, along with any potential hazards on or near the site. The development is considered to respond to the established built form and is unlikely to result in adverse impacts on adjoining allotments.</p> <p>The site contains irregular shaped allotments with a site area of approximately 1467m<sup>2</sup> (combined allotments) and a slight fall to the north. No vegetation is located on the property.</p> <p>The property is flood effected with a flood report submitted and assessed by Council. The flood report is considered adequate for the development subject to conditions on the consent.</p> <p>Potential land use conflict and surrounding built form/streetscape character has been addressed in section 2.2.1 above.</p>
<p>2.2.3 Local Character &amp; Context</p>	<p>The development is for a residential flat building and subdivisions within the E1 zoning area under the Lithgow LEP 2014.</p> <p>The property adjoins the former Theatre Royal building to the east, residential apartments to</p>

	<p>the west and the railway line to the north. Queen Elizabeth Park is located opposite the property on Main Street.</p> <p>The design of the development is consistent with the surrounding buildings taking into account the heritage significance of the area.</p> <p>The design of the development proposes to utilise similar aspects to the surrounding heritage buildings as well as maintaining its own integrity. The detailing such as the inclusion of parapets, height of the building, building material (brick face), rectangular doors, and balconies are significant to maintain the heritage aspects. The setback of the development from the streetscape with courtyards at the front shows the separation of the heritage significant building to the modern building appearance.</p> <p>The character of the streetscape, as such, is considered to be enhanced by the development given that the use of the allotments was vacant of building structures.</p>
<p>2.2.4 Visually Prominent Sites</p>	<p>The development is located within a prominent location along Main Street, opposite Queen Elizabeth Park.</p> <p>The development is not located near ridgelines and blends into the existing landform/backdrop (that being the railway line).</p> <p>The development responds to the site contours as the property has a slight fall to the north.</p> <p>The property is located within the heritage conservation area and adjoins heritage significant items. The size and sale of the development as well as the design is considered satisfactory for the area without impacting the visual aspects of the heritage significant items.</p> <p>Given that the development will not dominate landforms, the development complies with Clause 2.2.4.</p>
<p>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:</p> <ul style="list-style-type: none"> <li>a) Locating buildings below key ridgelines;</li> <li>b) Responding to the site contours to minimise visually obtrusive changes in the landform;</li> </ul>	<p>Refer to heritage conservation comments under Chapter 4 of the DCP assessment in this report.</p>

<p>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.</p>	
<p>2.2.5 Reflective Materials</p>	<p>Not applicable- No reflective materials are proposed for the development.</p>
<p><b>2.3 Slope Response, Earthworks &amp; Retaining Walls</b></p>	
<p>2.3.1 Earthworks</p>	<p>The buildings propose approximately 2.75m of fill at the front of the property (the current carpark area just inside the wall will be backfilled to form the building pad or the front gardens and paths off Main Street) with the rear of the buildings to contain a basement on the existing ground level.</p> <p>An existing retaining wall will remain at the front of the property to contain the fill.</p> <p>The existing brick fence along the Main Street frontage will further be removed, given it being in a dilapidated state.</p> <p>The development has been assessed by appropriate authorities for potential impacts from earthworks and is found to be satisfactory subject to conditions of consent, should the application be approved. This includes clean fill requirements.</p>
<p>2.3.2 Retaining Walls</p>	<p>Complies- Refer to above comment.</p>
<p><b>2.4 Stormwater Management</b></p>	
<p>2.4 Stormwater Management</p>	<p>The development is adjacent to the Sheedys Gully drainage channel that extends down to Farmers Creek.</p> <p>The site currently discharges stormwater via a combination of an existing piped drainage network and overland flow paths.</p> <p>A stormwater management plan and report were undertaken and submitted with the application. The report outlines the constraints and methodologies against the stormwater requirements.</p> <p>The following water management strategies are proposed;</p> <ul style="list-style-type: none"> <li>• Provide rainwater tank to each dwelling to reduce the runoff generate from the roof area.</li> <li>• Reduce impervious areas through landscaping.</li> </ul>

	<ul style="list-style-type: none"> <li>Reinstate and maintain the swale at the toe of the Main Western Railway embankment and grade the driveway.</li> </ul> <p>The development and the stormwater management plan submitted with the application has been assessed by appropriate authorities with no objection to the stormwater management proposals subject to conditions of consent being imposed, if approved.</p>
<b>2.5 Vehicle Access &amp; Parking</b>	
2.5.1 Guidelines & Standards	<p>The development has been designed to be consistent with Council's Engineering Guidelines, Australian Standards and Austroads Guidelines.</p> <p>Refer to Clause 2.5.5 On-Site Parking Numbers in this table below.</p>
2.5.2 Vehicle Access & Driveways	Refer to below comments.
1) Access	<p>Access is proposed to be via the existing driveway from James Street. This is a Council controlled road with a 40km/hr speed limit. The access avoids the use of a Transport for NSW Road (Main Street).</p> <p>Given that the access is existing, no street trees, utilities or drainage would be impacted upon.</p> <p>The access is approximately 60m from the Main Street intersection and approximately 48m to Young Street. This is considered adequate in terms of sight lines.</p> <p>Landscaping is designed within the development and not along the access point.</p>
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- the development was referred to Council's Engineer for assessment and considers the development to comply.
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.	The access is proposed to be sealed and concreted. Therefore, the access is considered suitable.
4) Proximity to Intersection(s) & Sight-Lines	Complies- The development access is more than 6m from an intersection.
5) Direction of Travel: Vehicle access and egress to/from a lot occurs in a forward direction.	Complies- the access/right of carriageway is proposed to contain a width of 4m wide. The access will lead to an internal visitor carpark on the torrens title allotment. Lot A will contain the buildings and a gated access internally from Lot B between the entrance gate to Lot A and Lot B, space for a turning area is available.

	Therefore, vehicles would be able to enter James Street in a forward direction.
6) Access to street	The access complies with Council's Engineering Guidelines, crosses the footpath at right angles to the centreline of the road, clear of obstructions and drainage/utility structures.
7) Slope	The slope of the driveways does not exceed the maximum grade of 25% of the DCP requirements.
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.	Complies- the access complies with the DCP and approved by Council's Engineering Department.
9) Setbacks/gates (Rural Areas)	Not applicable.
2.5.3 Loading/Unloading, Delivery & Servicing Facilities	Once operational there is not expected to be any loading/unloading, delivery and servicing to the site. Should there be, there is adequate spacing for short time periods.
2.5.4 Parking Location, Design & Circulation	<p>The parking location for proposed Lot A (residential flat buildings) is to be in the basement for the residences and at the rear of the buildings for visitor parking. Lot B parking will also be behind the buildings.</p> <p>The parking areas will therefore be visually screened from Main Street.</p> <p>A pedestrian linkage is available from the visitor parking area to the front of the residential buildings.</p> <p>The parking area on Lot B (vacant torrens lot) is proposed to support the Theatre Royal (currently vacant of usage). It is unknown at this stage of the future use of the Theatre. There is however rear access for pedestrian use into the Theatre given that this is the original carpark.</p> <p>The parking location and access is suitable for traffic movements between the two proposed torrens allotments and the adjoining residential development.</p>

	<p>The parking areas contain a relatively flat topography and will contain suitable drainage to James Street.</p> <p>The design of the parking areas are in accordance with Clause 2.5.1 of the DCP.</p> <p>An accessible parking spot has been allocated in proposed Lot B for the Theatre Royal. It would be conditioned on the consent should the application be recommended for approval to comply with the National Construction Code.</p> <p>The design of the internal manoeuvring areas demonstrates consideration of safety for all users.</p> <p>The parking areas are proposed to be sealed with adequate drainage.</p> <p>It is expected that majority of users utilising the parking areas would be standard vehicles.</p> <p>The DCP states that basement parking is not to protrude more than 1m above finished ground level except to the entrance to the car park. The development therefore satisfies this requirement.</p> <p>Parking navigation would be conditioned on the consent should the application be approved.</p> <p>Lighting of the carpark areas would be conditioned on the consent.</p>
<p><b>2.5.5 On-Site Parking Numbers</b>  <u>Multi-dwelling housing, shop top housing and residential flat buildings:</u>  Minimum two (2) off-street spaces (one enclosed) for units with three (3) or more bedrooms.</p> <p>Visitor Parking: Minimum one (1) space per five (5) units or part thereof.</p>	<p>Two (2) enclosed parking spaces are proposed for each of the residential units. As such this complies with the DCP requirements for residential flat units.</p> <p>A visitor parking area is also provided.</p> <p>As such, the development complies with the DCP in relation to the residential flat building component.</p> <p>Eight (8) car parking spaces have been allocated for the potential reuse of the Theatre Royal.</p>
<p><b>2.5.7 Bicycle Parking:</b>  Shop top housing, multi-dwelling housing, residential flat buildings &amp; boarding houses- 1 space per 4 units</p>	<p>Bicycle parking is proposed adjoining the visitor parking area at the rear of the buildings. This is adequate for the development.</p>
<p><b>2.6 Pedestrian Access, Mobility &amp; Safety</b></p>	

2.6.1 Accessibility	Accessibility requirements would be submitted with the Construction Certificate, should the application be approved.
2.6.2 Pedestrians	Pedestrian entrances would be clearly defined throughout the development through walkways and entrances.
2.6.3 Street Numbering & Letterboxes	This would be conditioned on the consent should the application be approved.
<b>2.7 Designing for Crime Prevention</b>	
The development has been designed with natural surveillance with the location of windows and habitable rooms overlooking public places and clear unobstructive line of sight between public and private places. Access would be controlled with fencing and gates around the boundaries of the residential allotment.	
<b>2.8 Utilities, Easements &amp; Infrastructure</b>	
2.8.1 Connection to Utilities	Complies - The development will provide reticulated water, electricity, underground sewerage management/disposal, stormwater drainage and suitable vehicular access through the design and via conditions of consent.  As such, the development will have all essential services as required and complies with CI 2.8 of the DCP.
2.8.2 Building Near Utilities/Easements/Drainage Lines	Reticulated Water is located within Main Street while the sewer main is located towards the back of the property. Construction over the sewer main would consist of the concrete driveway and parking area for Lot B.  The development was referred to Council's Water and Sewer Officer for comment, who had no concerns to the application subject to conditions placed on the consent.
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	Complies-Water tanks are provided for each proposed dwellings for roof water runoff and to be utilised on gardens.
2.8.6 Water Supply	The development is proposed to be connected to Council's reticulated water supply. This is satisfactory for the development.
<b>2.9 Solid Waste Management</b>	
2.9.1 Hazardous Materials & Asbestos	As per the Detailed Site Investigation, asbestos material is present on the site.  Conditions would be included on the consent should the application be recommended for approval, that the asbestos is removed from the site in accordance
2.9.2 Solid Waste Management Plan – Larger Developments	A bin storage area is shown on the site plan and is to be located within the communal strata lot area for all residents. The bin location has been nominated along the eastern side boundary of the visitor parking area. The area is screened by proposed

	landscaping to be located in front of the visitor parking area.
2.9.3 Waste Storage & Collection – Larger Development	Access to the bins are located within a communal area as stated above. The waste collection point is proposed to be located on James Street and managed by the individual residents of each dwelling. This would be included within the Strata Management Plan.
<b>2.10 Amenity/Buffers for Sensitive Uses</b>	
2.10.1 Noise & Vibration	<p>A rail noise and vibration assessment was submitted with the application due to the railway line adjoining the site to the rear.</p> <p>The results of the rail noise was recorded to be a maximum of 57.8dB(A) during the daytime and 59.2dB(A) during the night time.</p> <p>The assessment provided construction noise recommendations specifically for the bedrooms.</p> <p>The results for the vibration monitoring during all hours appears to comply with the preferred value for the vibration dose value criteria. As such the rail vibration emissions will not result in human discomfort nor structural damage at the proposed development.</p> <p>The report concluded that the proposed site will comply with the requirements of the relevant Australian and NSW Guidelines, Standards and Policies, provided the recommendations outlined in the construction recommendations within the report. This would be conditioned on the consent should the application be approved.</p> <p>The development as such complies with the DCP.</p>
2.10.2 Air Emissions, Odour & Dust	<p>Conditions would be included on the consent relating to air and dust during construction works. Once operational it is expected that there would be no impact to air emissions as the driveways and parking areas will be concreted.</p> <p>This is satisfactory for the development.</p>
<b>2.11 Water &amp; Energy Efficiency</b>	
Complies - A BASIX Certificate (No. 1747881M_02, dated 14 November 2024) has been submitted with the Development Application which demonstrates that the development will comply with water, thermal comfort and energy targets. The development therefore complies with the requirements of SEPP (BASIX) 2004.	

<b>Chapter 3 – Natural Environment &amp; Hazards</b>	
<b>Development Control</b>	<b>Assessment Comments</b>
<b>3.4 Land and Soil</b>	

### 3.4.1 Contaminated Land

A Detailed Contamination Investigation was required and undertaken.

Soil samples confirmed elevated levels of TRH (>C10-C16), TRH (>C16-C34), TRH (>C34-C40), benzo(a)pyrene, carcinogenic PAHs, chromium, zinc and copper exceeding the adopted residential thresholds. The contamination is associated with historical fill containing ash.

Fill encountered on the site comprised pale brown to dark brown sand, clayey sand to sandy clay with varying layers of ash up to 1m. Ash comprised odorous dark tar ash, white and grey ash. Red brick and timber assumedly remnants of historical footings were encountered in some boreholes.

An oil spill and stained soil on the western boundary is less than 1m<sup>2</sup>. The extent of the impacted material is generally defined by the area of soil staining.

Cement sheeting fragments were visually identified with asbestos containing cement sheeting fragments are non-friable. The presence are expected to impact the whole site.

Two groundwater monitoring wells were drilled to intercept shallow groundwater in upslope and downslope areas of the site. Groundwater was encountered in all monitoring wells drilled on the site. Phase separated hydrocarbons were not visually identified in groundwater samples collected. No odour was present in groundwater samples collected.


Hydrocarbon contaminants were below the level of detection and adopted thresholds in all groundwater samples collected. Benzo(a)pyrene was not detected in leachate samples analysed.

Elevated groundwater levels of zinc and copper exceeding thresholds for 95% protection of freshwater ecosystems were identified. Levels of copper additionally exceeded drinking water guidelines. Elevated up gradient levels of zinc and copper in groundwater indicate elevated environmental background and regional levels. The site is capped hardstand and no pathway to groundwater is present.

	<p>Heavy metal (chromium, zinc and copper) and hydrocarbon (TRH (&gt;C10-C16), TRH (&gt;C16-C34), TRH (&gt;C34-C40) benzo(a)pyrene, carcinogenic PAHs) contaminants impacted area is approximately 34m by 23m up to 1m depth across the northern western and eastern sections of the site. The impacted area is associated with fill containing ash. Asbestos is expected to impact the whole site.</p> <p>The detailed Investigation Report recommends remediation of the impacted area and in compliance with the SEPP.</p> <p>Remediation works should be undertaken in accordance with a Remediation Action Plan (RAP) and supervised by a suitably qualified environmental scientist. Viable remedial options include:</p> <ul style="list-style-type: none"> <li>• Excavation and disposal to a licensed landfill, or</li> <li>• Capping of impacted soil on site, subject to design and approval.</li> </ul> <p>Minor works should be undertaken including removal of stained soil associated with a drain pan along the western boundary.</p> <p>Due to the presence of asbestos containing materials and building materials impacting the whole site, site development works should be undertaken in accordance with an asbestos management plan.</p> <p>As such the above recommendations would be conditioned on the consent should the application be approved.</p>
3.4.2 Sensitive Land Areas	Not applicable.
3.4.3 Erosion & Sedimentation	Erosion and Sediment Control requirements will be conditioned on the consent should the application be approved.
3.4.4 other Geological or Soil-Related Issues	Complies- refer to previous comments in this report relating to earthworks, topography of the land, stormwater and civil design plans.
<b>3.5 Flood Prone Land</b>	
3.5.1 Preliminary Flood Risk Assessment	<p>The Stormwater Management Plan submitted with the application states that during major rainfall events, the current site is subject to inundation from two sources:</p> <ol style="list-style-type: none"> <li>3) Out of bank flows from flooding within Sheedys Gully, that overtop the kerb on Main Street and flow down the pedestrian accessway alongside the Theatre Royal, and</li> <li>4) A backwater from ponding that occurs at the sag point on James Street.</li> </ol>

	<p>The proposed development will raise the frontage of the site, providing a barrier to overland flows on Main Street, however the walkway between the proposed development and the Theatre will be subject to overland flow.</p> <p>Inundation of the proposed basement level will likely to occur due to the backwater effect from James Street, as such it is intended that the basements will not include any habitable areas or hazardous material storage areas.</p> <p>As such the following recommendations are to be implemented to ensure no adverse flood impacts:</p> <ul style="list-style-type: none"> <li>• Upgrades to the local pit and pipe network to enable free drainage of the site during events up to an including the 20% AEP event.</li> <li>• The design of the ground floor level needs to allow for flood inundation and account for the hydraulic loading from flood waters.</li> </ul> <p>The flood report was assessed by Council's Engineers and found to be satisfactory for the development.</p>
3.5.2 key Controls	Refer to above comments.
3.5.3 Construction Requirements & Flood Proofing	Refer to above comments.

<b>Chapter 4 – Heritage &amp; Cultural Conservation</b>	
<b>Development Control</b>	<b>Assessment Comments</b>
<b>4.4 Specific Controls – Heritage Conservation Areas</b>	
4.4.7 Lithgow Main Street Heritage Conservation Area "C7"	
1) Street Alignment and Setbacks	<p>The development occupies the full width of the property where possible, with a setback of 1.2m from the side boundaries for fire separation purposes and to minimise impacts to the heritage item of the Theatre Royal.</p> <p>Existing retaining walls will be reconstructed along the front streetscape that is in line with the Theatre building frontage. Courtyards are located behind the retaining walls prior to the building walls. This is so that the development does not detract the visual impacts of the Theatre and to create a soften atmosphere with the apartments to the west that contains greenspace between the footpath and building.</p> <p>The DCP states that there should be zero side setbacks, as such the proposal requests a variation due to the scale of the development being similar to the surrounding development</p>

	<p>and due to safety/heritage protection purposes. The development is also on the fringe of the precinct area where the DCP states that setbacks can vary, to adopt adjacent setbacks as a guide.</p> <p>Although the Theatre contains an awning over the footpath, Vernadahs/balconies to the street are proposed for each of the dwellings on the ground and first floors. This is similar to other buildings located within the Main Street Conservation Area.</p> <p>Vehicle access is via the rear of the site which complies with the DCP of not having vehicle access at the front of the property.</p> 
2) Building Height	<p>The Theatre Royal to the east contains 2 storeys at the frontage with the Lynton Court Apartments containing three storeys to the west of the site. The height at the rear of the building is to include a basement.</p> <p>The height of the development, including the façade is approximately 10m at the front southern elevation. This is slightly smaller than the adjoining buildings, however; would not create a detrimental impact to the streetscape or heritage items.</p>
3) Existing Materials	<p>The adjoining buildings contain brick wall material. Therefore, the development would be similar via providing face brick.</p>
4) New Materials	<p>Refer to above comment.</p>
5) Building Form	<p>The design of the development proposes to utilise similar aspects to the surrounding heritage buildings as well as maintaining its own integrity. The detailing such as the inclusion of parapets, height of the building, building material (brick face), rectangular doors, and balconies are significant to maintain the heritage aspects. The setback of the development from the streetscape with courtyards at the front shows the separation of the heritage significant building to the modern building appearance.</p> <p>The sympathetic but modern design fits into Victorian style design that typifies Main Street.</p>
6) Roofs	<p>The development proposes to contain a brick parapet similar to the adjoining buildings and</p>

	<p>other buildings within the heritage conservation area.</p> <p>The shape of the roof pitch (triangle frontage) is similar to design elements of the adjoining buildings.</p> <p>The roof is proposed to contain colourbond material similar to the Theatre Royal. The Lynton Court Apartments on the adjoining allotment appear to contain a tiled roof.</p>
7) Facades	As previously discussed in this report, the façade of the development would be similar to the surrounding developments within the streetscape.
8) Shopfront and Interior Fitout	Not Applicable.
9) Verandahs, Awnings and Balconies	The proposed balconies would be street frontage as well as overlooking the rear carparking area. This complies with the DCP for infill development, character and setting.
10) Fences	<p>The DCP stipulates that brick or modern fencing is not appropriate or consistent with the area</p> <p>The development proposes an aluminium batten type fenced and gate to be located between the courtyard and front verandah (1.2m high), as well as at the rear of the buildings to separate the residential component of the development from the access and carparking proposed allotment (1.8m high).</p> <p>The fencing along the front verandahs will be approximately 5m in width, that being approximately 20m in length overall along the front elevation per floor level. A black 'wrought iron' fence is also proposed along the front boundary on top of the brick retaining wall.</p> <p>Given the height and widths of the fencing within the front façade being of a small scale and design of the fencing being open style battens, it is anticipated that the fencing would have no impact to the heritage character of the area and suit the streetscape.</p>
11) Kerbing and Street Elements	Not Applicable given that the footpath would not be impacted upon.
12) Alterations and Additions	Not Applicable.
13) Infill Development	The development complies with the DCP in that the garages and driveways will not dominate the streetscape, minimal cut and fill as the proposed floor levels would be above the existing ground level, proposed

	landscaping is consistent with the character of the area.
14) Landscape	Landscaping is proposed to be located within the front courtyards and considered suitable for the development.
15) Subdivision and Site Amalgamations	The proposed subdivisions will not obscure the established character of the area.

<b>Chapter 5 – Subdivision &amp; Roads</b> including consolidation and boundary adjustments	
<b>Development Control</b>	<b>Assessment Comments</b>
<b>5.2 Site Selection, Analysis &amp; Design Response</b>	
5.2.1 Site Analysis & Potential Land Use Conflicts	Refer to previous response under Chapter 2 of the DCP assessment.
5.2.2 Water, Natural Environment & Hazards	<p>Stormwater- A stormwater management system is proposed around the development site including the drainage flow into two bioretention basins. The stormwater measures have been assessed by Council's Engineering Department and by WaterNSW. Suitable conditions have been included in the consent to ensure that the development complies with the requirements and that there is adequate handover to become Council's assets to maintain and manage.</p> <p>Watercourses- No watercourses exist on the property.</p> <p>Significant vegetation- No significant vegetation exists on the property.</p> <p>Hazards- The property is mapped as being flood prone. Refer to previous comments under Chapter 3 in this report.</p> <p>An Aboriginal Heritage Due Diligence Assessment was undertaken no Aboriginal objects or areas of potential archaeological depots identified. Standard conditions would be applied on the consent indicating that should any artefacts or relics be found during excavation.</p>
5.2.3 Lot Sizes, Dimensions & Suitability	<p>The development is consistent with the objectives of the zone and development standards of the LLEP2014 relating to lot sizes (refer to considerations under the LLEP2014).</p> <p>The development proposes strata (4) lots that will allow reasonable solar and aesthetic orientation for the development.</p> <p>The varying lots sizes is consistent with the requirement to enhance character of the area and minimise receptiveness.</p>

	<p>The development further involves a subdivision into 2 torrens title allotments. One lot is proposed to involve the residential flat buildings (Lot A shown on the plans) while the other allotment (Lot B shown on the plans) is for carparking (7 vehicle spaces plus an accessible parking space) and right of access. Lot A is proposed to contain an area of 1270.4m<sup>2</sup> and Lot B is proposed to contain an area of 422.8m<sup>2</sup>.</p> <p>The right of carriageway currently services the adjoining residential building to the west and carparking to the rear of the Theatre Royal. This access adjoins James Street to the east of the site. The proposed carparking spaces is proposed to be for any future use of the Theatre. Lot B will be managed and maintained by the owner of the allotment.</p> <p>As such, the proposed subdivisions (torrens and strata) is considered to satisfy Clause 5.2.3 of the DCP.</p>
5.2.4 Access & Entrances	<p>As discussed above, access to the allotments is proposed via James Street. This is satisfactory for the development.</p>
5.2.5 Utilities/Easements	<p>The development will provide reticulated water, electricity, underground sewerage management/disposal, stormwater drainage and suitable vehicular access through the design and via conditions of consent.</p> <p>As such, the development will have all essential services as required and complies with Clause 5.2.5.</p>
5.2.6 Siting and Visibility of Utilities	Refer to the above comments.
5.2.7 Staging	Not Applicable.
<b>5.3 Urban Residential Subdivision</b>	
5.3.1 Lot Size & Arrangement - General	<p>This section of the DCP refers to Torrens Title Subdivisions. Given that the development proposes one allotment to be built upon for residential purposes and the other for access and carparking, the development is considered to satisfy clause 5.3.1.</p>
5.3.2 Access to Lots with Limited or No Road Frontages	Refer to comments under Clause 5.2.

<b>Chapter 6 – Residential Development</b>	
<b>Development Control</b>	<b>Assessment Comments</b>
<b>6.2 General Controls</b>	
6.2.1 Site Analysis & Potential land Use Conflict	Complies refer to the responses under Chapter 2 of the DCP.
6.2.2 Site Suitability	The development complies with the objectives of the zone as well as catering for earthworks, standard of amenity and functionality consistent with the area character.

6.2.3 landscaping & Tree protection	<p>The property is currently vacant of landscaping and trees.</p> <p>Landscaping is proposed around the development site, in front of the dwellings and around the carparking/access areas.</p> <p>This is satisfactory for the development.</p>
6.2.4 Fencing	<p>The development proposes an aluminium batten type fenced and gate to be located between the courtyard and front verandah (1.2m high), as well as at the rear of the buildings to separate the residential component of the development from the access and carparking proposed allotment (1.8m high).</p> <p>The fencing along the front verandahs will be approximately 5m in width, that being approximately 20m in length overall along the front elevation per floor level. A black 'wrought iron' fence is also proposed along the front boundary on top of the brick retaining wall.</p> <p>Given the height and widths of the fencing within the front façade being of a small scale and design of the fencing being open style battens, it is anticipated that the fencing would have no impact to the heritage character of the area and suit the streetscape.</p>
6.2.5 Suitable Design	<p>Complies - A BASIX Certificate (No. 1747881M_02, dated 14 November 2024) has been submitted with the Development Application which demonstrates that the development will comply with water, thermal comfort and energy targets. The development therefore complies with the requirements of SEPP (BASIX) 2004.</p>

<b>Chapter 6 – Residential Development</b>	
<b>Development Control</b>	<b>Assessment Comments</b>
<b>6.5 Medium to Higher Density Housing</b>	
6.5.1 Siting & Setbacks	<p>The DCP requires an 8m setback from classified roads (Roads owned by Transport for NSW), 3m from side boundaries and 6m from the rear boundaries.</p> <p>The setback of the buildings is 16.84 along the western boundary to the north (rear of the site at the shortest measurement), 1.217m from the adjoining eastern boundary (Theatre Royal), 8.571m from the front southern boundary and 1.2m from the adjoining western boundary.</p> <p>The development complies with the front and rear setback controls in the DCP.</p>

	<p>In relation to the side setbacks, it is to be noted that the development is located within an E1 Zone with the Theatre Royal and existing residential 3 storey development adjoining the site.</p> <p>The design of the development, i.e. front courtyards and access/parking at the rear, and the location of verandahs, the development would have minimal impact to the adjoining properties in terms of overshadowing and visual impacts.</p> <p>Therefore, Council can support the variation to the DCP setback requirements.</p> <p>The overall height of the building, including the façade is approximately 10m high.</p>
<p>6.5.7 Residential Flat (Apartment) Buildings  1a) General Controls  b) Setbacks  c) Local character and context  2. SEPP 65 (Now known as SEPP (Housing) 2021</p>	<p>The development complies with Chapter 2 and Chapter 3 of the DCP.  Refer to the setbacks requirements above.</p> <p>The housing SEPP is not applicable as the development is located in the E1 zone.</p>

**Council’s Policy Implications (Other than DCP’s)**

Lithgow Community Participation Plan

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

Notification Period: 23 April 2025 to 26 May 2025  
Submissions: Two (2) submissions received after the notification period

<b>Submission Comment</b>	<b>Council Officers Response</b>
<p>Impacts to the Theatre Royal and its future use. Including parking and noise impacts to the Theatre.</p>	<p>The developers of the application are currently the same owners of the Theatre Royal.</p> <p>The previous approval DA414/06 Reception and Entertainment Centre (e.g. movie theatre, restaurant, reception centre, school ceremonies/community activities and live entertainment/night club) was based on the number of seating with a patron limit of 500, This resulted to an approval for 50 car parking spaces.</p> <p>This development consent has since lapsed with any new use of the Theatre requiring a new development consent.</p> <p>Any new application would be required to address car parking requirements including accessibility standards. Consideration is</p>

	<p>further given to the heritage status and reuse of the building.</p> <p>Eight (8) car parking spaces have been allocated for the potential reuse of the Theatre.</p> <p>It is to be noted that the Theatre has been vacant since 2007 (approximately 18 years to date) and the future use is unknown at this stage, with concerns to upgrade the building to comply with the Building Code, Premises Standards and fire safety requirements expected to be difficult. Other concerns relate to heritage and noise.</p> <p>The Theatre Royal is currently located on a separate title/allotment to the development proposal; that being Lot 1 DP169176.</p> <p>Ideally, carparking onsite for an future development of the Theatre Royal would be beneficial; however, given the location of the premises within the Main Street Precinct, walking distance to on-street parking, Queen Elizabeth Park and existing public parking, the distance from the train station, bus stops adjacent the premises and taxi ranks within proximity, parking could be justified as part of any future development of the building.</p> <p>The development proposes 4 residential flat units within a busy traffic thorough fair of Main Street and opposite Queen Elizabeth Park, that being a popular place for social gatherings. The rear of the property also adjoins the trainline.</p> <p>The development therefore would not create additional noise to the area or to potential future use/s of the Theatre.</p>
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Policy 7.7 Calling In Of Development Applications By Councillors

This application has been called in pursuant to Policy 7.7 "Calling in of Applications by Councillors" Item 3 that states:

3. Should written notice signed by a Councillor be provided to the General Manager prior to determination of a development application, the application shall not be determined under delegated authority but shall be:

- Reported to the next available Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been 'called in'; and
- Reported to a Meeting of Council for determination where the application is in a state that it can be determined.

The application was called in by Councillor Evangelidis on 28 May 2025. As such, the advice to this Council meeting is pursuant to Council policy.

The "Call In" report was subsequently reported at the Ordinary Meeting of Council dated 30 June 2025.

The following resolution from the meeting was made:

**25 -165 RESOLVED**

*THAT:*

- 1. Council note the information provided on Development Application DA011/25.*
- 2. An onsite meeting be organised for staff, Councillors and residents and that the Farmers Creek Floodplain Risk Analysis report be discussed at this meeting.*
- 3. Council note that a report on the final assessment and recommendation will be furnished to a future Council meeting for determination of DA011/25 for Residential Flat Buildings including subdivision (Torrens and Strata) development.*

An onsite meeting was subsequently undertaken on the 8 December 2025, with Councillors and surrounding landowners. Concerns from the meeting related to flooding and carparking.

**Flooding**

As previously discussed in this report, flooding is impacted from Council's Stormwater system located opposite the property at Queen Elizabeth Park. This is an existing stormwater pipe and has been identified as a Council concern during major flood events.

The development has been designed to allow potential water to flow through the property via three pathways. The water would then be dispersed through the Farmers Creek Catchment. As such, the development would not impose or increase flood occurrence or impacts to surrounding properties.

**Carparking**

Carparking for the future potential use of the Royal Theatre is dependent on that future use. As no use is known at this stage, there is no requirement for carparking. A development application would therefore be required to be submitted for any proposed use.

The location of the development is in proximity to the Lithgow Main Street precinct, close to bus parking, taxi ranks and the train station.

The development is considered to have a positive social interaction with the surrounding area, as it would draw attention and publicity to that end of the Main Street Precinct. Pedestrians would be able to walk to and from existing Council carparks and other transport routes to enjoy other businesses and recreation areas.

**Environmental Planning and Assessment Regulation 2021**

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

**Likely Impacts of the Development**

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

<b>Head of Consideration</b>	<b>Comment</b>
Context and setting	The development is for a residential flat building and subdivisions within the E1 zoning area under the Lithgow LEP 2014.

	<p>The property adjoins the former Theatre Royal building to the east, residential apartments to the west and the railway line to the north. Queen Elizabeth Park is located opposite the property on Main Street.</p> <p>The design of the development is consistent with the surrounding buildings taking into account the heritage significance of the area.</p> <p>The design of the development proposes to utilise similar aspects to the surrounding heritage buildings as well as maintaining its own integrity. The detailing such as the inclusion of parapets, height of the building, building material (brick face), rectangular doors, and balconies are significant to maintain the heritage aspects. The setback of the development from the streetscape with courtyards at the front shows the separation of the heritage significant building to the modern building appearance.</p> <p>The character of the streetscape, as such, is considered to be enhanced by the development given that the use of the allotments was vacant of building structures.</p>
Access, traffic and parking	<p>Access is proposed to be via the existing driveway from James Street. This is a Council controlled road with a 40km/hr speed limit. The access avoids the use of a Transport for NSW Road (Main Street).</p> <p>Given that the access is existing, no street trees, utilities or drainage would be impacted upon.</p> <p>The access is approximately 60m from the Main Street intersection and approximately 48m to Young Street. This is considered adequate in terms of sight lines.</p> <p>Landscaping is designed within the development and not along the access point.</p> <p>The parking location for proposed Lot A (residential flat buildings) is to be in the basement for the residences and at the rear of the buildings for visitor parking. Lot B parking will also be behind the buildings.</p> <p>The parking areas will therefore be visually screened from Main Street.</p> <p>A pedestrian linkage is available from the visitor parking area to the front of the residential buildings.</p> <p>The parking area on Lot B (vacant torrens lot) is proposed to support the Theatre Royal (currently vacant of usage). It is unknown at this stage of the future use of the Theatre. There is however rear access for pedestrian use into the Theatre given that this is the original carpark.</p> <p>The parking location and access is suitable for traffic movements between the two proposed torrens allotments and the adjoining residential development.</p>

	<p>The parking areas contain a relatively flat topography and will contain suitable drainage to James Street.</p>
Public Domain	<p>The development is proposed to be located on an existing vacant allotment, with the development surrounded by different types of residential/commercial uses.</p> <p>A local park (Queen Elizabeth Park) is located opposite the development site. As such the development is within proximity to public open space areas and contains adequate pedestrian linkages.</p> <p>The development will have minimal impact to the public domain given the location being surrounding by built developments.</p>
Utilities	<p>Water, sewer, electricity and telecommunication utilities will be provided to the development to the requirements of the respective public utility authority.</p>
Water/air/soil impacts	<p>Water impacts have been assessed by WaterNSW and is found to be adequate for the development subject to conditions on the consent.</p> <p>The development, once operational will have no impact on air quality. Conditions relating to dust will be conditioned on the consent during construction work.</p> <p>The buildings propose approximately 2.75m of fill at the front of the property (the current carpark area just inside the wall will be backfilled to form the building pad or the front gardens and paths off Main Street) with the rear of the buildings to contain a basement on the existing ground level.</p> <p>An existing retaining wall will remain at the front of the property to contain the fill.</p> <p>The existing brick fence along the Main Street frontage will further be removed, given it being in a dilapidated state.</p> <p>The development has been assessed by appropriate authorities for potential impacts from earthworks and is found to be satisfactory subject to conditions of consent, should the application be approved. This includes clean fill requirements.</p> <p>The proposed development will have minimal impacts on drainage patterns and soil stability in the locality through construction in accordance with the stormwater management plan.</p>
Contamination	<p>A Detailed Contamination Investigation was required and undertaken.</p> <p>Soil samples confirmed elevated levels of TRH (&gt;C10-C16), TRH (&gt;C16-C34), TRH (&gt;C34- C40), benzo(a)pyrene, carcinogenic PAHs, chromium, zinc and copper exceeding the adopted residential thresholds. The contamination is associated with historical fill containing ash.</p> <p>Fill encountered on the site comprised pale brown to dark brown sand, clayey sand to sandy clay with varying layers of ash up to 1m. Ash comprised odorous dark tar ash, white and grey ash. Red</p>

	<p>brick and timber assumedly remnants of historical footings were encountered in some boreholes.</p> <p>An oil spill and stained soil on the western boundary is less than 1m<sup>2</sup>. The extent of the impacted material is generally defined by the area of soil staining.</p> <p>Cement sheeting fragments were visually identified with asbestos containing cement sheeting fragments are non-friable. The presence are expected to impact the whole site.</p> <p>Two groundwater monitoring wells were drilled to intercept shallow groundwater in upslope and downslope areas of the site. Groundwater was encountered in all monitoring wells drilled on the site. Phase separated hydrocarbons were not visually identified in groundwater samples collected. No odour was present in groundwater samples collected.</p> <p>Hydrocarbon contaminants were below the level of detection and adopted thresholds in all groundwater samples collected. Benzo(a)pyrene was not detected in leachate samples analysed.</p> <p>Elevated groundwater levels of zinc and copper exceeding thresholds for 95% protection of freshwater ecosystems were identified. Levels of copper additionally exceeded drinking water guidelines. Elevated up gradient levels of zinc and copper in groundwater indicate elevated environmental background and regional levels. The site is capped hardstand and no pathway to groundwater is present.</p> <p>Heavy metal (chromium, zinc and copper) and hydrocarbon (TRH (&gt;C10-C16), TRH (&gt;C16-C34), TRH (&gt;C34-C40) benzo(a)pyrene, carcinogenic PAHs) contaminants impacted area is approximately 34m by 23m up to 1m depth across the northern western and eastern sections of the site. The impacted area is associated with fill containing ash. Asbestos is expected to impact the whole site.</p> <p>The detailed Investigation Report recommends remediation of the impacted area and in compliance with the SEPP.</p> <p>Remediation works should be undertaken in accordance with a Remediation Action Plan (RAP) and supervised by a suitably qualified environmental scientist. Viable remedial options include:</p> <ul style="list-style-type: none"><li>• Excavation and disposal to a licensed landfill, or</li><li>• Capping of impacted soil on site, subject to design and approval.</li></ul> <p>Minor works should be undertaken including removal of stained soil associated with a drain pan along the western boundary.</p> <p>Due to the presence of asbestos containing materials and building materials impacting the whole site, site development works should be undertaken in accordance with an asbestos management plan.</p> <p>As such the above recommendations would be conditioned on the consent should the application be approved.</p>
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Built Environment	The proposed development is considered to be in keeping with the established mixed use locality. The proposal is not considered to be an overdevelopment of the site and is unlikely to result in adverse impacts on the subject site and surrounding locality.
Social Impact	The development would provide a positive social impact as it proposes a residential development on an existing vacant allotment in the locality. Given that the site is currently vacant and an eye sore to the public view, the development being a modern/ style development to fill the gap would create a positive impact to the street scape and complement the surrounding heritage developments.
Economic Impact	The development would create a positive economic impact as it would employ local trades during construction with the continued use of the facility. The development would also provide a built accommodation form on an existing vacant allotment, close to the town centre.
Flood Impacts	<p>The Stormwater Management Plan submitted with the application states that during major rainfall events, the current site is subject to inundation from two sources:</p> <ol style="list-style-type: none"> <li>1) Out of bank flows from flooding within Sheedys Gully, that overtop the kerb on Main Street and flow down the pedestrian accessway alongside the Theatre Royal, and</li> <li>2) A backwater from ponding that occurs at the sag point on James Street.</li> </ol> <p>The proposed development will raise the frontage of the site, providing a barrier to overland flows on Main Street, however the walkway between the proposed development and the Theatre will be subject to overland flow.</p> <p>Inundation of the proposed basement level will likely to occur due to the backwater effect from James Street, as such it is intended that the basements will not include any habitable areas or hazardous material storage areas.</p> <p>The HEC-RAS modelling completed within the Stormwater Report provides evidence that the development does not result in any changes to the primary overland flow paths or flooding mechanisms. Given that only minor filling is proposed to achieve the design levels, and the site is not considered to be within a flood storage area (floodway only), no compensatory storage volume is required to offset the proposed fill, however, the proposed changes to the site grading was modelled to confirm any possible impacts.</p> <p>From the modelling it was found that there was negligible impact on the flood levels experienced, with a peak water levels being as follows:</p> <ul style="list-style-type: none"> <li>• Main St = 913.15m AHD, 0.02m lower than the existing scenario, and</li> <li>• Basement/carpark = 911.72m, AHD, 0.01m lower than the existing scenario. In addition, with the raising of the pad level to 911.25m AHD, this will reduce the inundation depth to 470mm.</li> </ul>

	<p>Regarding the flood planning and habitable floor levels, these are informed by the peak water. Based on the above the flood planning levels should be:</p> <ul style="list-style-type: none"> <li>• Non-habitable areas subject to the James Street backwater effect = 911.72m AHD. Noting that inundation shall not exceed 500mm, the minimum floor level for non-habitable areas shall be 911.22m AHD.</li> <li>• Habitable areas subject to the backwater effect = 912.22m AHD, this includes 500mm freeboard from the peak water level.</li> <li>• Habitable areas subject to overland flows on Main St = 913.65m AHD this includes 500mm freeboard from the peak water level.</li> </ul> <p>As such the following recommendations are to be implemented to ensure no adverse flood impacts:</p> <ul style="list-style-type: none"> <li>• Upgrades to the local pit and pipe network to enable free drainage of the site during events up to an including the 20% AEP event.</li> <li>• The design of the ground floor level needs to allow for flood inundation and account for the hydraulic loading from flood waters.</li> </ul> <p>The flood report was assessed by Council's Engineers and found to be satisfactory for the development.</p>
Noise Impacts	<p>A rail noise and vibration assessment was submitted with the application due to the railway line adjoining the site to the rear.</p> <p>The results of the rail noise was recorded to be a maximum of 57.8dB(A) during the daytime and 59.2dB(A) during the night time.</p> <p>The assessment provided construction noise recommendations specifically for the bedrooms.</p> <p>The results for the vibration monitoring during all hours appears to comply with the preferred value for the vibration dose value criteria. As such the rail vibration emissions will not result in human discomfort nor structural damage at the proposed development.</p> <p>The report concluded that the proposed site will comply with the requirements of the relevant Australian and NSW Guidelines, Standards and Policies, provided the recommendations outlined in the construction recommendations within the report.</p>

### **Site Suitability**

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

The site is considered suitable for the proposed development for the following reasons:

- The development is consistent with the objectives and permissible under the applicable land use zoning under Lithgow LEP 2014.
- The constraints of the site have been considered in the development, which includes water quality, easements, traffic, access and parking and potential impacts to adjoining property owners.

The site is not subject to any other known risk or hazard that would render it unsuitable for the proposed development.

### **Contributions**

#### **Section 7.12 Development Contributions Plan 2024-2026**

Council's Section 7.12 Development Contributions Plan 2024-2026 applies to this development given it is for residential flat buildings at an estimated cost of \$6,228,233.00, using the below levies:

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

Therefore, the following condition of consent should apply to the development is approved:

#### ***Section 7.12 Local Contributions***

*Payment of a 7.12 contribution in accordance with Lithgow City Council Section 7.12 Development Contribution Plan (2024-2026) shall be made to Council, prior to the release of the Construction Certificate.*

*The amount payable is **\$62,282.33**.*

*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 (2024-2026).*

#### **Development Servicing Plan for Water Supply and Sewerage**

Under the *Water Management Act 2000*, Section 305, an application for Certificate of Compliance must be submitted to Council. This Act states:

##### **305 Application for certificate of compliance**

- (1) A person may apply to a water supply authority for a certificate of compliance for development carried out, or proposed to be carried out, within the water supply authority's area.
- (2) An application must be accompanied by such information as the regulations may prescribe.

Contributions under the Development Servicing Plan for Water Supply and Sewerage under Section 64 of the *Local Government Act 1993* for the development will be required to be paid prior to the release of the Occupation Certificate. This will be conditioned on the consent should the application be approved.

### **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 DA011/25 is approved subject to conditions set out in Schedule A.

Assessment Prepared By:

Lauren Stevens  
Development 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
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- 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)**

<b>ADMINISTRATION CONDITIONS</b>																																																																																															
1.	<p><b>Approved Development</b></p> <p>Development Consent is granted for a Residential Flat Building comprising (4) strata units including Subdivision (Torrens and Strata) on land known as Lot 5 DP 19238, Lot 10 DP131092 and Lot 1 DP308160, 210-214 Main Street Lithgow.</p> <p>Condition Reason: To ensure all parties are aware of the approved development description and development address.</p>																																																																																														
2.	<p><b>Approved plans and supporting documentation</b></p> <p>Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="6" style="text-align: left;"><b>Approved Plans</b></th> </tr> <tr> <th style="width: 25%;">Title</th> <th style="width: 25%;">Author</th> <th style="width: 15%;">Project</th> <th style="width: 10%;">Sheet</th> <th style="width: 10%;">Revision</th> <th style="width: 15%;">Date</th> </tr> </thead> <tbody> <tr> <td colspan="6" style="text-align: center;"><b>Architectural Plans</b></td> </tr> <tr> <td>Location Plan, Drawing Schedule</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.00</td> <td>1</td> <td>05/02/2025</td> </tr> <tr> <td>Basement Floor Plan</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.01</td> <td>1</td> <td>04/10/2025</td> </tr> <tr> <td>Site Plan-Ground Floor Plan</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.02</td> <td>1</td> <td>04/10/2025</td> </tr> <tr> <td>Level 1-Floor Plans</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.03</td> <td>1</td> <td>04/10/2025</td> </tr> <tr> <td>Roof Plan</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.04</td> <td>1</td> <td>04/10/2025</td> </tr> <tr> <td>Elevations-Sheet 1</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.05</td> <td>1</td> <td>04/10/2025</td> </tr> <tr> <td>Elevations-Sheet 2</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.06</td> <td>1</td> <td>04/10/2025</td> </tr> <tr> <td>Shadow Diagrams</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.07</td> <td>1</td> <td>04/10/2025</td> </tr> <tr> <td>Section</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.08</td> <td>1</td> <td>04/10/2025</td> </tr> <tr> <td>Landscape Plan</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.09</td> <td>1</td> <td>04/10/2025</td> </tr> <tr> <td>BASIX Commitments</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.10</td> <td>1</td> <td>05/02/2025</td> </tr> <tr> <td>Turning Circles-Entering</td> <td>Havenhand Mather Architect Planners</td> <td>2313</td> <td>SK.12</td> <td>1</td> <td>05/02/2025</td> </tr> </tbody> </table>					<b>Approved Plans</b>						Title	Author	Project	Sheet	Revision	Date	<b>Architectural Plans</b>						Location Plan, Drawing Schedule	Havenhand Mather Architect Planners	2313	SK.00	1	05/02/2025	Basement Floor Plan	Havenhand Mather Architect Planners	2313	SK.01	1	04/10/2025	Site Plan-Ground Floor Plan	Havenhand Mather Architect Planners	2313	SK.02	1	04/10/2025	Level 1-Floor Plans	Havenhand Mather Architect Planners	2313	SK.03	1	04/10/2025	Roof Plan	Havenhand Mather Architect Planners	2313	SK.04	1	04/10/2025	Elevations-Sheet 1	Havenhand Mather Architect Planners	2313	SK.05	1	04/10/2025	Elevations-Sheet 2	Havenhand Mather Architect Planners	2313	SK.06	1	04/10/2025	Shadow Diagrams	Havenhand Mather Architect Planners	2313	SK.07	1	04/10/2025	Section	Havenhand Mather Architect Planners	2313	SK.08	1	04/10/2025	Landscape Plan	Havenhand Mather Architect Planners	2313	SK.09	1	04/10/2025	BASIX Commitments	Havenhand Mather Architect Planners	2313	SK.10	1	05/02/2025	Turning Circles-Entering	Havenhand Mather Architect Planners	2313	SK.12	1	05/02/2025
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<b>Subdivision Plans</b>						
	Subdivision Plan	CEH Survey	S866_CONC_RevB	-	B	22/09/2025
	Survey Plan 1	CEH Survey	-	1/2	-	N.D
	Survey Plan 2	CEH Survey	-	2/2	-	N.D
	Strata Plans of Subdivision of Lot A	CEH Survey	5866	1 to 4	-	N.D
<b>Approved Documents</b>						
	Title	Author	Project	Sheet	Revision	Date
	Basix Certificate No.1747881M_02	House Energy Certified	-	-	2	14 November 2024
	Nationwide House Energy Rating Scheme NatHERS Certificate No. HR-MA30PK-05	House Energy Certified	-	-	-	13 November 2024
	Conceptual Stormwater Management Plan	Calare Civil PTY LTD	2023.1244	-	P2	16/10/2024
	Rail Noise & Vibration Assessment	Environmental Monitoring Services	EMS24 1287-R2	-	2	13/03/2024
	Heritage Impact Assessment	Ray Christison	1961130	-	-	16 October 2024
	Detailed Site Investigation	Barnson	44913-ER02_A	-	A	26 March 2026
<p>In the event of any inconsistency between the approved plans and documents, the approved plans prevail. In the event of any inconsistency with the approved plans/documents and a condition of this consent, the condition prevails.</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>						
3.	<p><b>Contract Works Insurance</b>  The developer is to ensure that Contract Works Insurance is kept current for the duration of the development and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors / Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.  Condition Reason: To ensure the development has no impact to Council's Assets.</p>					
4.	<p><b>Council Assets</b>  Prior to the commencement of any works 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.  Condition Reason: To ensure the development has no impact to Council's Assets.</p>					
5.	<p><b>Consolidation of Lots/Torrens Subdivision</b>  Prior to issue of a construction certificate, evidence must be provided to the Principal Certifier that the subject lots have been consolidated in accordance with the proposed plan by CEH Survey (Plan No: 5866_CONC_RevA, dated Nov-24).  This shall include the registration of the Right of Access, Easement &amp; Restriction on the Use of Land shown on the plan of consolidation.</p>					

	Condition reason: To ensure the development complies to one land title.
6.	<p><b>Right of Carriageway</b> An easement is to be created granting a Right of Carriageway for access to No. 218 Main Street. The access is not to be obstructed without prior approval in writing of the occupiers of No. 218 Main Street.</p> <p>Condition Reason: To ensure minimal impacts to surrounding landowners.</p>
7.	<p><b>Building Regulations</b> All building work must be carried out in accordance with the provisions of the current Building Code of Australia, Volume 1.</p> <p>Condition Reason: To ensure the development complies with the Building Code of Australia.</p>
8.	<p><b>Disability Discrimination Act</b> It is the applicant responsibility to ensure compliance with the requirements of the Disability Discrimination Act 1992 (DDA). You are advised to seek advice from the Australian Human Rights and Equal Opportunity Commission in respect of your application.</p> <p>Condition Reason: To ensure the development complies with the Disability Discrimination Act 1992 (DDA).</p>
9.	<p><b>Contamination</b> The development is to comply with the recommendations within the <b>Detailed Site Investigation</b> Report. This includes:</p> <ul style="list-style-type: none"> <li>• Remediation works are to be undertaken in accordance with a Remediation Action Plan (RAP) and supervised by a suitably qualified environmental scientist. Viable remedial options include: <ul style="list-style-type: none"> <li>○ Excavation and disposal to a licensed landfill, or</li> <li>○ Capping of impacted soil on site, subject to design and approval.</li> </ul> <p>The Remediation Action Plan is to be submitted to Council detailing the viable remedial option prior to works commencing onsite.</p> </li> <li>• Minor works should be undertaken including removal of stained soil associated with a drain pan along the western boundary.</li> <li>• Due to the presence of asbestos containing materials and building materials impacting the whole site, site development works should be undertaken in accordance with an asbestos management plan. The Asbestos Management Plan is to be submitted to Council prior to works being undertaken onsite.</li> </ul> <p>Additionally, the following is to be undertaken:</p> <ul style="list-style-type: none"> <li>• All building waste stockpiles are to be removed from the site and taken to landfill.</li> <li>• An unexpected finds protocol is to be undertaken.</li> <li>• An Environmental Management Plan (EMP) be prepared prior to construction works commencing onsite. The purpose of the EMP is for management of excavated soils and should include procedures for the management of sediment and erosion.</li> </ul> <p>Evidence of the removal of the stockpiles, the unexpected find protocol and the EMP is to be submitted and approved by Council prior to the issue of the Construction Certificate.</p> <p>Condition Reason: To ensure compliance with the State Environmental Planning Policy (Resilience and Hazards) 2021.</p>
10.	<p><b>Rail Noise and Vibration</b> The development is to be constructed in accordance with the requirements of the relevant Australian and NSW Guidelines, Standards and Policies and the construction recommendations within the approved Rail Noise and Vibration Noise Assessment.</p> <p>Condition Reason: To ensure minimal impacts from noise and vibration impacts.</p>
11.	<p><b>Flooding</b> The development is to comply with the recommendations within the approved Stormwater Management Plan to ensure no adverse flood impacts, this includes:</p> <ul style="list-style-type: none"> <li>• Upgrades to the local pit and pipe network to enable free drainage of the site during events up to and including the 20% AEP event. Local regrading of the site may be required to achieve this.</li> </ul>

	<ul style="list-style-type: none"> <li>• The design of the ground floor level needs to allow for flood inundation and account for the hydraulic loading from flood waters.</li> <li>• Provide rainwater tanks to each dwelling to reduce the volume of runoff generated from the roof area. These should be plumbed into the development for re-use in toilets and washing machines.</li> <li>• Reduction of impervious areas through the provision of landscaping.</li> <li>• Reinststate and maintain the swale at the toe of the Main Western Railway embankment and grade the driveway such that sheet flows are directed into it.</li> </ul>
Condition Reason: To ensure minimal flood impacts.	

**GENERAL TERMS OF APPROVAL AND CONCURRENCE REQUIREMENTS**

**WATERSW REQUIREMENTS**

12.	<p><b>General</b></p> <p>The development layout and works shall be implemented in accordance with the plans and supporting documents set out in the following table.</p>
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Plan Title	Reference	Vers / Iss	Prepared By	Dated		
Strata Plan of Subdivision of Lot A - Location Plan	Ref: 5866	-	Petras Gordon Silinis	undated		
Strata Plan of Subdivision of Lot A - Floor Plan - Basement						
Strata Plan of Subdivision of Lot A - Floor Plan - Ground Floor Level						
Strata Plan of Subdivision of Lot A - Floor Plan - First Floor Level						
Theatre Royal Carpark - Site Levels	Plan No. 5866_Levels	-	CEH Survey	6/04/2023		
Proposed 2 Lot Subdivision - Concept Lot Layout	Plan No. 5866_CONC_RevA	A		18/12/2024		
Location Plan	Job No. 2313, Drawing no. SK.00	-	Havenhand & Mather Architects Pty Ltd	5/02/2025		
Basement Floor Plan	Job No. 2313, Drawing no. SK.01			4/10/2024		
Site Plan - Ground Floor Plan	Job No. 2313, Drawing no. SK.02			24/02/2025		
Level 1 - Floor Plans	Job No. 2313, Drawing no. SK.03			4/10/2024		
- Roof Plan	Job No. 2313, Drawing no. SK.04			4/10/2024		
Elevations - Sheet 1 & 2	Job No. 2313, Drawing no. SK.05 & SK.06			4/10/2024		
Shadow Diagrams	Job No. 2313, Drawing no. SK.07			4/10/2024		
Section	Job No. 2313, Drawing no. SK.08			24/02/2025		
Landscape Plan	Job No. 2313, Drawing no. SK.09			5/02/2025		
<b>Supporting Documents</b>						
Statement of Environmental Effects	-			6.0	Anthony Daintith Town Planning Pty Ltd	21/2/2025
Preliminary Site Investigation	Ref: 44913 ER01	A	Barnson Pty Ltd	28/05/2025		
Preliminary Contamination Investigation	Report No. R44913c1	1		24/02/2025		
BASIX Certificate	Cert no. 1747881M_02	-	House Energy Certified	14/11/2024		
Conceptual Stormwater Management Plan	Ref: 2023.1244	P2	Calare Civil Pty Ltd	16/10/2024		
Condition Reason: Water NSW has based its assessment under State Environmental Planning Policy (Biodiversity and Conservation) 2021 on this version of the development.						
13.	<p><b>Sewerage Infrastructure</b> 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>Condition Reason: 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.</p>					
14.	<p><b>Stormwater Management</b></p> <p>a) Stormwater management measures outlined below, and as shown on the Conceptual Stormwater Management Plan and Basement Floor Plan, shall be incorporated in the final stormwater drainage plan. The final plan shall:</p>					

	<ul style="list-style-type: none"> <li>• be prepared prior to the issuance of a Construction Certificate, and be to the satisfaction of the Principal Certifier,</li> <li>• include the following: <ul style="list-style-type: none"> <li>○ site levels, pits and pipes – including how ponding in the centre of the site will be addressed,</li> <li>○ rainwater tanks,</li> <li>○ details for the reinstatement of the grassed swale on the adjoining lot as per any consent requirements, and</li> </ul> </li> <li>• be implemented.</li> </ul> <p>b) The driveway and carparking areas shall be sealed and shall have adequate stormwater drainage to direct stormwater runoff to Council’s existing stormwater drainage network.</p> <p>c) A rainwater collection and reuse system for each dwelling roof shall be installed that: <ul style="list-style-type: none"> <li>• includes rainwater tanks with a minimum total capacity of 1,500 litres above any volume required for mains top-up,</li> <li>• ensures roofs and gutters designed to maximise the capture of rainwater in the tanks,</li> <li>• ensures that the tanks are plumbed to toilets, laundry and other areas for non-potable use including landscape watering, and</li> <li>• ensures that all rainwater tank overflow is directed to Council’s existing stormwater drainage network.</li> </ul> </p> <p>d) 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>e) 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>Condition Reason: To ensure appropriate stormwater treatment and quality control 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>
15.	<p><b>Excavation and Construction Activities</b></p> <p>a) Any excavation work as part of this development involving potentially contaminated soil shall be carried out in accordance with the EPA’s Waste Classification Guidelines: Part 1 (2014) and as specified in the Preliminary Site Investigation, and any Remediation Action Plan developed for the site.</p> <p>b) A Groundwater Monitoring Plan, recommended in the Preliminary Site Investigation, shall be prepared. The Plan shall: <ul style="list-style-type: none"> <li>• be prepared in consultation with Water NSW prior to the issuance of a Construction Certificate, and to the satisfaction of the Principal Certifier,</li> <li>• include specific details regarding the number and location of groundwater monitoring bores, duration of groundwater monitoring, and management measures to be implemented should monitoring identify groundwater contamination, and</li> <li>• be implemented.</li> </ul> </p> <p>c) 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: <ul style="list-style-type: none"> <li>• be developed prior to the issuance of a Construction Certificate and be to the satisfaction of the Principal Certifier,</li> <li>• be specifically implemented for any excavation involving potentially contaminated soils,</li> <li>• meet the requirements outlined in Chapter 2 of NSW Landcom’s Soils and Construction: Managing Urban Stormwater (2004),</li> <li>• ensure excavated material is tested for contaminants as defined by the EPA’s Waste Classification Guideline: Part 1 (2014). Any contaminated material shall be disposed of at an appropriately licensed waste facility as soon as possible after identification, and</li> <li>• include controls to prevent sediment or polluted water leaving the construction area or entering any stormwater drain or natural drainage system.</li> </ul> </p>

	<p>d) 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, ground surface stabilised or groundcover re-established, and appropriate site validation has been finalised, confirming the site does not present a potential water quality risk.</p> <p>Condition Reason: To manage adverse environmental and water quality impacts during the construction phase of the development to minimise the risk of erosion, sedimentation, and pollution within or from the site during this phase.</p>
<b>ENDEAVOUR ENERGY REQUIREMENTS</b>	
16.	<p><b>Demolition</b> All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
17.	<p><b>Driveways</b> For public/road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
18.	<p><b>Earthing</b> The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations'. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
19.	<p><b>Easement Management</b> Preference is for no activities to occur in easements and they must adhere to minimum safety requirements. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
20.	<p><b>Vegetation Management</b> The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure could become a potential safety risk, restrict access, reduce light levels from streetlights or result in the interruption of supply. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
21.	<p><b>Dial Before You Dig</b> Before commencing any underground activity the applicant is required to obtain advice from the <i>Dial Before You Dig</i> 1100 service in accordance with the requirements of the <i>Electricity Supply Act 1995</i> (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
22.	<p><b>Public Safety</b> Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources, which were developed to help general public/workers to understand why you may be at risk and what you can do to work safely is available via the following link: <a href="http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures">http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures</a>. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
23.	<p><b>Emergency Contact</b> In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.</p>
	<b>Network Access</b>

24.	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
25.	<b>Network Asset Design</b> Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
26.	<b>Network Connection</b> Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
27.	<b>Protected Works</b> 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). Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
28.	<b>Prudent Avoidance</b> Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
29.	<b>Service Conductors</b> Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
30.	<b>Solar/Generation</b> The performance of the generation system and its effects on the network and other connected customers needs to be assessed. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
31.	<b>Look up and Live</b> Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
32.	<b>Street Infrastructure</b> Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
33.	<b>Sustainability</b> Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies. Condition Reason: To ensure the development complies with Endeavor Energy Requirements.
<b>TRANSPORT FOR NSW – RAIL AUTHORITY</b>	
34.	<b>Survey Plan</b> Prior to the issue of a Construction Certificate, the Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains' representative. Condition Reason: To ensure the development complies with Transport for NSW-Rail Authority requirements.
35.	<b>Survey Report</b> Prior to the commencement of any works a Registered Surveyor shall peg-out the common property boundary between the development site and TAHE (Transport Asset Holding Entity) land and easements. A copy of the survey report indicating the location of pegs must be provided to Sydney Trains prior to the commencement of works. Condition Reason: To ensure the development complies with Transport for NSW-Rail Authority requirements.
36.	<b>Noise Assessment</b> Prior to the issue of an Occupation Certificate (whether an interim or final Occupation Certificate), a report must be prepared and submitted to the Certifying Authority, Council and Sydney Trains certifying that the

	<p>completed development meets the requirements of State Environmental Planning Policy (Infrastructure) 2021 and with the Department of Planning and Infrastructure's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines" as set down in the subject condition of this consent. Such a report must include external and internal noise levels to ensure that the external noise levels during the test are representative of the typical maximum levels that may occur at this development, and that internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.</p> <p>Condition Reason: To ensure the development complies with Transport for NSW-Rail Authority requirements.</p>
37.	<p><b>Structural Details</b> Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.</p> <p>Condition Reason: To ensure the development complies with Transport for NSW-Rail Authority requirements.</p>
38.	<p><b>Drainage</b> The Applicant must ensure that all drainage from the development is adequately disposed of and managed and not allowed to be discharged into the rail corridor unless prior written approval has been obtained from Sydney Trains.</p> <p>Condition Reason: To ensure the development complies with Transport for NSW-Rail Authority requirements.</p>
39.	<p><b>Fencing</b></p> <p>a) Prior to the commencement of any works appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.</p> <p>b) The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issuing of an Occupation Certificate the Applicant shall liaise with Sydney Trains regarding the adequacy of any existing fencing along the rail corridor boundary or design and construction of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Trains prior to the fencing work being undertaken.</p> <p>Condition Reason: To ensure the development complies with Transport for NSW-Rail Authority requirements.</p>
40.	<p><b>Obligations</b> The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:</p> <ol style="list-style-type: none"> <li>oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;</li> <li>acts as the authorised representative of the Applicant; and</li> <li>is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.</li> </ol> <p>Condition Reason: To ensure the development complies with Transport for NSW-Rail Authority requirements.</p>
41.	<p><b>Consultation</b></p> <p>a) Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.</p> <p>b) Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains External Interface Management team. In this instance the relevant interface team is West Interface, and they can be contacted via email on west_Interface@transport.nsw.gov.au.</p>

	c) Copies of any certificates, drawings, approvals/certification, or documents endorsed by, given to, or issued by Sydney Trains or TAM (Transport Asset Manager of NSW) must be submitted to Council for its records prior to the issuing of the applicable Construction Certificate or Occupation Certificate.
	Condition Reason: To ensure the development complies with Transport for NSW-Rail Authority requirements.

### FEES, CHARGES AND CONTRIBUTIONS CONDITIONS

42.	<p><b>Contributions</b></p> <p>Payment of a 7.12 contribution in accordance with Lithgow City Council Section 7.12 Development Contribution Plan (2024-2026) shall be made to Council, prior to the release of the Construction Certificate.</p> <p>The amount payable is <b>\$62,282.33</b>.</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 (2024-2026).</p> <p>Condition Reason: To demonstrate compliance and ensure fees are paid in accordance with the Lithgow Contributions Plan.</p>
43.	<p><b>Water and/or Sewerage Development Contributions</b></p> <p>The approved development is subject to Council's Water and/or Sewerage Development Contributions. Contributions are levied in accordance with the Water Directorate 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>The amount of the contribution per Equivalent Tenement is published in Council's adopted Fees and Charges in accordance with the Development Service Plans for Water Supply and Sewerage. Contributions are subject to annual CPI increases.</p> <p>This contribution is applicable unless waived or discounted by Council prior to payment.</p> <p>Condition Reason: To demonstrate compliance and ensure fees are paid in accordance with the Lithgow Council's Development Servicing Plan.</p>

### BUILDING WORK

#### BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

44.	<p><b>Construction Certificate required</b></p> <p>Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Principle Certifier.</p> <p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
45.	<p><b>Section 68 – Local Government Act</b></p> <p>Prior to the commencement of any plumbing OR sanitary drainage work and prior to the issue of the Construction Certificate for connection to Council's Water, Sewer and Stormwater Services, 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>Condition Reason: To ensure the development is serviced by suitable water, sewer and stormwater connections, in accordance with Council's Policy.</p>
46.	<p><b>Water and Sewer Requirements</b></p> <p>a) A section 68 application must be submitted to Council prior to any construction certificate being issued. The application must be accompanied with all drawings of site showing council infrastructure, proposed</p>

	<p>connections to infrastructure and appurtenance such as meters and sewer boundary connections for the proposed property. A hydraulic assessment of site to determine the appropriate size connections is to accompany the application.</p> <p>b) The Section 68 application and connections to council infrastructure in accordance with the Council policy 3.1 Water Service Meter Installation and Policy 3.5 Sewer Connection.</p> <p>c) The S68 application must include the details of the proposed connection points to Council Water and Sewerage system as well as the construction details of the new water and sewerage connections prior to Construction Certificate.</p> <p>d) All connections to Council infrastructure must be inspected by Council staff prior to backfilling and final commissioning.</p> <p><u>Water</u></p> <p>a) Each dwelling should have a separate water service. New water service shall be designed and installed to service four (4) dwelling Residential Flat Building.</p> <p>b) A Site plan shall be prepared to show location of water services and meters</p> <p><u>Sewer</u></p> <p>a) Sewer ties shall be designed and installed to proposed dwellings in accordance with LCC Sewer connections Policy 3,5 and AS/NZs 3500:2 Plumbing and Drainage.</p> <p>b) A Site plan shall be prepared to show the location of the sewer ties. The site plan shall be prepared to show the existing sewer main, which traverse across the Lot.</p> <p>c) Internal sewer drainage diagram (hydraulic diagram) up to the sewer ties for each dwelling should be prepared and provided to the LCC review prior to issue the construction certificate.</p> <p>Condition Reason: To ensure the development is serviced by suitable water, sewer and stormwater connections, in accordance with Council's Policy.</p>
47.	<p>Development Consents DA143/87, DA42/88 and DA414/06 relating to the Theatre Royal site included conditions to use the subject site for parking, and required amalgamation of the Theatre Royal site with the subject site. To prevent any potential for conflicting development consents, DA143/87, DA42/88 and DA414/06 must be surrendered prior to the issue of a Construction Certificate in accordance with the process set out in clause 68 of the <i>Environmental Planning and Assessment Regulation 2021</i>.</p> <p>Condition Reason: to prevent conflicting development consents.</p>
48.	<p><b>Easements</b></p> <p>a) There is an easement (3m wide) over the sewer main which traverse across the Lot. No works shall be carried out over the easement to protect the existing sewer main.</p> <p>b) Any proposed structure close to the easement must satisfy that the existing sewer main is not within the zone of influence of any footing for the structure.</p> <p>c) Construction methodology for the footing near the easement shall be provided to demonstrate no impact on the existing sewer main during the construction.</p> <p>Condition Reason: to ensure minimal impacts occur to the surrounding environment.</p>

#### BEFORE BUILDING WORK COMMENCES

49.	<p><b>Remediation Works</b></p> <p>That in accordance with <i>State Environmental Planning Policy (Resilience and Hazards) 2021; Chapter 4 Remediation of Land</i>, the remediation work must be undertaken in accordance with:</p> <ul style="list-style-type: none"> <li>•The contaminated land planning guidelines, and</li> <li>•The guidelines (if any) in force under the <i>Contaminated Land Management Act 1997</i>, and</li> </ul>
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•The Detailed Site Investigation by Barson Pty Ltd, dated 26 March 2026.

1. A Remedial Action Plan is to be undertaken and approved by Council prior to works commencing onsite.
2. Remediation work is to be carried out by a suitably qualified & experienced contractor under the guidance of a contaminated land consultant and/or a site auditor to oversee the remediation.
3. Adjoining property owners must be notified in writing of the commencement date of the remediation activities at least 7 days prior to works being undertaken.
4. While remediation activities are being undertaken the contractor must maintain a written record of any complaints received in relation to the conduct of the remediation. The written record must include complainants name, address, time, date of complaint and action taken to address the complaint. The record may be requested by Council during the conduct of the remediation. Any complaint received during remediation activities is to be notified to Council no later than 2 business days following the complaint.
5. Remediation activities must not cause any environmental harm outside of the area nominated for remediation within the site. The remediation area is to be contained by a suitable barrier or fencing to prevent unauthorised access. Erosion and sedimentation controls must be in place to prevent any soil leaving the remediation site. Runoff from areas of the contaminated soil must not be permitted to leave the site.
6. Remediation activities must be managed to ensure that dust, odour, gases or fumes are not emitted beyond the boundary of the remediation site. This includes vehicle access being stabilised to prevent the tracking of soils onto non-excavated areas, the road and footpaths. Appropriate monitoring equipment may be used to demonstrate compliance.
7. All waste must be classified in accordance with the Protection of the Environment (Waste) Regulation 2014 and related guidelines and then transported to an appropriately licenced waste facility for its classification.
8. All waste transported from the site is to be adequately covered in a suitable vehicle(s) and no tracking of soils onto public roads.

9. Stockpile management

The following will be implemented concerning stockpiles:

- Care is to be taken to separate differently classified materials from each other and from the surrounding soils,
- Contaminated material stockpiles shall be placed on PVC plastic or concrete, in a secure bund consisting of hay bales/sand bags and if required covered,
- All stockpiles of soil or other material shall be placed within an erosion containment boundary away from drainage lines, gutters or stormwater pits or inlets,
- All stockpiles of soil or other materials likely to generate dust or odours shall be covered, and
- Inspections are to be undertaken to ensure liner not breached. If the liner has been breached, samples will be taken from the soil beneath the liner and analysed for contaminants of concern.

10. Excavation pump-out

No excavation is to occur as part of the remedial works. Excavation pump-out may be required if storm rain or groundwater impacts on the excavation footings.

11. Bunding

All stockpiles shall be covered and banded.

#### 12. Timing

The removal of the contaminated soil is to be completed over a period of three weeks. This includes time necessary to obtain approvals, delineation sampling and follow up excavations if some validation results are greater than the thresholds.

#### 13. Noise control

The site activities should not generate any noise other than that normally associated with a building site. Hours of operation will be 8am to 5pm, Monday to Friday.

All remediation work shall comply with the Environment Protection Authority's *Environmental Noise Manual and the Protection of the Environment Operations Act (1997)*.

#### 14. Signage

Signage displaying the contact details of the remediation contractor (and site facilitator) shall be displayed on the site adjacent to the site access. The signs shall be displayed throughout the duration of the remediation works.

#### 15. Hazardous materials

Any hazardous and/or intractable wastes encountered during the remediation work, shall be treated and disposed of in accordance with the requirements of the NSW EPA and SafeWork NSW, together with the relevant regulations.

A suitable management plan for disposal of contaminated material for disposal is to be developed by and approved by the principal if needed. The plan would be required to include additional testing to quantify the material and classify it to ensure proper off-site disposal to a licensed landfill. Material is not to be removed from the site until this approval is given.

#### 16. Imported fill

The excavation pit is to be backfilled with VENM or ENM. The fill material is to be validated prior to importing in accordance with EPA requirements to ensure it is compatible with the proposed site use.

Validation of all imported fill if required includes:

- A VENM or ENM certificate issued by a suitably qualified professional including a description of the source of the material, typical analysis results and a statement that the material is suitable for the proposed use.
- Systematic and documented inspection of loads of fill entering the site will be undertaken. Loads of material suspected to not be ENM or that are not consistent with the material at the source site will be rejected.
- Validation will be achieved by sampling and analyses for metals, electrical conductivity, pH, PAH, BTEX and TPH. Additional laboratory analysis of samples will be undertaken if any additional potential contaminants of concern are identified at the source site. Results compared against threshold provided in the ENM Exemption 2014.
- The frequency of samples will be in accordance with the ENM Exemption and include a minimum of three samples for volumes of soil of less than 500 tonnes. Sampling frequency and analysis will be increased if site condition or analytical results suggest a potential risk of contamination. The results of analysis will reflect the adopted thresholds. The sample density and results will be adequate to characterize the imported fill as ENM suitable for the proposed land-use.

	<ul style="list-style-type: none"> <li>All fill to a depth greater than 0.6m is to be compacted with a vibratory roller and density testing undertaken.</li> </ul> <p><u>17. Contingency plans</u></p> <p>The contractor is to implement the contingency plan outlined within the Remedial Action Plan, to minimise any impact on the environment or community.</p> <p>Condition Reason: to ensure compliance with the <i>State Environmental Planning Policy (Resilience and Hazards) 2021; Chapter 4 Remediation of Land</i> and to ensure the land is suitable for the purpose without environmental impacts.</p>
50.	<p><b>Certification</b></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> <ol style="list-style-type: none"> <li>A principal certifier is appointed in accordance with section 6.6(1) of the Act, and</li> <li>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</li> <li>A construction certificate has been issued for the building works in accordance with section 6.7 of the Act, and</li> <li>Council 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.</li> </ol> <p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
51.	<p><b>Set-Out Survey Required</b></p> <p>Prior to commencing any construction works, a set-out survey (prepared by a registered practising Surveyor) is to be submitted to the Principal Certifier nominating the location of the development in accordance with the Stamped Documentation &amp; Plans.</p> <p>Such a survey is to show the location of slab formwork in relation to other buildings on-site and the allotment boundaries.</p> <p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
52.	<p><b>Site Requirements</b></p> <ol style="list-style-type: none"> <li>Prior to the commencement of any works, a hoarding or fence must be erected between the work site and a public place.</li> <li>If the work involved in the development is likely to cause pedestrians and/or vehicular traffic in a public place to be obstructed or rendered inconvenient and/or if the building involves the enclosure of a public place, it must be undertaken in accordance with WorkCover requirements.</li> <li>The works site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.</li> <li>Prior to commencement of any building works, a suitable lidded waste container or enclosure for the deposit of all potential windborne building rubbish and litter must be provided onsite. <ol style="list-style-type: none"> <li>The waste container must be emptied at a licensed waste disposal facility when full.</li> <li>All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.</li> </ol> </li> <li>Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:</li> </ol>

	<ul style="list-style-type: none"> <li>• Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.</li> <li>• Stating that unauthorised entry to the work site is prohibited and</li> <li>• Showing the name, address and telephone number of the principle certifying authority for the work.</li> <li>• The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.</li> </ul> <p>f. Prior to the commencement of any works on the land, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers.</p> <ul style="list-style-type: none"> <li>i. Amenities are to be installed and operated in an environmentally responsible and sanitary manner.</li> <li>ii. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.</li> </ul>
	<p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</p>
53.	<p><b>Erosion and sediment controls in place</b></p> <p>Before any site work commences, the Principal Certifier, must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).</p>
	<p>Condition Reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.</p>
54.	<p><b>Protection of adjoining areas</b></p> <p>A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin, and must be kept in place until after the completion of works, if the works—</p> <ul style="list-style-type: none"> <li>(a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or</li> <li>(b) could cause damage to adjoining lands by falling objects, or</li> <li>(c) involve the enclosure of a public place or part of a public place.</li> </ul>
	<p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</p>
55.	<p><b>Toilet facilities</b></p> <p>Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p>
	<p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work</p>
56.	<p><b>Garbage receptacle</b></p> <p>A garbage receptacle <b>must</b> 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>
57.	<p><b>Plumbing and/or drainage works</b></p> <p>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>

	Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works in accordance with the Plumbing and Drainage Act.
58.	<p><b>Traffic Control Plan</b> A fully certified traffic control plan will be required where machinery may obstruct traffic on public roads whilst construction work is being undertaken. Failure to comply may result in 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 ensure minimal impact is made to traffic in the area.</p>
59.	<p><b>Contract Works Insurance</b> 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 prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors/Subcontractors engaged by the Applicant within Council road reserve will be borne by the Applicant and not Lithgow City Council.</p> <p>Condition Reason: To ensure minimal impact is made to Council assets.</p>
60.	<p><b>Access</b> Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6.</p> <p>Condition Reason: To ensure that access complies with the Australian Standards.</p>
61.	<p><b>Engineering Requirements</b></p> <ol style="list-style-type: none"> <li>1) A Subdivision/Civil Works Certificate must be obtained prior to the commencement of any civil works onsite.</li> <li>2) Prior to the issue of any Subdivision Works Certificate, the Certifying Authority shall ensure that engineering plans shall be generally consistent with the stamped approved concept plans prepared by HAVENHAND &amp; MATHER ARCHITECTS, Job No. 2313, Drawing No. SK.00-SK.12 Dated 24/02/2025.</li> <li>3) All subdivision works shall be designed in accordance with the development consent, Council's "Guidelines for Civil Engineering Design and Construction for Development", Austroads Guidelines and best engineering practice.</li> </ol> <p>The subdivision works may include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• Public and private roads,</li> <li>• Stormwater management (quantity and quality),</li> <li>• Private access driveways,</li> <li>• Sediment and erosion control measures,</li> <li>• Overland flow paths,</li> <li>• Traffic facilities,</li> <li>• Earthworks,</li> <li>• culverts, retaining walls and other structures,</li> <li>• Landscaping and embellishment works.</li> </ul> <p>The Subdivision Works Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.</p> <ol style="list-style-type: none"> <li>4) All earthworks shall be undertaken in accordance with AS3798 and Lithgow City Council's Guidelines for Civil Engineering Design and Construction for Development".</li> <li>5) Any 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). Further information can be obtained regarding</li> </ol>

	<p>Driveway approvals by contacting Council's Infrastructure Services Department on (02) 6354 9904 during business hours.</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> <p>6) 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 prior to proposed works 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>7) Vehicular access and manoeuvring associated with the subject development shall be designed in accordance with AS 2890.1.</p> <p>8) Foundations of proposed structures adjoining the drainage and/or services easement must be designed clear of the zone of influence.</p> <p>9) A fully certified traffic control plan will be required where machinery may obstruct traffic on public roads whilst construction work is being undertaken. Failure to comply may result in SafeWork intervention and may also include Stop Work orders from Council until such time the Applicant complies with suitable traffic management procedures.</p> <p>10) 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 comply with Council's Engineering requirements.</p>
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<b>DURING BUILDING WORK</b>	
62.	<p><b>Compliance with plans</b></p> <p>(1) Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.</p> <p>(2) A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.</p> <p>Condition Reason: To ensure the development complies with the approved plans.</p>
63.	<p><b>Maintenance of site</b></p> <p>(1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.</p> <p>(2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p> <p>(3) Copies of receipts stating the following must be given to the principal certifying authority—</p> <ul style="list-style-type: none"> <li>(a) the place to which waste materials were transported,</li> <li>(b) the name of the contractor transporting the materials,</li> <li>(c) the quantity of materials transported off-site and recycled or disposed of.</li> </ul> <p>(4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.</p> <p>(5) During construction—</p> <ul style="list-style-type: none"> <li>(a) all vehicles entering or leaving the site must have their loads covered, and</li> </ul>

	<p>(b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</p> <p>(6) At the completion of the works, the work site must be left clear of waste and debris.</p>
	Condition Reason: To ensure minimal impact to the environment.
64.	<p><b>Construction hours</b></p> <p>Construction may only be carried out between 7.00 am and 5.00 pm on Monday to Saturday and no construction is to be carried out at any time on a Sunday or a public holiday.</p>
	Condition Reason: To protect the amenity of the surrounding area.
65.	<p><b>Site management</b></p> <p>All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held. Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.</p>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
66.	<p><b>External colours and finishes</b></p> <p>The development shall incorporate colours and finishes that are consistent with the approved plans and schedule.</p>
	Condition Reason: To ensure the development complies with the approved plans and referenced documents.
67.	<p><b>Earthworks</b></p> <p>Any earthworks (including any structural support or other related structure for the purposes of the development:</p> <ol style="list-style-type: none"> <li>Must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and</li> <li>Must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and</li> <li>That is fill brought to the site—must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997, and</li> <li>That is excavated soil to be removed from the site—must be disposed of in accordance with any requirements under the Protection of the Environment Operations (Waste) Regulation 2005.</li> <li>Any excavation must be carried out in accordance with Excavation Work: Code of Practice (ISBN 978-0-642-785442), published in July 2012 by Safe Work Australia.</li> </ol>
	Condition Reason: To ensure site management measures are implemented during the carrying out of site work.
68.	<p><b>Compaction of fill</b></p> <ol style="list-style-type: none"> <li>Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.</li> <li>Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer. Alternatively, all footings/piers are to be taken through filled ground to foundation material of uniform adequate bearing pressure in accordance with Structural Engineers requirements.</li> </ol> <p><b>Note: A compaction report from a Geotechnical Engineer or Engineering structural plans/details for any proposed piers through fill, shall be submitted to the Principal Certifying Authority prior to the slab steel inspection.</b></p> <ol style="list-style-type: none"> <li>Fill material used must be virgin excavated natural material within the meaning of the Protection of Environmental Operations Act 1997 (POEO) or any other waste- derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.</li> </ol>

	<p>Note: Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.</p> <p>Condition Reason: To ensure site management measures are implemented during the carrying out of site work.</p>
69.	<p><b>Stormwater management and drainage connections</b></p> <ol style="list-style-type: none"> <li>1. Stormwater generated from the impervious areas in proposed development shall be discharged to the street drainage system or an inter-allotment drainage system by a 100% gravity drain system.</li> <li>2. The proposed development and stormwater drainage system shall be designed to ensure no adverse impact on adjoining properties by the diversion, damming or concentration of stormwater flows.</li> <li>3. Foundations of proposed structures adjoining the drainage and/or services easement must be designed clear of the zone of influence.</li> <li>4. Any approval that is required for connection to the drainage system under the <i>Local Government Act 1993</i> must be held before the connection is carried out.</li> </ol> <p>Condition Reason: To ensure the development complies with the approved plans and referenced documents.</p>
70.	<p><b>Procedure for critical stage inspections</b></p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Condition Reason: To require approval to proceed with building work following each critical stage inspection.</p>
71.	<p><b>Plumbing and/or drainage works</b></p> <p>All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 and Complying with the Plumbing Code of Australia (PCA) and all relevant Australian Standards.</p> <p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.</p>
72.	<p><b>Plumbing and/or drainage works inspections</b></p> <p>Forty-eight (48) hours' notice shall be given to Lithgow City Council for inspection of the following plumbing and drainage works:</p> <ol style="list-style-type: none"> <li>(a) Internal and external drainage lines prior to backfilling.</li> <li>(b) The licensed plumber/drainer shall be on site at the site of the inspection, and the drainage lines shall be charged and under test.</li> <li>(c) Hot and cold water installations under test bucket pressure of 1500kpa.</li> <li>(d) On completion of all plumbing drainage and sanitary fixture installations.</li> </ol> <p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.</p>
73.	<p><b>Plumbing and/or drainage Certificate of Compliance</b></p> <p>Prior to the issue of a Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Lithgow City Council as the delegated regulatory authority for plumbing and drainage works within the Lithgow City Council area.</p> <p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.</p>
74.	<p><b>Vehicle Movements</b></p> <p>All vehicles entering or leaving the site must have their loads covered, and before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.</p> <p>Condition reason: To promote safe entry and exit to the construction site.</p>
75.	<p><b>Excavated Areas</b></p> <p>Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building.</p> <p>Condition reason: To ensure all earthworks are adequately retained.</p>

76.	<p><b>Dust</b></p> <p>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 site management measures are implemented during the carrying out of site work.</p>
77.	<p><b>Waste management</b></p> <p>Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility. Copies of receipts stating the following must be given to the principal certifying authority—</p> <ul style="list-style-type: none"> <li>(a) the place to which waste materials were transported,</li> <li>(b) the name of the contractor transporting the materials,</li> <li>(c) the quantity of materials transported off-site and recycled or disposed of.</li> </ul> <p>Condition Reason: To promote safe and responsible disposal of waste.</p>
78.	<p><b>Archaeology discovered during excavation</b></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> <ul style="list-style-type: none"> <li>(a) all work must stop immediately in that area, and</li> <li>(b) the Office of Environment and Heritage must be advised of the discovery.</li> </ul> <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 potential archaeology is appropriately managed.</p>
79.	<p><b>Aboriginal objects discovered during excavation</b></p> <p>If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work—</p> <ul style="list-style-type: none"> <li>(a) all excavation or disturbance of the area must stop immediately in that area, and</li> <li>(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>.</li> </ul> <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 potential archaeology is appropriately managed.</p>

#### BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

80.	<p><b>Final Fire Safety Certificate</b></p> <p>Prior to the issue of an Occupation Certificate, a final fire safety certificate prepared by an Accredited Practitioner (Fire Safety) is to be submitted to the Principal Certifier in accordance with Part 11 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p> <p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
81.	<p><b>Identification survey required</b></p> <p>An Identification Survey (prepared by a registered practising Surveyor) is to be submitted to the Principal Certifier demonstrating the location of the development in accordance with the Stamped Documentation &amp; Plans.</p> <p>Such a survey is to show the location of the external walls/eaves in relation to the allotment boundaries.</p> <p>Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
82.	<p><b>Disturbed areas</b></p>

	<p>The disturbed areas surrounding the building work shall be reinstated to the satisfaction of the Principal Certifier upon completion of the work.</p>
	<p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
83.	<p><b>Certificate of Compliance – Council Wastewater</b></p> <p>a) An application for the Certificate of Compliance for all Water and Sewerage works is to be submitted by the applicant at the completion of the works and prior to Occupation Certificate. This application is to be accompanied by all plumbing, drainage and civil works details associated with the sewerage supply including Work as Executed drawings.</p> <p>b) All applicable water and sewer contributions must be paid to Council prior to the issue of the Occupation Certificate, and all plumbing and drainage work must be inspected and approved by Council in accordance with Plumbing and Drainage Act 2011.</p> <p>c) As constructed internal sewer drainage diagram showing connection to the sewer tie and location of sewer boundary rise shall be submitted and approved by Council.</p> <p>d) Sewer Boundary Riser (DN150) shall be installed at the sewer tie and raised 300mm above the ground level and finish with a dust cap or BTS (bolted trap screw in concrete surround).</p> <p>e) Sewer Boundary Riser (DN150) shall be made accessible for Council maintenance at any time.</p> <p>f) Plumbing/drainage work has been undertaken by a tradesperson licensed by the NSW Department of Fair Trading and Complies with all relevant Australian Standards and the Building Code of Australia.</p> <p>g) All works proposed and conditions under the S68 approval must be completed prior to Occupational Certificate application.</p> <p>h) The Applicant shall provide Lithgow City Council with a approved Drainage Diagram (SSD) for all sanitary plumbing and drainage installation.</p> <p>Condition Reason: To ensure the development is serviced by a suitable plumbing and/or drainage works.</p>
84.	<p><b>Landscape Plan</b></p> <p>Prior to the issue of an Occupation Certificate, a landscape plan is to be submitted and approved by Council. The type of species, location and height is to be detailed on the plan to allow visual screening throughout all seasonal periods.</p> <p>All landscaping is to be undertaken and maintained at the site in accordance with the plan prior to the issue of the Occupation Certificate and in perpetuity of the development.</p> <p>Condition Reason: To minimise impacts to surrounding properties and public places.</p>
85.	<p><b>Remediation Work and Site Validation</b></p> <p>a. A notice of completion of remediation work is to be provided to Council within 30 days after completion of the work in accordance with Clause 4.14 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>. The notice of completion is to include a validation report to confirm the site remediation works were undertaken accordingly and the site is suitable for the development. The information in the report is to include are of the impacted fill, depth of impacted fill and depth of capping layer. This should also be in the form of a Site Audit Statement prepared in accordance with the regulations and guidelines which outlines that the land is suitable for the proposed development as residential land use, to Council. This condition is to be met prior to the issue of any Occupation Certificate on the land.</p> <p>b. Any recommendations identified in the validation report shall be binding to the development. This includes any potential ongoing site management plan to be formulated in conjunction with Council.</p>

	<p>c. Should capping of the soil occur, management of the capping layer is to be controlled by an Environmental Management Plan. The plan is to describe the compacted fill, capping layer and procedures required to be implemented for excavations that will interfere with the capping layer.</p> <p>d. A covenant is to be imposed under Section 88B &amp; E of the <i>Conveyancing Act 1919</i> or section 29(3) of the <i>Contaminated Land Management Act 1997</i> on the land. This covenant is to require compliance with the Environmental Management Plan. Council is to be listed as the authority to enable a variation or modification to such covenant. This condition is to be met prior to the issue of the Occupation Certificate.</p> <p>e. A report from an Occupational Hygienists is to be undertaken and submitted to Council certifying the site is free from asbestos.</p>
	Condition Reason: To ensure potential contamination is appropriately remediated and validated.

**OCCUPATION AND ONGOING USE**

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

87.	<p><b>Annual Fire Safety Statement</b></p> <p>An Annual Fire Safety Statement is to be submitted to Council and NSW Fire Brigades and a copy is retained on-site to verify that the performance &amp; maintenance of the essential fire safety measures specified in a Fire Safety Schedule is in accordance with Parts 10 &amp; 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.</p>
	Condition Reason: To ensure compliance with the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

88.	<p><b>External Lighting and CCT</b></p> <p>That all external lighting and CCT be directed within the property boundaries ensuring all lighting is downwards pointing. No lighting and CCT is to be directed to the street or adjoining neighbours that would cause a nuisance to those receivers.</p> <p>All lighting is to comply with AS4282.</p>
	Condition Reason: To minimise impacts to adjoining property owners.

89.	<p><b>Noise</b></p> <p>1. Noise Levels associated with the development shall not exceed the following at the boundary of any residential premises:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">LAeq(15min)</th> <th style="text-align: left;">Period</th> </tr> </thead> <tbody> <tr> <td>48</td> <td>Day</td> </tr> <tr> <td>43</td> <td>Evening</td> </tr> <tr> <td>38</td> <td>Night</td> </tr> </tbody> </table> <p>Note:  Day is: 7am to 6pm Monday to Saturday; 8am to 6pm Sundays and Public Holidays.  Evening is: 6pm to 10pm daily.  Night is: 10pm to 7am Monday to Saturday; 10pm to 8am Sundays and Public Holidays</p> <p>2. A noise assessment report shall be submitted to Council if any complaints are lodged with Council in relation to the noise emissions generated as a result of the business (including during construction). The report must be prepared by a suitably qualified acoustic consultant and shall include details of the noise assessment and necessary works that are required to reduce the noise to a satisfactory level.</p>	LAeq(15min)	Period	48	Day	43	Evening	38	Night
LAeq(15min)	Period								
48	Day								
43	Evening								
38	Night								

	3. In the event that council receives noise complaints from the activity the operator must demonstrate through an acoustic report that their operation is compliant with consent conditions and not exceeding the "intrusive noise" criteria as described in the NSW Industrial Noise Policy (2000) and the DECC Noise Guide for Local Government (2004)
	Condition Reason: To minimise impacts to adjoining property owners.
90.	<b>Waste Disposal</b> All excess material should be placed within the waste bin provided or alternatively taken to Council's Waste Facility. No timber or materials are to be left outside of the building.
	Condition Reason: To minimise impacts to the environment.
91.	<b>Signage</b> <ul style="list-style-type: none"> <li>• All ingress and egress points to be well defined and clearly marked with signage and traffic flow.</li> <li>• Include signage indicating CCTV in operation and security patrols on premises.</li> <li>• Include signage notifying emergency contact details.</li> </ul>
	Condition Reason: To minimise impacts to adjoining property owners.

## STRATA & TORRENS SUBDIVISION

<b>BEFORE ISSUE OF A STRATA &amp; TORRENS TITLE SUBDIVISION CERTIFICATE</b>	
92.	<b>Completion of works</b> Before the issue of <b>Strata</b> Subdivision Certificate, all building and civil works must be completed to the satisfaction of the Certifying Authority and Occupation Certificates must be issued.
	Condition reason: To ensure works are completed to a satisfactory standard
93.	<b>Occupation Certificate</b> The <b>Strata</b> Subdivision Certificate shall not be issued until an Occupation Certificate has been issued for the residential flat building development.
	Condition reason: To ensure the dwelling(s) has been constructed in accordance with the approved plans, conditions of this consent and other regulatory requirements.
94.	<b>Completion of consent conditions</b> The development shall be completed in accordance with the relevant plans and conditions of this consent prior to the release of the Subdivision Certificate for the strata plan of subdivision.
	Condition reason: To ensure all works have been undertake in accordance with the plans and conditions of this consent.
95.	<b>Section 88B Instrument</b> A Section 88B Instrument shall be registered in accordance with the Conveyancing Act 1919 that creates the following Easements, Restrictions and Positive Covenants.  This includes: <ul style="list-style-type: none"> <li>• Right of carriageway</li> <li>• Easements for drainage</li> <li>• Any other easements identified during the construction process</li> </ul>
	Condition reason: To ensure the development complies with the Conveyancing Act 1919.
96.	<b>Submission of Strata and Torrens Plan of Subdivisions</b> Submission to Council or Principal Certifier a digital copy of the <b>Strata and Torrens</b> Plan of Subdivisions (minimum 400dpi flat file) for certification and lodgement at Land and Property Information. A fee for the release of the Strata Certificate applies.
	Condition reason: To ensure the Strata Plan of Subdivision of adequate standard.

97.	<p><b>Additional Street Address</b></p> <p>Unless provision is made for unit addressing on the strata plan, prior to the issue of <b>Stata</b> Subdivision Certificate, an application for an additional street address 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.
98.	<p><b>Surveyor's Certificate</b></p> <p>Prior to issue of any Subdivision Certificate, a Surveyor's Certificate certifying that all pipes and services are located wholly within the property or within appropriate easements and that no services encroach boundaries, private or public lands.</p>
	Condition Reason: To ensure the development complies with the Conveyancing Act 1919.

### PRESCRIBED CONDITIONS

<b>PRESCRIBED CONDITIONS</b> <i>Environmental Planning and Assessment Regulation 2021</i>	
99.	<p><b>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</b></p> <p>(1) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>(2) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</p> <p>(3) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with the Building Code of Australia, Volume 1, Part B1 and NSW Part I5.</p> <p>(4) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the relevant date.</p> <p>(5) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>(6) This section does not apply—</p> <p style="padding-left: 20px;">(i) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</p> <p style="padding-left: 20px;">(ii) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</p> <p>(7) In this section—</p> <p>relevant date has the same meaning as in the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, section 19.</p>
	Condition reason: Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
100.	<p><b>Erection of signs</b></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 style="padding-left: 20px;">(i) showing the name, address and telephone number of the principal certifier for the work, and</p> <p style="padding-left: 20px;">(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 style="padding-left: 20px;">(iii) stating that unauthorised entry to the work site is prohibited.</p> <p>(3) The sign must be—</p> <p style="padding-left: 20px;">(i) maintained while the building work, subdivision work or demolition work is being carried out, and</p>

	<p>(ii) removed when the work has been completed.</p> <p>(4) This section does not apply in relation to—</p> <p>(i) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p>(ii) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p>
	Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
101.	<p><b>Notification of Home Building Act 1989 requirements</b></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>
	Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).
102.	<p><b>Shoring and adequacy of adjoining property</b></p> <p>(1) This section applies to a development consent for development that involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road or rail corridor.</p> <p>(2) It is a condition of the development consent that the person having the benefit of the development consent must, at the person's own expense—</p> <p>(i) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and</p> <p>(ii) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.</p> <p>(3) This section does not apply if—</p> <p>(i) the person having the benefit of the development consent owns the adjoining land, or</p> <p>(ii) the owner of the adjoining land gives written consent to the condition not applying.</p>
	Condition reason: Prescribed condition (Environmental Planning and Assessment Regulation 2021).

### General advisory notes

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

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

### BUILDING WORK

Building work must not be carried out until a construction 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.

## **ADVISORY NOTES**

### **Building Inspection Schedule**

The Principal Certifying Authority (PCA) is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Lithgow City Council Certifiers during construction of the work.

### **Inspection schedule – Drainage and Plumbing**

As the Certifying Authority, for water and sewer inspections Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Internal and any sanitary external drainage, grease arrestor, septic tank and amended soil mound.
- b. Final inspection of system prior to occupation/use of the building.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections and inspection fees must be paid.**

### **Required and Mandatory Inspection Schedule**

To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Reinforcing steel in position and before concrete is poured (slab, footings, lintels, beams, columns, floors, walls and the like).
- c) Wall and roof framing when external wall and roof cladding is in place and prior to internal linings.
- d) prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work.
- e) Wet area flashing prior to tiling or covering.
- f) Kitchen installation.
- g) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- h) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

**Note: forty-eight (48) hours notice shall be given to Council prior to inspections.**

### **Termite Protection**

The building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:

- (i) the method of protection and
- (ii) the date of installation of the system and
- (iii) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

### Wind Loading

The property is located in an area subject to high winds. The structure shall be designed and constructed to withstand the site specific wind load.

### Anchorage of roof cladding

That owing to the area being subject to high wind velocities from time to time, every precaution is to be taken to ensure the building and the roof cladding are effectively secured. Manufacturer's details and directions for anchorage and fixing are to be adhered to.

### Development Contributions

1. 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.
2. Development Contributions are levied in accordance with the Development Service Plan for Water 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.
3. 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.
  - Charges calculated utilising LCC Development Servicing Plan, Water Directorate Section 64 Determination of Equivalent Tenements Guidelines
  - The total fee is based on a 1.0ET unit increase in demand.
  - In accordance with Council's Policy, Water Contribution for Residential Development in Lithgow, the fee has been calculated on a base rate of \$3,561.27 per unit.
  - The fee for the development contribution for the augmentation of Council's water system is \$ 3,561.27
  - In accordance with Council's Policy, Sewerage Contribution for Residential Development in Lithgow, the fee has been calculated on a base rate of \$3,328.25 per unit.
  - The fee for the development contribution for the augmentation of Council's sewer system is \$ 3,328.25
  - The base rate utilised above was the rate applicable at the time the application was determined.
  - The amount payable will be calculated on the rate applicable at the time of payment, rather than at the time the application was determined.

Item	Unit	Qty	ET-Water	ET-Sewer
Proposed 4 Dwellings have 3 Bedrooms -Lot A	no	4.00	4.00	4.00
Existing ET-Lot A	no	1.00	(-1.00)	(-1.00)
Total ET for the development			3.00	3.00
Headworks charges (FY2025/26-Lithgow)/ET			\$3,561.27	\$3,328.25
Headworks Charge applicable for WW			\$ 10,683.81	\$ 9,984.75

Table 2 Headworks Contribution - Compliance with LCC DSP Requirements

- Water Headworks Contribution: 3 ET X \$3,561.27 = **\$ 10,683.81**
- Sewer Headworks Contribution: 3 ET X \$3,328.25= **\$ 9,984.75**
- Total Headworks Contribution: \$10,683.81 + \$9,984.75 = \$20,668.56

