

DEVELOPMENT ASSESSMENT REPORT – DA094/19 - PROPOSED CONCEPT DEVELOPMENT - STAGED LOT 1 INTO 2 TORRENS SUBDIVISION, 3 MULTI UNIT STRATA SUBDIVISION DEVELOPMENT AND CONCEPT DEVELOPMENT FOR A FUTURE OF ADDITIONAL 12 MULTI UNIT STRATA SUBDIVISION, LOT 402 DP 1155154, TWEED ROAD LITHGOW NSW 2790

1. PROPOSAL

Council is in receipt of a Development Application DA094/19 for a 1 into 2 torrens title subdivision, 3 multi dwellings strata lots plus concept development for an additional 12 multi dwellings and strata lots on land known as Lot 402 DP 1155154, Tweed Road Lithgow. on land known as Lot 402 DP 1155154, Tweed Road Lithgow.

Stage 1

This Development Approval is for Stage 1 only and involves:

- Lot 1 into 2 Torrens Title subdivision creating an allotment for the proposed multi dwelling development,
- Construction of a new access road 1 and road 2 (private internal roads) including upgrade to access handle and construction of 11 visitor car spaces,
- Landscaping of communal areas,
- Erection of 3 detached dwellings and strata subdivision
- Civil works – water, sewer, stormwater and utilities for the whole of proposed Lot 1 Development Site (stage 1 and future),
- Strata subdivision of 1 into 3 with remainder of the land as a Development Lot.

Concept subject to separate DA's:

Stage 2: Construction of detached dwellings on Strata Lots 4-6,

Stage 3: Construction of detached dwellings on Strata Lots 7-9,

Stage 4: Construction of detached dwellings on Lots 10 & 13 and semi-detached dwellings on Lots 11, 12, 14 and 15.

The concept development application seeks consent for a two lot torrens title subdivision and sets out the future development strategy for a multi-dwelling housing development. The application includes:

- Lot 1 to have an area 1.05ha and is proposed to contain the future (concept) 15 multi dwelling strata units.
- Lot 2 is proposed to contain an area of 6.23ha and is proposed to be undeveloped land. This lot is proposed to gain access from Tangent Street.

Access to the property (proposed Lot 1) is located opposite the intersection of Caroline Avenue and Tweed Road. The access is a battle-axe allotment with access via an 8m wide right of carriageway (to Lot 401 DP1155154; existing) and an easement for services. Proposed Lot 2 is to have an access from Tangent Street.

The 15 multi-unit dwellings would consist of a mixture of single storey detached and semi-detached dwellings (11 detached and 4 semi-detached). Each dwelling is proposed to consist of

three bedrooms and off street parking for 2 vehicles. Each dwelling would also consist of private open space areas. The development proposes new internal driveways, 11 visitor parking spaces and landscaping.

The land was previously used as a quarry and contains no buildings, sparse vegetation and slopes to the west. The allotment abuts Farmers Creek to the west of the property and is lined with existing residential allotments to the east. The allotment is irregular in shape and contains a total area of 7.28ha.

Past Applications

- 133/98DA Subdivision 1 lot into 3 lots (approved)
- 245/02DA Subdivision 1 lot into 33 lots (approved & lapsed)
- 125/05DA Subdivision 1 lot into 38 lots (approved & lapsed)
- 358/05DA Subdivision 1 lot into 2 (approved & completed)
- DA174/12 Subdivision 1 lot into 3 (approved)
- DA222/14 Subdivision 1 lot into 12 (Rejected)
- DA222/14 – 12 Lot Rural/Residential Subdivision – Rejected: this application was in relation to the area that is proposed to be vacant, off Tangent Street
- DA248/14 – 12 Lot Subdivision- Approved by the Land and Environmental Court on 26 February 2016; this application involved the development of proposed Stage 2 (ECM Doc number 1291916 Annexure A-Conditions and Doc Number 1271526-plans).

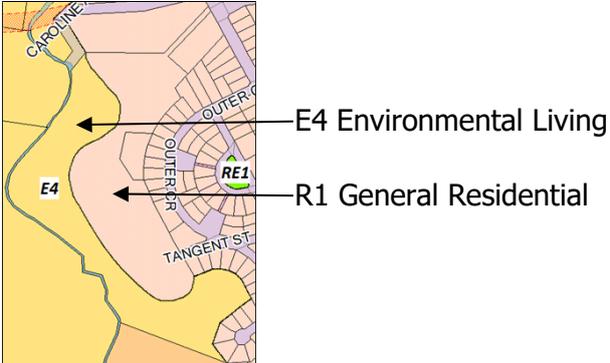
2. SUMMARY

To assess and recommend determination of DA094/19 with recommendation for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description: Lot 402 DP 1155154
Property Address: Tweed Road LITHGOW NSW 2790

4. ZONING: The land is zoned R1 General Residential and E4 Environmental Living in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014. The zones are shown on the map below:



The proposed multi units are to be located within the R1 Zone.

5. PERMISSIBILITY: The development being a 'subdivision' and 'Multi dwelling housing', as defined below, is permitted with consent on land zoned R1 and E4 under LEP 2014, subject to development consent as per Clause 4.1, 4.1A and 4.1B below:

Definition

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

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

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

(a) to minimise the cost to the community of:

- (i) fragmented and isolated development of rural land, and
- (ii) providing, extending and maintaining public amenities and services,

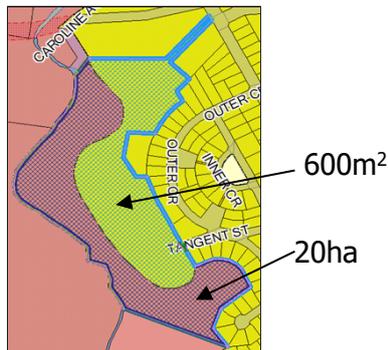
(b) to ensure that the character and landscape setting of an area is protected and enhanced by any development,

(c) to promote development on appropriately sized lots and to ensure access to available essential services.

(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.

Council's Minimum allotment size map is shown below:



The development being a subdivision of land in R1 General Residential Zone is permissible under Clause 4.1 as proposed Lot 1 meets the minimum lot size (MLS) of 600m² as per the Lot Size Map under LEP2014. The area size of proposed Lot 1 is 9,721.7m².

The area within the E4 Environmental living zone is proposed to remain vacant of building structures.

4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings

Multi dwelling housing	Zone R1 General Residential	(b) 800 square metres (in any other case)
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Lot 1 that is proposed to contain the multi dwelling housing is proposed to contain an area over 800m²; therefore the development complies with the above clause.

4.1B Minimum subdivision lot size for certain split zones

(1) The objectives of this clause are as follows:

- (a) to provide for the subdivision of lots that are within more than one zone but cannot be subdivided under clause 4.1, 4.1AA or 4.2C,
 - (b) to ensure that the subdivision occurs in a manner that promotes sustainable land uses and development.
- (2) This clause applies to any lot (an **original lot**) that contains:
- (a) land in a residential, business or industrial zone, and
 - (b) land in a rural or environment protection zone.
- (3) Development consent may be granted to the subdivision of an original lot to create other lots if:
- (a) one of the resulting lots will contain:
 - (i) all of the land of the original lot that is in a rural or environment protection zone, and
 - (ii) land in a residential, business or industrial zone that has an area not less than the minimum size shown on the Lot Size Map in relation to that land, and
 - (b) each of the other resulting lots will have an area that is not less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) Development consent may be granted to the subdivision of an original lot to create another lot that:
- (a) contains land in an environment protection zone, and
 - (b) is less than the minimum size shown on the Lot Size Map in relation to that land, but only if the consent authority is satisfied that the resulting lot will be used for a public purpose.
- (5) Subclauses (3) and (4) have effect despite clauses 4.1, 4.1AA and 4.2C.
- (6) Land identified as "Area 1" or "Area 2" on the Lot Size Map may not be subdivided under this clause.
- (7) Development consent may only be granted under this clause if the consent authority is satisfied that the subdivision:
- (a) is not likely to have a significant adverse impact on the environmental values of the land, and
 - (b) will not compromise the continued protection or long-term maintenance of any land in an environment protection zone, and
 - (c) is not likely to have a significant adverse impact on the primary production value of land in a rural zone.

The land within the E4 zone is proposed to remain vacant from building structures as the property adjoins Farmers Creek (environmental protection land) to the West.

Council is satisfied that the development complies with Clause 4.1B(7) as the proposed residential allotments are located within the R1 General Residential Zone. The development is not proposed to impact the environmental values of the land as surrounding land uses are for residential purposes. There is minimal flora and fauna identified on the property that will not be affected by the development. The development will not impact primary production on the property due to the size of the residential area to be 1.05ha and topography of the land having a steep slope. The proposal will not have a significant impact on the environmental values of the land or the continued protection, or long term maintenance of the area, subject to conditions.

Environmental Planning and Assessment Act 1979

4.22 Concept development applications

(1) For the purposes of this Act, a concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals

for the site or for separate parts of the site are to be the subject of a subsequent development application or applications.

(2) In the case of a staged development, the application may set out detailed proposals for the first stage of development.

(3) A development application is not to be treated as a concept development application unless the applicant requests it to be treated as a concept development application.

(4) If consent is granted on the determination of a concept development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:

(a) consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or

(b) the concept development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.

The terms of a consent granted on the determination of a concept development application are to reflect the operation of this subsection.

(5) The consent authority, when considering under section 4.15 the likely impact of the development the subject of a concept development application, need only consider the likely impact of the concept proposals (and any first stage of development included in the application) and does not need to consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.

Note. The proposals for detailed development of the site will require further consideration under section 4.15 when a subsequent development application is lodged (subject to subsection (2)).

Environmental Planning and Assessment Regulation 2000

70A Information to be included in concept development applications

Despite clause 50 (1) (a), the information required to be provided in a concept development application in respect of the various stages of the development may, with the approval of the consent authority, be deferred to a subsequent development application.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Policy 5.1 Building Over Easements

The development is not proposed to be built over any easements on the property. The right of carriageway is proposed to be upgraded and maintained. The drainage easement will also not be impacted upon. New stormwater, sewer and water easements will be created as part of the application and not be built over via any dwellings.

Policy 7.1 Filling and Levelling of Land

Council's Policy states:

Unless otherwise provided by an Environmental Planning Instrument or Development Control Plan, a development application be required in the following circumstances:

- 1. Where land is subject to inundation by floodwaters, or*
- 2. Where excavation or the depth of fill exceeds 900mm.*

Separate development applications are not required where the cut and/or fill is identified in a development application for a structure on the land.

The multi dwelling development requires cut and fill. Proposed dwellings numbered 13-15 (to be located closest to Outer Crescent) is proposed to be approximately between 1.5m to 3.5m. Dwellings 1-2 and 7 – 12 is proposed to have majority of fill undertaken consisting of 0.5m to 2.8m. Earthworks are also proposed to be scattered over the proposed Lot 1.

Retaining walls are proposed to be located along the northern, southern and western boundaries of the proposed multi dwelling lot. The height of the retaining walls is proposed to be varied due to the site contours. The maximum height of the retaining walls is proposed to be 1.8m.

Therefore the earthworks will be assessed as part of this application.

Policy 7.2 Subdivision – Release Of Subdivision Plans

1. Council will endorse subdivision certificates prior to completion of subdivision works only on the following basis:

- a) Subdivision works must be substantially complete. "Substantially complete" means that all civil works have been completed including roads, water supply, sewerage and drainage. Minor outstanding works refers to installation of street signage, final rectification/seeding of excavations & batters and landscaping.*
- b) Works as executed plans must have been submitted to Council and accepted.*
- c) Security for incomplete works must be provided to Council prior to the endorsement of the subdivision certificate, either by cash deposit or unconditional bank guarantee.*
- d) The amount of the security must be 100% of the estimated cost of completion of the outstanding works.*

To comply with the above policy, the following condition would be included on the consent:

That a Subdivision Certificate Application, release fee, Registered Surveyors Plans (original & 1 copy) along with associated 88B instrument if applicable, be submitted to Council for finalisation following the compliance with all conditions of this consent.

Policy 7.5 Notification Of Development Applications

The Development Application was lodged prior to the endorsement of Council's Community Participation Plan 2019 and was assessed under Council's previous notification policy that has now been repealed.

Council Policy 7.5 is applicable to all land within the Lithgow Local Government Area (LGA). The development is not defined as being exempt from requiring notification and therefore the following clause applies:

3.2 NOTIFICATION PERIOD

The minimum notification period is in accordance with this Policy is 14 days. The notification period commences on the date shown on the notification letter. Submissions will be received at any time within the notification period up to and including the last day as detailed in the notice given.

As the development is for future multi dwellings, and could have potential impacts to surrounding property owners, and due to numerous submissions received for previous applications for the site, Council has placed the development application on display for a period of 21 days. This timeframe is also consistent with other multi dwelling developments.

Submissions are detailed later in this report.

Policy 7.7 Calling In Of Development Applications By Councillors

This Application has not been called in; however, as the development does not comply with Council's Engineering Guidelines relating to the number of allotments receiving access from a Right of Carriageway, the Planning Agreement is to be reported to Council and as the proposal received 4 individual submissions including 18 signatures and comments on petition on one of the submissions, it is recommended that the full application is reported to Council for determination

Policy 7.10 Voluntary Planning Agreements

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in accordance with Section 7.4 of the *Environmental Planning & Assessment Act 1979* in relation to this proposal. The plan has been created as per the Policy and will be advertised appropriately for compliance.

The developer has agreed to make a contribution of \$5,000.00 per dwelling/strata lot (total of \$75,000 for the 15 dwellings; Stage 1= \$15,000.00, Stage 2= \$15,000.00, Stage 3= \$15,000.00 and Stage 4= \$20,000.00) for community facilities and public open space.

5.2 FINANCIAL IMPLICATIONS

Water Management Act 2000

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

- (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.

Therefore Councils Section 64 Contributions under Local Government Act 1993 for water and sewer connections will be required to be paid prior to the release of the Final Occupation Certificate. This has been calculated using the Water Directorate Section 64 Determinations of Equivalent Tenements (ET) Guidelines- May 2009 and *Lithgow City Council's Fees and Charges 2019-2020*. This rate is subject to change as per any adopted subsequent Development Servicing Plan, that is annually adjusted for CPI (Sydney) and applicable at the time of payment. The current rates are as follows:

Clause 7- Standard ET Figures – residential user categories

Category	Standard Unit	Suggested Values	
<i>Residential Units</i>	<i>dwelling</i>	<i>Water ET</i>	<i>Sewer ET</i>
<i>3 bedrooms</i>		<i>0.80</i>	<i>1.00</i>

Therefore the following calculations will be applied to the development (minus the credit of two existing lots/houses):

Water=	0.80	x	\$2,970.79	=	\$2,376.63 E.T	x	15	=	\$ 35,649.48
	(Stage 1=3 Strata Units + 1 Torrens Title Lot								= \$ 10,100.68)
	(Stage 2=3 Strata Units								= \$ 7,129.89)
	(Stage 3=3 Strata Units								= \$ 7,129.89)
	(Stage 4=6 Strata Units								= \$ 14,259.78)
					TOTAL				= \$ 38,620.27

Sewer= 1.00 x \$2,776.41 = \$2,776.41 E.T x 15 = \$ 41,646.15
 (Stage 1=3 Strata Units + 1 Torrens Title Lot = \$ 11,105.64)
 (Stage 2=3 Strata Units = \$ 8,329.23)
 (Stage 3=3 Strata Units = \$ 8,329.23)
 (Stage 4=6 Strata Units = \$ 16,658.46)
 TOTAL = **\$44,422.56**

Following condition would be included in the condition of consent:

- *An application shall be submitted to Council for the supply of a Compliance Certificate under Section 305 of the Water Management Act 2000. A Final Occupation Certificate shall not be issued until such time as the contributions applicable to release the Certificate of Compliance are paid in full to Council. These contributions are calculated using Water Directorate Section 64 Determinations of Equivalent Tenements (ET) Guidelines- May 2009 and Lithgow City Council's Fees and Charges 2019-2020. This rate is subject to change as per any adopted subsequent Development Servicing Plan, that is annually adjusted for CPI (Sydney) and applicable at the time of payment.*

At the time of this approval the following chargers were applicable, which are subject to variation and to CPI increases in accordance with the applicable Fees & Charges adopted by Council at the time of payment.

Clause 7- Standard ET Figures – residential user categories

Category	Standard Unit	Suggested Values	
		Water ET	Sewer ET
Residential Units 3 bedrooms	dwelling	0.80	1.00

Therefore the following calculations will be applied to the development:

Water= 0.80 x \$2,970.79 = \$2,376.63 E.T x 15 = \$ 35,649.48
 (Stage 1=3 Strata Units + 1 Additional Torrens Title Lot = \$ 10,100.68)
 (Stage 2=3 Strata Units = \$ 7,129.89)
 (Stage 3=3 Strata Units = \$ 7,129.89)
 (Stage 4=6 Strata Units = \$ 14,259.78)
 TOTAL = **\$ 38,620.27**

Sewer= 1.00 x \$2,776.41 = \$2,776.41 E.T x 15 = \$ 41,646.15
 (Stage 1=3 Strata Units + 1 Torrens Title Lot = \$ 11,105.64)
 (Stage 2=3 Strata Units = \$ 8,329.23)
 (Stage 3=3 Strata Units = \$ 8,329.23)
 (Stage 4=6 Strata Units = \$ 16,658.46)
 TOTAL = **\$44,422.56**

Planning Agreements

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to this proposal. The developer has agreed to make a contribution of \$5,000 per lot to go towards community facilities and public open space.

5.3 LEGAL IMPLICATIONS

Contaminated Land Management Act 1997 No 140

The land has previously been subject to quarrying and therefore a detailed site investigation was undertaken by Envirowest Consulting Pty Ltd dated 31 October 2005 in accordance with the contaminated land management guidelines to determine the soil contamination of the site.

The site has since rehabilitated and is not listed on the Environmental Protection Authority (EPA) as a contaminated property.

More details of the contamination is outlined later in this report.

It is considered that the development complies with the Act.

Conveyancing Act 1919

There is currently a Right of Carriageway (ROW) existing on the lot which will be utilised by the two new Torrens title allotments for access. This ROW will be transferred into the new subdivision through an 88B instrument.

The current Deposited Plan shows the burdened lot to be Lot 402 (subject land) and Lot 401 is the benefitted lot gaining access via the ROW.

In this case Lot 401 has no ownership rights over Lot 402 and only benefits from right of access over existing track. As long as the ROW is maintained, the owners have no rights over the land or any legal requirement to consent to the use/DA.

As the development changes the access arrangements in the current plan and 88B, this would need to be addressed and reissued in a new plan and 88B instrument subject to the agreement of the benefitting property (Lot 401).

The applicant advises that a new positive covenant would be created whereby the Body Corporate pays for all the future costs of the maintenance and upkeep of the easement. This would also benefit Lot 401.

Under this Act, if the application was approved, easements for water, sewer, drainage and restrictions to the use of each allotment would be implemented prior to subdivision release of each stage as part of the 88B instrument. These would be required by Council and Water NSW and to comply with the provisions of this Act.

The proposed development is to also have the following condition of consent imposed in accordance with the Act as proposed by Council:

- *No coal burning appliances are to be installed on the residential allotments. A restrictive covenant shall be placed on each lot created through an 88(b) Instrument of the Conveyancing Act 1919 with Council having the right to vary, modify or release this restriction.*

Environmental Protection and Biodiversity Conservation Act 1991

No federally listed Threatened Species or Endangered Ecological Community is required to be cleared as a result of this application. Accordingly, there are no legal implications of this Act on the proposed development.

Local Government Act 1993

If this application is approved, the applicant must obtain a written Section 68 application for connection to Council's water and sewerage supply. This must be lodged and approved prior to commencement of any work on site and shall be at full cost to the applicant.

A Section 68 (s68070/19) was lodged with the application however requires the submission of all detailed engineering drawings/design, specifications and any applicably supporting information for the proposed works. All conditions of the Section 68 Approval must be complied with prior to the release of the Subdivision Certificate/Occupation Certificate. This is conditioned on the consent

Biodiversity Conservation Act 2016

This Act is applicable where development involves clearing of native vegetation in non-rural zones. It establishes a framework to avoid, minimise and offset impacts for all types of development that are likely to have a significant impact on biodiversity.

The BC Act commenced in full on 25 February 2018 and applies to this development application.

Council officers have assessed that the application does not trigger the area or map thresholds of the Biodiversity Offset Scheme (BOS) as follows:

- The area of land to be cleared does not exceed 0.25ha
- Part of the land the subject of the application is identified on the Biodiversity Values Map, being the vegetated riparian corridor. There will be minimal construction activity or clearing within this area as shown on the map below.



Having determined that the BOS has not been triggered, Council must still consider if the development is likely to have a significant impact on threatened species in accordance with the test in 7.3 of the BC Act.

Council has undertaken a desktop assessment of threatened species through the BioNet Atlas and did not find any threatened species present either on the site or within the locality.

Conditions would be placed on the consent for the requirement and implementation of a vegetation management plan.

Biosecurity Act 2015

To ensure compliance with this Act the following condition of consent will be imposed:

1. *Prior to the issue of the Subdivision Certificate, Council is to be provided with a report from Upper Macquarie County Council indicating:*
 - a) *Noxious plants are under adequate management; or*
 - b) *Noxious plant management has been undertaken and adequate control measures are in place; or*
 - c) *Noxious plants are not a concern for the property.*

Protection of the Environment Operations Act 1997

This Act will generally apply if the development requires to get EPA licences or General Terms of Approval and include the following types of development under Schedule 1 of the Act.

15 Contaminated soil treatment

15A Contaminated groundwater treatment

19 Extractive activities

land-based extractive activity, water-based extractive activity,

The land has previously been subject to quarrying (extractive industry) and therefore a detailed site investigation was undertaken by Envirowest Consulting Pty Ltd dated 31 October 2005 in accordance with the contaminated land management guidelines to determine the soil contamination of the site.

The site has since been rehabilitated and is not listed on the Environment Protection Authority (EPA) as a contaminated property.

More details of the contamination is outlined later in this report.

It is considered that the development complies with the Act.

Rural Fires Act 1997

The development is considered to be integrated under this act (via Division 4.8 of the EP & A Act 1979). Accordingly the approval of the Rural Fire Service is required prior to Council being in a position to determine the application. Recommendations from the Rural Fire Service have been obtained and it is considered that subject to conditions of consent the development will comply with the provisions of this Act.

These conditions are found later in this report.

Strata Schemes Development Act 2015

9 Subdivision of land by strata plan

(1) The following land may be subdivided into lots, or lots and common property, by the registration of a plan as a strata plan:

- (a) land including the whole of a building and consisting of one current plan lot or 2 or more contiguous current plan lots,*
- (b) land including part only of a building and consisting of one current plan lot or 2 or more current plan lots (whether contiguous or not).*

(3) Land that is a development lot in a strata plan cannot be subdivided under this section.

Note. See section 14 for subdivision of land that is a development lot.

The application indicates three (3) multi dwellings as part of this application and Twelve (12) remaining multi dwellings as part of the future concept design plans. A strata plan cannot be created until the buildings have been constructed as per the above clause.

In this Act development lot refers to the twelve multi dwellings under the concept plan.

Clause 14 states:

14 Subdivision of development lot

(1) A development lot may be subdivided into lots, or lots and common property, by the registration of a plan as a strata plan of subdivision that complies with the relevant development contract.

The remainder of the twelve lots are a concept DA and therefore is separate to new development application/s being lodged. As such there cannot be a development contract until Council approval is given for the future multi dwellings.

10 General requirements for strata plan

(1) A plan intended to be registered as a strata plan must:

(a) include a location plan, a floor plan and an administration sheet,

(c) if the proposed strata plan is intended to create a development lot—be accompanied by:

(i) the strata development contract relating to the lot, and

(ii) the certificate of the planning authority given under section 75 (2), unless the plan is lodged by the Crown, and

(d) if the proposed strata plan is intended to create a part strata parcel—be accompanied by a strata management statement, unless the requirement for a strata management statement is waived under section 99 (2),

As previously stated above, no contract has been created for the future multi dwellings as they require separate Development Application/s and no certificate of approval can be granted by Council until these applications have been approved with the consents complied with.

54 Strata certificate for strata plans and subdivision of development lots

(1) A local council must, on application made to it for a strata certificate in relation to a proposed strata plan that does not include a development lot, issue a strata certificate for the plan if:

(a) for land proposed to be subdivided that is within a water supply authority's area of operations—the water supply authority has issued a certificate of compliance for the proposed subdivision, and

(b) the following requirements of subparagraphs (i)–(iii) or the following requirements of subparagraphs (iv)–(viii) are satisfied:

(i) a construction certificate has been issued under the Environmental Planning and Assessment Act 1979 in relation to the erection of each building containing a proposed lot to which the plan relates,

(ii) each proposed lot in the plan substantially corresponds with a part of any such building shown in the building plans accompanying the construction certificate and is designated in the building plans as being intended for separate occupation,

As above, the dwellings are to be constructed prior to the issue of the strata subdivision certificate.

The existing right of carriageway would need to remain in the current property ownership until the dwellings have been constructed. A Subdivision Certificate would not be able to be released or registered until all property owner's including the current owner of Lot 401 DP1155154 have given consent to the 88b instrument for the right of carriageway. The strata ownership of the multi-dwellings are to be detailed within the purchase contracts. The issue arises if the owner

of Lot 401 DP1155154 does not agree to sign the 88b instrument for the strata subdivision certificate to be released.

It is to be noted that the owner of Lot 401 DP1155154 objected to the application.

No prior agreement between the two property owners has been negotiated to date relating to the use and management of the right of carriageway, this includes disruptions during the upgrade of the road.

Council's Officer's consider that this issue could be a condition on the consent, if the development was to be approved, that an agreement is to be negotiated between the two properties prior to works commencing.

Telecommunications Act 1997

(Department of Planning and Environment – Planning Circular PS 17-005)

The *Telecommunications Act 1997* was amended to ensure fibre-ready telecommunications facilities like pit and pipe are installed by constitutional corporations to all individual lots and premises in new real estate development projects to enable fibre to be readily connected to any premises that is being, or may be, constructed on those lots.

Developers of multi-dwelling units would be responsible for ensuring telecommunications are reticulated to individual units within the development. Therefore the following condition is to be included on the consent:

Prior to the issue of the Construction Certificate, the developer (whether or not a constitutional corporation) is to provide evidence, satisfactory to the Certifying Authority that arrangements have been made for:

(i) the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.

And

(ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.

Water Management Act 2000

A Certificate of Compliance is required under this Act prior to the release of any subdivision certificate, if approved. See previous comments under "Financial Implications".

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow Local Environmental Plan 2014

LEP 2014 – Compliance Check		
Clause		Compliance
Land Use table	R1 General Residential	Yes
Land Use table	E4 Environmental Living	Yes
4.1	Minimum subdivision lot size	Yes
4.1A	Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Yes
7.1	Earthworks	Yes
7.2	Flood Planning	Yes
7.3	Stormwater management	Yes
7.5	Groundwater vulnerability	Yes
7.6	Riparian land and watercourses	Yes
7.7	Sensitive lands	Yes

Comment: The proposed subdivision of land is consistent with the zone objectives. The objectives of the zone are:

Objectives of the R1 General Residential Zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provides facilities or services to meet the day to day needs of residents.
- To maintain or improve the water quality of receiving water catchments.

The proposal is providing for housing needs in the community by proposing a mix of housing types in the form of medium density development. The development is similar to the adjoining multi dwellings located to the north of the property. The development will maintain or improve the water quality of receiving water catchments and therefore meets the objectives of the zone.

Objectives of the E4 Environmental Living Zone

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.
- To maintain the rural character of the land in the zone while preserving the land for future urban growth.
- To ensure that development does not create unreasonable and uneconomic demands for the provision or extension of public infrastructure, amenities and services.
- To maintain or improve the water quality of receiving water catchments.

The size of the property is currently 7.28ha and is currently vacant land. The development is proposed to be compatible with adjoining landuses being for residential purposes. The development is not expected to impact services or facilities in the area as all services exist within the vicinity of the property. The E4 zoning area is proposed to remain as open space land. The proposed development will maintain the ecological and aesthetic features of the area while providing a limited range of developments in the E4 Environmental Living zone. The development has been designed to have a neutral or beneficial effect on water quality subject to conditions of consent being imposed.

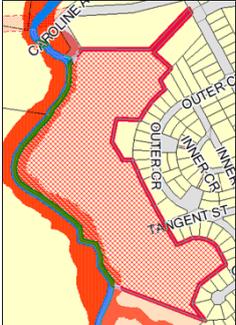
Under Clause 4.1A for multi dwelling housing in R1 General Residential zoning the minimum Lot Size is 600m². The property contains an area of 3186m² and therefore multi dwelling housing is permissible subject to consent.

Council is satisfied that the development complies with Clause 4.1B(7) as the proposed residential allotments are located within the R1 General Residential Zone. The development is not proposed to impact the environmental values of the land as surrounding land uses are for residential purposes. There is minimal flora and fauna identified on the property that will not be affected by the development. The development will not impact primary production on the property due to the size of the residential area to be 1.05ha and topography of the land having a steep slope. The proposal will not have a significant impact on the environmental values of the land or the continued protection, or long term maintenance of the area, subject to conditions.

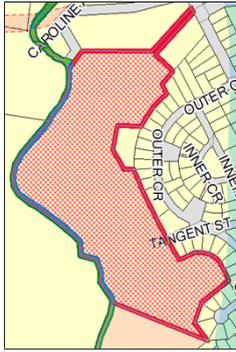
The proposal is required to undertake earthworks for drainage reserves and roads works which will be controlled through conditions of consent to ensure minimal impact to existing soils and groundwater. The development has also been assessed by Water NSW to ensure that the proposal will have minimal impacts to water quality.

The proposed development has been submitted with a stormwater management plan that has been assessed by Water NSW and Council's Infrastructure Department. The development is practicable and will minimise impacts of stormwater runoff through design and conditions of consent if approved.

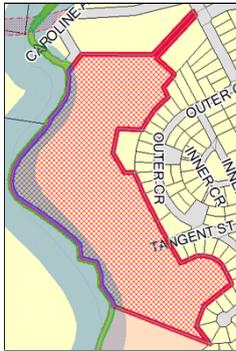
The property is located within the flood prone area (Council's flood study 2017). The property adjoins Farmers Creek and Solitary Creek with the development –subdivision works and concept development for the multi dwellings being located outside of the 40m perimeter of the water courses. The area located within the flood mapped area is proposed to contain open space area. The property also has a slope to the west. As no residential allotments are proposed to be located within the flood mapped area and the area is to be designated for no potential future use at this stage, the development would have minimal impact on flooding. The flood map is shown below:



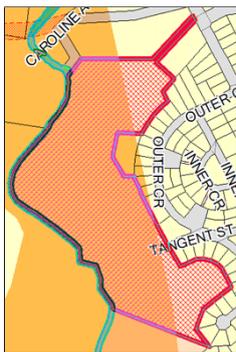
The property is identified as containing ground water vulnerability (small section of the property). Groundwater dependent ecosystems would not be impacted upon by the development as landscaping is proposed to be undertaken and as the site has previously been disturbed. The development is designed, sited and will be managed to avoid any significant adverse environmental impact. Water vulnerability is mapped below:



The development contains a riparian corridor around Farmers Creek. As the proposed dwellings are to be located over 100m away from the Creek, it is unlikely that there would be impacts to the creek and riparian corridor. Conditions would be placed on the consent to ensure there is suitable soil and erosion management and vegetation management plans around the Creek are adhered to. The riparian corridor is shown on the map below:



The property is identified as being sensitive land. The location of the development has a slight slope that is less than 25% for the concept multi dwellings. The land is not subject to high erosion potential, salinity, impeded drainage or expected to be subject to regular or permanent inundation. The development is designed, sited and will be managed to avoid significant adverse environmental impact. The sensitive land map is shown below:



The development seeks to provide adequate reticulated water and sewer services through upgrades of existing systems of the area. Additionally, the proposal will be required to connect to electricity and will have adequate road access to each allotment. The proposal will meet all requirements for essential services in relation to the development.

The proposal meets the provisions of the LEP.

State Environmental Planning Policy 44 – Koala Habitat Protection

SEPP 44 is applicable to site given that it exceeds 1ha in size and is located within the Lithgow Local Government Area to which the SEPP applies. Part 2 of the SEPP requires Council to consider whether the land the subject of the application retains potential and subsequently core koala habitat.

Many of the trees listed within Schedule 2 of the SEPP are common within the Lithgow Local Government area, however core koala habitat within this area is rare, with only 12 koala sightings ever reported on private land within the LGA.

Comment: Given that minimal trees will be removed as part of the development, and the section of the subject site relevant to the application is devoid of native vegetation it is considered unnecessary to proceed further with SEPP 44 assessment.

State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 – Compliance Check	
Clause	Compliance
7 Contamination and remediation to be considered in determining development application	Yes
17 Guidelines and notices: all remediation work	Yes

Comment: The land has previously been subject to quarrying and therefore a detailed site investigation was undertaken by Envirowest Consulting Pty Ltd dated 31 October 2005 in accordance with the contaminated land management guidelines to determine the soil contamination of the site.

Thirty five excavation pits were constructed over the site to determine the extent of the former quarry and the soil quality over the site. The investigations area contained a quarry which was filled predominately with coal wash and capped with silty sand topsoil before 1970. Some small areas of industrial waste is suspected of being located in the quarry fill. No evidence of contaminating activities was obtained for the non-quarrying area.

Recommendations of the report state:

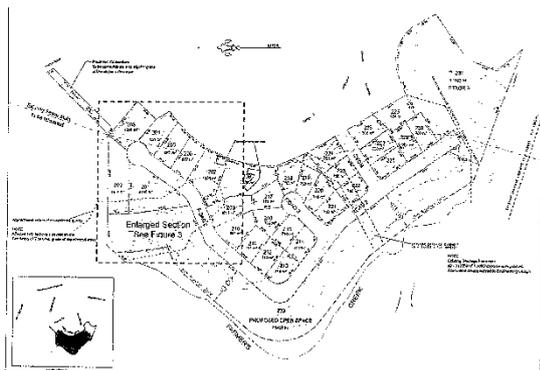
'A small area of recently deposited fill was identified as containing metal filings with high levels of lead, nickel and copper. Most of this fill material was a silty sand with a small volume of metal filings (less than 1kg). The metal filings material should be transported off site to an appropriate landfill.'

It is considered that proof that the above has been undertaken should be supplied prior to release of the Stage 1 Subdivision Certificate and would be a condition of consent if approved.

Based on the information the site is suitable for residential land use from a contamination perspective. However, Council should impose a condition of consent restricting building in this area given extensive fill is located within the quarried site.

It is considered that with the condition of consent imposed the development will meet the requirements of the SEPP.

The Envirowest Consulting site investigation shows a plan as to the location of the waste, that being within the location of the multi dwellings. This is shown on the plan below:



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

SEPP (Building Sustainability Index: BASIX) 2004		
Clause		Compliance
6	Buildings to which Policy applies	Yes
7	Relationship with other environmental planning instruments	Yes
8	Other environmental planning instruments do not apply to BASIX commitments	Yes

Comment: A Basix Certificate was submitted with the application as the development is for multi units that require a construction certificate.

The Basix Certificate states that the development is above the target levels for water, thermal comfort and energy.

The development was referred to Council’s Building Surveyor who considered the Basix to be satisfactory for the development.

A condition would be on the consent to ensure that the development complies with the approved Basix Certificate.

The development is considered to comply with the above SEPP.

State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 – Compliance Check		
Clause		Compliance
13	Consultation with Councils- development with impacts on council-related infrastructure or services	Yes
14	Consultation with councils—development with impacts on local heritage	Yes
15	Consultation with councils—development with impacts on flood liable land	Yes
16	Consultation with public authorities other than councils	Yes

Comment: The development proposes to connect to Council’s water and sewer services. Subject to conditions on the consent the development will be adequately serviced.

The new development backs on to Braemer House with access via an existing driveway between Braemer House and number 52. The multi dwellings are proposed to be of single storey with pitch roofs. The designs of the dwellings are proposed to be contemporary with other dwellings

that surround the property. The dwellings are masonry with colourbond roofs with muted colour schemes. The development proposes landscaping along the driveway and around the site to minimise the impact to Braemer House. This creates adequate screening between the properties. As the development is located behind the existing dwellings and not have direct frontage to a road, the development is not expected to impact the heritage item

The property is located within the flood prone area (Council’s flood study 2017). The property adjoins Farmers Creek and Solitary Creek with the development –subdivision works and concept development for the multi dwellings being located outside of the 40m perimeter of the water courses. The area located within the flood mapped area is proposed to contain open space area. The property also has a slope to the west. As no residential allotments are proposed to be located within the flood mapped area and the area is to be designated for no potential future use at this stage, the development would have minimal impact on flooding.

The development was referred to the NSW Rural Fire Service, WaterNSW and Endeavour Energy for comment. These comments and conditions are found later in this report.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

SEPP (Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes
11	Development that needs concurrence of the Chief Executive	Yes

Comment: The application was required to be referred to WaterNSW for concurrence in accordance with the *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*.

The subject property, which has been inspected by Water NSW, is located within the Warragamba catchment which forms part of Sydney's water supply.

Based on the site inspection and information 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 consent and are subsequently implemented.

5.3.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

Nil.

5.3.3 Any Development Control Plan

Nil.

Council does not have any Development Control Plans at this time; however Council’s Guidelines for Civil Engineering Design and Construction for Development, February 2012 and the AMCORD Guidelines were used as a merit assessment for the proposed concept development plans for the future multi dwelling development.

Council's Guidelines for Civil Engineering Design and Construction for Development, February 2012

Council's Guidelines for Civil Engineering Design and Construction for Development, February 2012		
	Clause	Compliance
1.3.1	Engineering Drawings	To be conditioned on the consent
1.7	Public Safety	Yes
1.13.4	Public Utility Services	To be conditioned on the consent
1.13.5	Electricity, Natural Gas, and Telecommunications	To be conditioned on the consent
2.3.8.3	Battleaxe Lots	Existing
2.3.9	Right of Carriageway (R.O.W.)	No
2.7	Landscaping	No
3.1	Development in Sydney's Drinking Water Catchments	Referred to WaterNSW- Conditioned on the consent
3.9	Landscaping of Open Space Areas	Yes
Section 4.0	Environment	Conditioned on the Consent

Comment: Council's Engineering Guidelines state:

Urban Battleaxe Lots are generally NOT permitted in new subdivision development. In special circumstances Lithgow City Council may consider a genuine need for construction of a battleaxe lot, in which case conditions for construction will be provided on a case-by-case basis.

The battleaxe allotment currently exists within the urban area. The current access width is 8m wide along Tweed Road. As the battle axe allotment exists and contains a reasonable driveway width for the development, Council's Infrastructure Department considers the battleaxe allotment to be adequate.

The development does not comply with Council's Right of Carriageway requirements. These requirements state:

Right of Carriageways will generally only be considered by Council for developments in Rural Areas. Council considers three (3) allotments total to be the maximum number of allotments serviced by a right of carriageway for reasons of practical management, servicing, control and maintenance.

Definition: the primary allotment providing the R.O.W. and two (2) additional allotments benefiting.

Right of Carriageways are to be constructed to the following minimum standards:

Carriageway Width: 10 metres

Formation Width: 4 metres

Material: A minimum of 150mm of DGB-20 road base applied and compacted providing a smooth, transitional surface.

Sealing: All right of carriageways are to be two coat bitumen sealed where slope gradient exceeds 10%.

Drainage: Drainage is to be provided along the full length of the carriageway formation. The type of drainage required will depend on topography of the area and will be determined by the Group Manager Infrastructure.

The development does not comply with the above requirements as the development involves 15 multi dwelling strata allotments, 1 existing private residence and 2 torrens title allotments (however 1 will gain access from Tangent Street). This equates to 16 residential allotments and 1 communal area allotment.

If the strata subdivision was not proposed, then the development would comply as the right of carriageway already exists within the area and services 2 lots. The difference whether the strata subdivision was proposed or not includes the ownership, maintenance and management of the carriageway. This could be dealt with under the Strata Management Act, with a Strata Management Plan to be conditioned on the consent.

The traffic impacts, whether strata or not, would still remain the same, as there would still be a maximum of 16 residential dwellings.

Council's Engineering Guidelines also state:

Landscaping within the road reserve may be used for aesthetic reasons, or functional purposes such as screening headlight and sunlight glare, screening undesirable views, and providing visual guidance.

Although landscaping would be beneficial and preferable, the carriageway width is 8m and forms into 7m throughout the built up area. Council's Infrastructure Department considers that the width of the carriageway for driveway purposes would be better for traffic safety purposes for all road users, pedestrians and access to and from the site. Landscaping is proposed throughout the communal open space areas.

The development does not comply with Council's Engineering Guidelines; however these are guidelines and are not legislative requirements. In this circumstance the guidelines it is difficult to give determinative weight to the assessment of the application strictly on the non-compliance with Council's engineering guidelines in relation to right of carriageways. Considered in terms of context and impact the justification for the proposed development is considered satisfactory.

The development was referred to Council's Infrastructure Department for comment. These comments are found later in this report. Conditions will also be placed on the consent to ensure that compliance with engineering the construction of the road and environmental impacts are complied with.

AMCORD

AMCORD		
Clause		Compliance
Part 2 - Physical Appearance		
Element 2.1	Street Design and On-Street Parking	Yes
Part 3 - Stormwater		
Element 3.1	Stormwater	Yes
Element 3.2	Water Quality Management	Yes
Element 3.3	Stormwater Harvesting	Yes
Part 4 - Streetscape and Neighbourhood Character		
Element 4.1	Streetscape and Landscape	Yes

Element 4.2	Building Appearance and Neighbourhood Character	Yes
Element 4.3	Fences and Walls	Yes
Part 5 – Site Planning and Building Design		
Element 5.1	Site Planning	Yes
Element 5.2	Lot Layout	Yes
Element 5.3	Street Setback	Yes
Element 5.4	Building Envelope and Siting	Yes
Element 5.5	Privacy	Yes
Element 5.6	On-site Carparking and Siting	Yes
Element 5.7	Private Open Space	Yes
Element 5.8	Communal Open Space	Yes
Element 5.9	Security	Yes
Element 5.10	Design for Climate	Yes
Element 5.11	Dwelling Entry and Interiors	Yes
Element 5.12	Site Facilities	Yes
Element 5.13	Housing on Traffic Routes	Yes
Element 5.14	Bushfire Protection	Yes

Comment: On street parking arrangements are not possible for the development due to the width of the road frontage being for the driveway. However there is sufficient off street parking and maneuvering areas available within the development site.

Conditions would be included on the consent to ensure that the development complies with Council's Engineering and Civil Guidelines.

The development has been referred to Council's Engineers, whose comments are found later in this report.

Utility services are available in the vicinity of the development and would be conditioned on the consent for connectivity on the proposed allotments.

A Stormwater Management Report was submitted with the application and shows small bioretention basins to be located throughout the multi dwelling site. Each dwelling is proposed to have rainwater tanks for retention and re-use. The development was referred to WaterNSW for comment. These comments are found later in this report.

The buildings are orientated to have a frontage to the internal road ways with the rear of the dwellings either facing open space land or the rear yards of other dwellings. Landscaping and communal open space areas are proposed to be provided throughout the development site. This is satisfactory for the development.

The single storey detached and semi-detached dwellings are proposed to have relatively low pitched roofs that are consistent with the scale, appearance and character of the built form of the adjoining properties in Outer Crescent. That being of single storey detached dwellings on relatively small allotments.

Fencing proposed for the development is proposed to be low, stepping down with the slope of the land. The front building setbacks from the internal road is between 4 to 6 meters. The location of private open space achieves 3 plus hours of direct solar access. The living areas of each dwelling also receive satisfactory daylight and sunlight access.

Due to the slope of the land and single storey nature of the proposed dwellings privacy impacts are expected to be minimal.

Each dwelling is proposed to have 2 off-street parking spaces, eleven visitor spaces and one accessible parking space.

The dwellings would contain private open space with areas to be 25m².

A garbage and recycling bin area is located within the development site for all dwellings.

A bushfire report has been submitted with the application. The report identifies dwellings to be located to the north, south and east, with pastureland from Farmers Creek to the west. The development was referred to the Rural Fire Service for comment. These comments are found later in this report.

The proposed concept design development is proposed to comply with the AMCORD Guidelines.

5.3.4 Any planning agreement that has been entered into under Section 7.4, or any draft planning agreement that a developer has offered to enter into under Section 7.4?

A Voluntary Planning Agreement (VPA) has been negotiated with the developer in relation to this proposal. The developer has agreed to make a contribution of \$5,000 per lot to go towards community facilities and public open space. A condition will be incorporated into the consent indicating the basic terms.

5.3.5 Any matters prescribed by the regulations that apply to the land

The development has been forwarded to Council's Building Officer for assessment under appropriate regulations. It is considered that as a result of this assessment the development will comply with the provisions of the regulations subject to conditions of consent.

Strata Schemes Management Regulation 2016 and Strata Schemes Development Regulation 2016

To comply with the above requirements the following condition would be included on the consent:

A fully detailed Strata Management Plan will need to be submitted by a registered surveyor, executed by the proprietor of the site and submitted to Council prior to the issue of the subdivision certificate.

The Strata Management Plan must meet the requirements under the Strata Schemes Management Regulation 2016 and Strata Schemes Development Regulation 2016.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

Adjoining Landuse: The surrounding development is typical of residential developments with dwellings and some vacant land. The property is surrounded by residential allotments to the east and a river and rural property to the west. It is considered that a two lot subdivision abutting the existing residential area would be similar to the surrounding land uses.

The closest setback (dwelling number 15 and dwelling number 12) contains a setback of approximately 1.030m from the nearest residential boundaries. Beyond the setbacks is the existing residential rear yards.

The proposed development is not expected to overshadow the adjoining properties or impact on privacy as it is single storey (height approximately 3.1m) and stepped with the slope of the land. Fencing and landscaping is located around the boundaries of the property to help to reduce privacy impacts.

Landscaping is proposed to be undertaken around the boundaries and throughout the site. This is considered adequate for the development and would help to minimise visual and noise impacts to surrounding residential land.

Due to the topography of the land, the dwellings are proposed to be stepped down throughout the site. The dwellings and the subdivision would have minimal impact to adjoining properties in terms of the built form.

Services: The development will be required to connect to Council's reticulated sewer and water with conditions of consent to be implemented if approved.

The existing sewer is proposed to be decommissioned and relocated.

Bioretention swales are located throughout the multi dwelling development. The bioretention swales will be privately managed and maintained by the Owner's Corporation. The development has been referred to WaterNSW for comment. These comments are found later in this report.

Electricity and telecommunications:

Each dwelling will be provided with rainwater tanks for retention and re-use.

The site will have connections to electricity and telecommunications as per proposed conditions of consent. Additionally, the existing services on the allotment may be required to be moved and relocated to a more appropriate location. This is to be approved and monitored by the service authority responsible for those provisions.

This will be covered by the implementation of the following conditions of consent:

- If the development is likely to disturb or impact upon telecommunications or electricity infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first; and
- The arrangements and costs associated with any adjustment to telecommunications or electricity infrastructure as per above shall be borne in full by the applicant/developer.

Public open space: A public open space area is located adjacent to the units on the northern side of the property as well as being at the front of the property. The open space area includes visitor carparking and a landscaped area. This is sufficient for the development.

Context and Setting: The proposed development will be located within an established rural/residential area and will have no major impact on the context and setting. The development has been designed to complement existing features of similar development in the area.

Access/traffic/carparking: Access to the property (proposed Lot 1 and conceptual multi dwellings) is located opposite the intersection of Caroline Avenue and Tweed Road. The access is a battle-axe allotment with access via an 8m wide right of carriageway (to Lot 401 DP1155154; existing) and an easement for services. Proposed Lot 2 is to have an access from Tangent Street.

The development equates to 16 residential allotments utilising the battleaxe/right of carriageway. This will be a privately maintained access driveway between all landowners. Council's Infrastructure Department considers that an 8m width carriageway is adequate for 16 dwellings. Tweed Road contains a larger width than a normal road reserve, with the property access located near the end of a cul-de-sac where there is currently approximately 3 other property owners between the proposed access and the end of the cul-de-sac. The end of the cul-de-sac also provides access to Council's sewer services and the old bottle kilns on the hill.

A traffic report was submitted with the application and states that there would be approximately an additional 135 trips per day and 13 trip per hour. There are a number of road networks that are connected to the Great Western Highway from the development including Caroline Avenue and Tweed Road. Caroline Avenue contains an approximate road width of 12m not including the road reserve. This is considered to be adequate for the potential increase in traffic movement.

The closest bus stop is on Tweed Road in close proximity to the development. There is also another bus stop located on the Great Western Highway near the Caroline Avenue intersection.

The multi units have been designed to accommodate a garbage truck to enter the site and exit the site in a forward direction, undertake a 3-point turn at the southern part of the site access driveway.

The proposed multi dwellings incorporate twin garages for each dwelling plus 11 visitor spaces. Therefore carparking is considered adequate for the development.

There is an existing footpath along the Tweed Road site frontage. This pedestrian footpath would be maintained and not impacted upon by the development.

The access and internal driveway has been referred to Council's Infrastructure Department for assessment and comment. These comments are found later in this report.

Amenity: The development is for a 2 lot Torrens title subdivision and 15 lot Strata subdivision in an existing rural and residential area. It is therefore considered that a condition for an 88B restrictive covenant that prohibits the use of coal burning appliances is required. This will reduce any potential air pollution impact to the area. However, wood fired appliances will be dealt with on a case by case basis and not be prohibited.

The development is proposed is within zoned area for residential purposes. Fencing, landscaping and general development of the site, including street lighting and trees will minimise the overall impact of the development. In relation to privacy this should not be compromised as it is a development for residential purposes adjacent to existing residential and rural uses.

Heritage: The property is not heritage listed under Council's LEP 2014; however the development adjoins a locally listed item known as Braemar House; that is located on Tweed Road. Coerwull House is also in proximity to the development.

Soils: Dust, erosion and sedimentation controls and mitigation will be done as required through conditions of consent and will minimise any potential issues.

The land has previously been subject to quarrying and therefore a detailed site investigation was undertaken by Envirowest Consulting Pty Ltd dated 31 October 2005 in accordance with the contaminated land management guidelines to determine the soil contamination of the site. Thirty five excavation pits were constructed over the site to determine the extent of the former quarry and the soil quality over the site. The investigations area contained a quarry which was filled predominately with coal wash and capped with silty sand topsoil before 1970. Some small areas of industrial waste is suspected of being located in the quarry fill. No evidence of contaminating activities was obtained for the non-quarrying area.

Recommendations of the report state:

'A small area of recently deposited fill was identified as containing metal filings with high levels of lead, nickel and copper. Most of this fill material was a silty sand with a small volume of metal filings (less than 1kg). The metal filings material should be transported off site to an appropriate landfill.'

It is considered that proof that above has been undertaken should be supplied prior to release of the Subdivision Certificate and would be a condition of consent if approved.

Based on the information the site is suitable for residential land use from a contamination perspective. However, Council should impose a condition of consent restricting building in this area given extensive fill is located within the quarried site.

Further, any new fill will require a validation report to be supplied to Council prior to being brought to site.

The multi dwelling development requires cut and fill. Proposed dwellings numbered 13-15 (to be located closest to Outer Crescent) is proposed to be approximately between 1.5m to 3.5m. Dwellings 1-2 and 7 – 12 is proposed to have majority of fill undertaken consisting of 0.5m to 2.8m. Earthworks are also proposed to be scattered over the proposed Lot 1.

Retaining walls are proposed to be located along the northern, southern and western boundaries of the proposed multi dwelling lot. The height of the retaining walls is proposed to be varied due to the site contours. The maximum height of the retaining walls is proposed to be 1.8m.

Water: The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied. Therefore with appropriate conditions of consent it is considered that the development will have minimal impact on water.

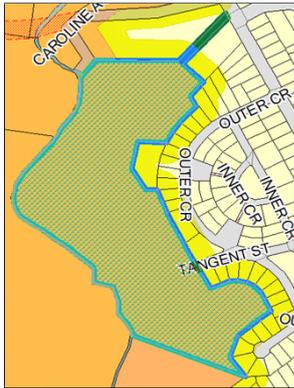
Air and Microclimate: There will be no significant impact on air or microclimate. However, a condition of consent will be imposed requiring that dust suppression be used during construction works to minimise impacts on the surrounding area.

Natural Hazards: The property is located wholly within the bushfire prone area. A bushfire report was submitted with the application. The report states that there is existing dwelling located to the north, south and east of the site. Farmers Creek is located in excess of 100m to the west of the multi dwellings with pasture land located between the creek and the dwellings.

To the West, the slope is 15 degree down-slope.

As the application involves a subdivision, the development is defined as being integrated under the *Rural Fires Act 1997* (via Division 4.8 of the EP & A Act 1979). Accordingly the approval of the Rural Fire Service is required prior to Council being in a position to determine the application. Recommendations from the Rural Fire Service have been obtained and it is considered that subject to conditions of consent the development will comply with the provisions of the Act.

These conditions are found later in this report.



The property is located within the flood prone area (Council's flood study 2017). The property adjoins Farmers Creek and Solitary Creek with the development –subdivision works and concept development for the multi dwellings being located outside of the 40m perimeter of the water courses. The area located within the flood mapped area is proposed to contain open space area. The property also has a slope to the west. As no residential allotments are proposed to be located within the flood mapped area and the area is to be designated for no potential future use at this stage, the development would have minimal impact on flooding.

Noise and Vibration: There are no nearby sources of noise or vibration that would impact detrimentally the proposal. The proposal is not expected to cause any noise issues in the surrounding area, given it are for residential use. There is expected to be some noise during the construction of the development and social noise from vehicles. The orientation do the buildings would involve their frontage facing the internal driveway and therefore traffic vehicle noise would be buffered. Fencing and landscaping around the site would also decrease noise in the area.

Other Land Resources: The development will not impact on the value of the land in terms of agricultural potential or mining as it is zoned for residential use and Environmental Management. The development is located adjacent to an established residential area and adjoins Farmers Creek.

5.3.7 The Suitability of the site for the development

The land is currently zoned for residential purposes and therefore is strategically suitable to allow increased housing demands within the Lithgow area.

The surrounding land uses are for a mixture of residential and grazing land, with the size and nature of the development to be consistent with those in the surrounding area. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the

surrounding amenity. Therefore, the site is considered to be suitable for the proposed development.

The extension of roadway, connection to sewer and water will allow for appropriate development of the site to a standard that is acceptable for residential uses close to the Lithgow township. Given the above it is considered that the site is suitable for the proposal.

5.3.8 Any submissions made in accordance with this Act or the Regulations

The proposal was sent to Water NSW, NSW Rural Fire Service, NSW Crime Prevention Officer – NSW Police, Endeavour Energy, Council's Building Officer, Water & Wastewater Officer, and Engineering Officer for commenting with recommendations detailed below. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 21 days with 4 individual submissions received and 18 signatures and comments on a petition which are summarised below.

WATER NSW

Reference is made to Council's correspondence received 10 July 2019 requesting the concurrence of Water NSW under *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* with a proposal for a 2-Lot Torrens Title Subdivision and 3 multi-dwellings including a concept development of an additional 12-multi dwellings on the above land.

The subject property, which has been inspected by Water NSW, is located within the Warragamba catchment which forms part of Sydney's water supply.

Water NSW has considered the following documents in the assessment of the application:

- Statement of Environmental Effects prepared by KN Planning Pty Ltd (dated June 2019)
- Site Plans including a staging plan prepared by Archispectrum (dated 12 June 2019), and
- Stormwater Management Plan (dated 24 July 2019) incorporating a MUSIC stormwater quality model and Concept Civil Designs Plans (dated 19 July 2019) including a proposed subdivision plan all prepared by Samana Blue Engineering Pty Ltd.

The Concept development application proposes to be staged as follows:

- Stage 1: 2-lot Torrens Title Subdivision and further 15-lot strata subdivision of proposed Lot 1, construction of new access driveways, upgrade of existing access handle, construction of 11 visitor parking spaces, landscaping of communal areas, erection of 3 detached dwellings on Lots 1-3 of strata subdivision
- Stage 2: Erection of 3 detached dwellings on Lots 4-6
- Stage 3: Erection of 3 detached dwellings on Lots 7-9, and
- Stage 4: Erection of detached dwellings on Lots 10 and 13 and semi-detached dwellings on Lots 11, 12, 14 and 15.

Water NSW notes that proposed development application seeks consent for Stage 1 and Lot 2 will remain undeveloped. Stages 2 to 4 will be subject to separate development applications. Water NSW has assessed the potential water quality impacts of the development in its entirety, as well as Stage 1 only.

Based on the site inspection and information 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 consent and are subsequently implemented.

If, after receipt of this letter, revisions are made to any of the DA plans, Council does not need to refer the plans to Water NSW if the revisions will have no impact on water quality.

Council is requested to amend the relevant Water NSW's condition/s to reference the revised plans, and notify the assessing officer by email.

Water NSW concurs with Council granting consent to the application subject to the following conditions:

General

1. The lot layout, works and staging of the subdivision shall be as specified in Statement of Environmental Effects (Ref: KN394, dated June 2019) prepared by KN Planning Pty Ltd, shown on the Proposed Subdivision Plan (Dwg No. 2019034-C12B, Rev. B, dated 19/07/19) prepared by Samana Blue Engineering Pty Ltd and Staging Plans (Sheet No. A1, Dwg. Nos. 01 and 05, dated 12.06.2019) prepared by Archispectrum. No revisions to lot layout, works or staging of the subdivision that will impact on water quality, shall be permitted without the agreement of Water NSW.

Reason for Condition 1 - Water NSW has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development including subdivision.

Upgrade to Existing Access Handle and Construction of New Driveways

2. The existing access handle and new driveways shall be located, upgraded, and constructed as shown on the proposed Subdivision and Civil Plans (Dwg No. 2019034-C12B to C14B, Rev. B, dated 19/07/19) prepared by Samana Blue Engineering Pty Ltd and shall:

- be sealed and otherwise constructed in accordance with Council's engineering standards
- runoff to be collected via a series of pits and pipes and directed to various water quality treatment measures, and
- incorporate inlet filters (Ocean Guard or Water NSW endorsed equivalent) on all inlet pits.

3. All stormwater structures and drainage works associated with the proposed driveways shall be wholly included in the road or drainage reserve or within suitably defined easements.

Reason for Conditions 2 & 3 – To ensure that the upgrade of existing access handle and construction of access driveways and associated infrastructure will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development.

Stormwater Management

4. All stormwater management measures as specified in Section 4.2 of Stormwater Management Plan (Revision B, dated 24 July 2019) and shown on Concept Civil Plans (Dwg Nos. 2019034-C13B to C16B, Revision B, dated 19/07/19) all prepared by Samana Blue Engineering Pty Ltd shall be implemented. The stormwater management measures shall include:

- pits and pipes
- bioretention systems
- rainwater tanks
- gross pollutant traps and cartridge filters, and
- permeable pavings.

5. Bioretention systems shall also:

- be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne *et al*, 2015, Melbourne, CRC for Water Sensitive Cities),

- have a minimum combined filter area of 9 square metres,
- be accessible from access driveways by machinery to facilitate cleaning, monitoring and maintenance of the structures,
- be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and
- be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.

6. No changes to stormwater treatment and management that will impact on water quality, shall be permitted without the agreement of Water NSW.

7. A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

8. An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of an Occupation Certificate and be provided to the Body Corporate for management of the development. The Plan shall:

- include details about the location and nature of stormwater management structures such as pits, pipes, inlet filters/gross pollutant traps, cartridge filters and bioretention systems
- outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities
- identify the persons responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and
- include checklists for recording inspections and maintenance activities, particularly for bioretention basin, gross pollutant traps, and cartridge filters.

9. There shall be an instrument created under Section 88E of the *Conveyancing Act 1919*, prior to the issuance of Strata Subdivision Certificate, the prescribed authority being Water NSW, placed over the Common Property, requiring that:

- the gross pollutant traps, cartridge filters and bioretention systems be inspected, monitored, maintained and managed in accordance with the Operational Environmental Management Plan,
- the structures shall be retained and protected, and
- no development take place within one metre of the structures.

Reason for Conditions 4 to 9 – To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term.

Construction Activities

10. A Soil and Water Management Plan shall be prepared for all works for Stage 1 of the development, required for the proposed development by a person with knowledge and experience in the preparation of such plans. The Plan shall:

- meet the requirements outlined in Chapter 2 of NSW Landcom's *Soils and Construction: Managing Urban Stormwater (2004)*,
- be prepared prior to issuance of a Construction Certificate and to the satisfaction of Council, and

- include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.

11. The Soil and Water Management Plan shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity. The construction site shall be regularly inspected, monitored and maintained until works have been completed and groundcover established.

Reason for Conditions 10 & 11 – To ensure to have an overall sustainable neutral or beneficial effect on water quality over the longer term.

RURAL FIRE SERVICE (RFS)

Reference is made to Council's correspondence dated 10 July 2019 seeking general terms of approval for the Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works, and in perpetuity, proposed lot 1 shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
2. A 9 metre asset protection zone (APZ) is to be provided within proposed lot 2 as shown on the plan titled 'Concept Civil Plans' prepared by Samana Blue Engineering dated 7 June 2019 with reference 181222-C13 C as outlined in 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. In accordance with section 88B of the Conveyancing Act 1919 a restriction to the land use shall be placed on the land requiring the provision of this APZ.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

3. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

4. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

5. New construction within Stage 1 (Houses 1-3) shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.

ENDEAVOUR ENERGY

Reference is made to Council's email of 10 July 2019 from NSW Planning & Environment regarding NSW Government concurrence and referral request CNR-861 for Lithgow City Council's development application DA094/19 at 52A Tweed Road Bowenfels NSW 2790 (Lot 402 DP 1155154) for '2 Lot Torrens title Subdivision and 3 Multi Dwellings including Concept Development of an Additional 12 Multi Dwellings'.

As shown in the site plan from Endeavour Energy's G/Net master facility there are:

- An easement over the site benefitting Endeavour Energy for overhead power lines (services) as shown in the DP 1155154.
- Low voltage and 11,000 volt/11 kilovolt (kV) high voltage overhead power lines to the Tweed Road road verge/roadway.
- Low voltage overhead power lines to the Tangent Street road verge/roadway going to a pole in the easement. The rear boundary adjoins 11 kV high voltage overhead power lines, pole mounted substation no. 35787 and low voltage underground cables from which the low voltage service conductor/customer connection point is provided to the lot.

Subject to the following recommendations and comments Endeavour Energy has no objection to the Development Application.

Network Capacity/Connection

Given the size of the proposed development (15 multi dwellings) the existing local network is unlikely to be able to service the additional load ie. the existing pole mounted substations are unlikely to have sufficient spare capacity to service a significant urban development. An extension or augmentation of the local network is likely to be required, but this cannot be determined until a detailed assessment is completed. Endeavour Energy's preference is to alert proponents/applicants of the potential matters that may arise as further redevelopment of area continues to occur.

In due course the applicant for the proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Further details are available by contacting Endeavour Energy's Network Connections Branch.

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch.

Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation.

Urban Network Design

New electrical lines are to be either underground cables or where overhead is permitted be predominantly covered or insulated constructed. In areas with the potential for significantly overhanging foliage, CCT is used. Non-metallic Screened High Voltage Aerial Bundled Cable must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.

Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development. Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the load within that development.

Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or Non-metallic Screened High Voltage Aerial Bundled Cable must be used.

Bushfire

The network required to service the proposed development must be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy's risk assessment associated with the implementation and use of the network connection/infrastructure for a bushfire prone site. In assessing bushfire risk, Endeavour Energy has traditionally focused on the likelihood of its network starting a bushfire, which is a function of the condition of the network. Risk control has focused on reducing the likelihood of fire ignition by implementing good design and maintenance practices. However safety risks associated with the loss of electricity supply are also considered.

Earthing

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

Easement Management/Network Access

The following is a summary of the usual/main terms of Endeavour Energy's electrical easements requiring that the land owner:

- Not install or permit to be installed any services or structures within the easement site.
- Not alter the surface level of the easement site.
- Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose.

Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. Most activities are prohibited within the padmount substation easement area. However, if any proposed works (other than those approved/ certified by Endeavour Energy's Network

Connections Branch as part of an enquiry/application for load or asset relocation project) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer.

It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.

Vegetation Management

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure (including any new electricity infrastructure required to facilitate the proposed development). Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant.

Dial Before You Dig

Before commencing any underground activity the applicant is required to obtain advice from the ***Dial Before You Dig 1100*** service in accordance with the requirements of the *Electricity Supply Act 1995* (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.

Public Safety

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. Endeavour Energy's public safety training resources are available via Endeavour Energy's website via the following link: <http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>.

Emergency Contact

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

NSW CRIME PREVENTION OFFICER- NSW POLICE

The Development Application is being referred back to Council following the below listed guidelines as per "Safer by Design" information. The Crime Prevention Officer has made relevant comments regarding some safety and security issues.

An inspection of the site was unable to be conducted as the complex has not been constructed. The following information is supplied with the basic application floor plans and written specifications supplied by Lithgow City Council, used as a resource for advice given.

1. Surveillance, Lighting and Technical

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design, landscaping and lighting. The layout and building orientation is compatible with natural surveillance, residents are natural guardians and effectively this increases surveillance and security.

Lighting

Lighting must meet the minimum Australian standard AS1158 for public streets, car parks and pedestrian access. There is a proven correlation between poor lighting, fear of crime, the avoidance of public/private places and crime opportunity.

No information has been received regarding lighting in the car park area, pathways, driveways and buildings in the development application submitted to police.

Council Officer's Comment: It would be conditioned on the consent that a lighting plan be submitted to Council prior to commencement of building works and in compliance with the Australian Standard.

Treatment -Lighting

Recommend:

- Lighting in the drive ways and parking areas should be sufficient to enable sight lines for pedestrian and vehicles.
- Sensor lighting to all vestibule and walkways including outdoor car park areas.
- Lights should be vandal resistant and projected away from buildings towards pathways and gates – not towards windows and doors.

Council Officer's Comment: These recommendations would be included within the conditions and lighting plan.

Technical Supervision

Recommend:

- Installation of CCTV cameras in car park areas.

Council Officer's Comment: This could be an invasion of privacy and would not be a requirement due to carparking areas throughout the site being scattered, however for safety purposes it could be inserted into the Strata Management Plan if warranted by the corporate body.

2. Territorial Re-enforcement

Criminals rarely commit crime in areas where the risk of detection and challenge are high. People who have guardianship or ownership of areas are more likely to provide effective supervision and to intervene in crime than passing strangers.

Consideration has been given to the design of the buildings and the boundary surrounding the Complex. Fencing designates and defines each property boundary, which in turn decreases the opportunity for criminal activity such as trespassing and break and enters.

No information in relation to signage within the complex received.

Council Officer's Comment: As the development involves access to an existing separate property, signage is not warranted. Safety and security measures would need to be implemented by the corporate body.

Treatment -Territorial Reinforcement

Recommend:

- All ingress and egress points to be well defined and clearly marked with signage and traffic flow arrows.
- Speed limit signage within the entire driveway/ car park area –**max 10kph.**

Council Officer's Comment: Given the design of the development containing potentially 15 dwellings, set out between cul-de-sacs, open space areas and carparking areas, the above recommendations is not warranted.

ADDITIONAL- signage

- Consider "Trespassers will be prosecuted" signage clearly visible around entrance/exit ways.
- Private Property "No trespassing".
- "Lock it or Lose it" signage in all areas of the car park. Steal from motor vehicles is quite common in this type of environment.
- Security patrol signage.
- No skateboards/bikes in car park

Council Officer's Comment: As the development involves access to an existing separate property, signage is not warranted. Safety and security measures would need to be implemented by the corporate body.

3. Environmental Maintenance

Clean, well maintained areas often exhibit strong territorial cues. Research indicates that run-down areas impact perceptions of fear within the community, community confidence to use public space and ultimately, crime opportunity. Vandalism can induce fear, particularly amongst women and the elderly.

Treatment – Environmental Maintenance

The Body Corporate will be responsible for the daily maintenance of the complex. Communal areas will be promptly maintained. Damaged property will be removed or repaired.

This maintenance program will assist to reduce the likelihood of landscaped areas becoming overgrown and unkempt in appearance, also include in the maintenance program:

- Lighting.
- Vandalism/graffiti management plan for rapid removal.

Landscaping can be used to enhance the appearance of the development and assist in reducing opportunities for vandalism. However, landscaping can provide concealment and entrapment areas for people involvement in criminal behaviour. Plants that block natural sight lines lessen natural surveillance.

Recommend:

- A safety convention is to have **3-5 metres** of cleared space on either side of paths. Pedestrians generally feel safer on wider pathways.
- Shrubs on average should not be above **900mm** in height.

The plans include a landscape plan and for the purpose of the Safer by Design concept there is clearly an abundance of foliage defining the boundaries of the complex. Ensure height conventions as above are considered to reduce the likelihood of concealment/criminal opportunity.

Council Officer's Comment: Council considers that there is adequate landscaping within the development.

4. Activity, Space Management and Access Control

Space/activity management strategies are important ways to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development.

Treatment – Activity/Space Management and Access Control

Barriers help to restrict, channel and encourage the movement of people and vehicles into and out of designated areas.

Recommend: That the Traffic management plan is presented to the Lithgow Council Traffic Advisory Local Committee for sign off.

Council Officer's Comment: Council's Development Engineer has assessed the traffic management plan to be adequate for the development and is satisfied that the development does not need to go to the Traffic Advisory Local Committee. The development is considered minor in nature and is suitable for the surrounding area.

Treatment – Access Control

Recommend:

- Speed bumps introduced into car parks/access ways reduce the likelihood of attracting bike riders and skateboarders also reducing vehicle speed and access.
- Install good quality locks to windows and doors throughout the facility.
- Install electronic/swipe card security access to the basement car park.

Council Officer's Comment: Given the design of the development containing potentially 15 dwellings, set out between cul-de-sacs, open space areas and carparking areas, the above recommendations is not warranted.

Conclusion

The design, purpose and definition of the space are in harmony with the intended function of the development and the guidelines of CPTED. There are no adverse findings in the information submitted to Police. If our recommendations are considered and implemented this will further increase the safety and security of the residents.

We recommend that a traffic management plan be submitted to the next Traffic Advisory Local Committee at Lithgow City Council.

Council Officer's Comment: Council's Development Engineer has assessed the traffic management plan to be adequate for the development and is satisfied that the development does not need to go to the Traffic Advisory Local Committee. The development is considered minor in nature and is suitable for the surrounding area.

COUNCIL'S BUILDING OFFICER

Reference is made to the abovementioned concept plans for 15 strata dwellings with Stage 1 being for 3 strata lots with a dwelling on each and to the assessment of plans submitted by Archi Spectrum numbered 01 to 07 and DA03 to DA14 dated 12.06.19.

Relevant conditions and advisory notes in relation to the Development Application for the Stage 1 dwellings are listed below.

GENERAL REQUIREMENTS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.

Location of dwellings

2. The dwelling shall be located wholly within the confines of the proposed strata lot property boundaries in accordance with the approved site plan.

Stormwater and plumbing and drainage

3. That seepage and surface waters are collected and diverted clear of the dwellings site by a drainage system. Care is to be taken to ensure that no nuisance is created to adjoining strata lot properties.
4. That roof water be connected to water tanks with overflow pipes being discharged to the proposed stormwater easement.
5. Prior to issuing a Certificate of Compliance for sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.

REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK

7. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
 - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
 - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
 - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
8. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
 - a) In the case of work to be done by a Licensee under the Act:
 - i) has been informed in writing of the licensee's name and contractor Licensee Number, and
 - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of the Act, or
 - b) In the case of work to be done by any other person:
 - i) has been informed in writing of persons name and Owner-Builder Permit Number, or
 - ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of dated any information or declaration previously given under either of those paragraphs.

BASIX Certificate

14. The building works shall be constructed in accordance with, and comply with the undertakings given on the submitted BASIX certificate number 1008567M obtained on 24 April 2019 has expired.

Appropriate certification is to be submitted to the Principal Certifying Authority prior to issue of the occupation certificate indicating that all BASIX requirements have been undertaken.

Sedimentation controls

9. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:

- a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
- b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

Signage

10. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- a) 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.
- b) Stating that unauthorised entry to the work site is prohibited and
- c) Showing the name, address and telephone number of the principle certifying authority for the work.

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.

11. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

REQUIREMENTS DURING CONSTRUCTION

Workers toilet facilities

12. Before work starts, toilet facilities must be provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Waste disposal

13. Prior to any building works commencing a suitable Waste Container for the deposit of all building rubbish and litter must be provided and emptied as soon as full at a waste management facility. Building rubbish and litter must be contained on the building site and the work site left clear of waste and debris at the completion of the works.

Construction hours

15. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

Occupation Certificate

17. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.
18. Prior to the issue of an Occupation Certificate the applicant shall furnish Council with a Certificate of Compliance and approved drainage diagram for all sanitary plumbing and drainage.
19. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council prior to the issue of the Occupation Certificate. Any excavated and filled areas are graded and drained and all constructed batters are to be top soiled and vegetated.

ADVISORY NOTES

Building Code of Australia

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Inspection schedule – Drainage and Plumbing

2. The Principal Certifying Authority must be contacted to undertake inspections of the various stages of construction as follows:
 - a) Pier holes/pad footings before filling with concrete.
 - b) Internal drainage carried out by licensed plumber prior to covering
 - c) Reinforcing steel in position and before concrete is poured (slabs, footings, lintels, columns, floors, walls and the like).
 - d) Framing when external wall and roof cladding is in place and prior to internal linings.
 - e) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - f) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - g) 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 and inspection fees must be paid.

Wind and Snow loads

4. The proposed dwellings are located in an area subject to high winds and snow falls. The wall and roof frames shall be designed and certified for the relevant ground snow and wind loading for the area and details are to be submitted to the Certifying Authority.

Requirements during Construction

5. That 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.

6. That glazing comply with the provisions of Part 3.6, Building Code of Australia, Housing Provisions. The serviceability design wind pressure and the ultimate strength test pressure of the glazing must be suitable for the wind load and BASIX requirements for the site.
7. 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.
8. The installation of **interconnected** hard wired smoke alarm/s is required to be carried out in accordance with AS3786 and the Building Code of Australia. The licensed electrical contractor is required to submit to the Principal certifying authority a certificate certifying compliance with AS 3000 and AS 3786.

Requirements prior to Occupation

9. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

Reference to Building Code of Australia

10. A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

COUNCIL'S WATER & WASTEWATER OFFICER

A concept plan DWG sent to Council by Qalchek Pty Ltd dated 25/3/20 for subdivision Stage 1 Rev D for servicing Lot 1 is accepted and approved by LCC Water and Wastewater Department.

Reference is made to the Development Application in regard to Council's Planner's referral dated 10 June 2020 and provide the following conditions:

1. The applicant is to provide a sewer main extension and sewer main realignment to service Lot 1 of the above development in accordance with the Concept DWG sent to Council by Qalchek Pty Ltd dated 25/3/20 for subdivision Stage 1 Rev D at owner's costs. No sewer connections for lot 1 or 2 are permitted to the existing 225mm sewer trunk main that is located within the development.
2. A single 150mm sewer point of connection to be provided at the property boundary of Lot 1 located in Tweed Road at owners costs and be in accordance with LCC Sewer Connections Policy 3.5.
3. The applicant is to provide a 100mm metered water supply to service the development and be in accordance with LCC Water Service & Meter Installation Policy 3.1., Fire Service Installation Policy 3.6 and Councils Containment Backflow Policy 3.4. All works to be at owners costs.
4. Prior to the Construction Certificate being issued the applicant is to provide a full set of Hydraulic Design Drawings for approval under S68070/19 showing sanitary drainage layout, potable water design and fire hydrant design. The construction design details shall also show sewer main deviation details.

5. The applicant is to provide water pressure and flow tests for potable water and fire supply design purposes for all fixtures for the new development prior to the S68 approval being issued and prior to the Hydraulic Design Drawings being submitted to Council.

6. A Master Meter and individual meters for each unit are required and to be shown on the design plan including details of containment backflow prevention. No water main extensions to be taken from the water supply for Lot 2.

7. Proposed Lot 2, future water and sewer connections would be available from Tangent St and a separate S68 Approval would be required from Council after receiving a DA for Lot 2.

8. Prior to any Sub Division Certificate or any type of Occupation Certificate being issued compliance with the terms of the S68 Approval must be completed to the satisfaction of Councils Water & Wastewater Director. Council's written approval must be obtained in this regard.

COUNCIL'S INFRASTRUCTURE DEPARTMENT

Reference is made to the Development Application in regard to Council's Planner's referral dated 11 June 2020 and provide the following comments:

Note: This DA is not supported by Infrastructure Services due to excessive use of existing right of carriageway according to engineering guideline, however conditions are provided.

It is suggested that the following conditions be placed on the Development Consent.

1. A Construction Certificate must be obtained prior to the commencement of any Civil Works.
2. All subdivision works have been designed in accordance with the development consent, Council's "Guidelines for Civil Engineering Design and Construction for Development", Austroads Guidelines and best engineering practice.
3. Engineering plans shall be generally consistent with the submitted Ground Floor Master Plan prepared by Samana Blue Engineering, drawing number 01, dated 11 March 2020 and other civil plans dated by 13 September 2020.
4. All necessary services and infrastructure must be clarified and provided in each stage of the proposed Multi Dwelling Subdivision works in separate Construction Certificates.
5. A full length of internal road, waste collection vehicle maneuvering area, the access handle and associated earthworks/retaining walls/stormwater drainage system, including swale drain in proposed easement, must be provided in the initial 3 Multi Dwellings Subdivision works.
6. The size and details of the bio-retention system works needs to be clarified in the Construction Certificates.
7. A minimum 1m wide pedestrian access (concrete footpath) shall be provided in the full length of the access handle.
8. Structural Design Certificates certified by a qualified structural engineer shall be provided for all retaining walls more than 1m in height.

9. A temporary access shall be provided for the rear property at 52 Tweed Rd, Lithgow (Lot 401 DP 1155154) during the construction of the development.

10. All engineering works are to be to the standard specified in Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.

11. The subdivision works may include but are not limited to the following:

- Public and private roads
- Stormwater management (quantity and quality)
- Private access driveways
- Sediment and erosion control measures
- Overland flow paths
- Traffic facilities
- Earthworks
- culverts, retaining walls and other structures
- Landscaping and embellishment works

The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.

12. Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Lithgow City Council's Guidelines for Civil Engineering Design and Construction for Development for Developments. ESA shall be 1×10^5 for internal roads.

A copy of the pavement design prepared and certified by a suitably qualified geotechnical engineer must accompany the application for Construction.

13. Work on the subdivision shall not commence until:

- a Construction Certificate has been issued;
- a Principal Certifying Authority has been appointed for the project, and;
- any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

A Notice of Commencement of works is to be submitted to Lithgow City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.

14. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on any Public Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on the shoulder of any Public Road. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.

15. All earthworks shall be undertaken in accordance with AS3798 and Lithgow City Council's Guidelines for Civil Engineering Design and Construction for Development"

16. Each layer of pavement shall be tested for compaction and deflection as detailed below. A Principal Certifying Authority must approve each layer prior to the placing and compaction of subsequent layers.

(a) Compaction Testing:

The subgrade, and all pavement layers, shall be density tested in-situ at the start and finish of the work (within the first/last five metres), and thereafter at intervals of no more than 50 metres, or as indicated by a Principal Certifying Authority or Council's Development Engineer, if Council is the Principal Certifying Authority. A minimum of two tests will be required for road pavements less than 50 metres in length. At cul-de-sacs, additional testing will be required at the turning head. The test sites selected should be representative of the likely minimum pavement compaction levels achieved. Density testing must be undertaken by an authorised representative of a laboratory registered by the National Association of Testing Authorities (NATA). Density testing may be conducted using either the sand replacement test, nuclear gauge, or other NATA approved method.

Where a nuclear gauge in direct transmission mode is used to determine pavement density, the test method shall comply with RTA Test Method T173. Results of density testing shall be forwarded directly to a Principal Certifying Authority for approval. No pavement layer shall be covered by a subsequent layer until the results of the density testing have been delivered to and approved by a Principal Certifying Authority. Table 1 below sets out the minimum compaction requirement for each pavement layer.

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

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

(b) Deflection Testing:

All pavement layers must be proof-rolled, and approved by a Principal Certifying Authority prior to the placement of subsequent pavement layers.

The proof-rolling will be conducted using either:

(i) a roller having a load intensity of seven (7) tonnes per metre width of roller

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

Any movement of the pavement layer under loading will be deemed a failure.

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

(c) Final Road Profile:

The mean construction tolerance on pavement surface crossfalls should be within $\pm 5\%$ of the design crossfall. The maximum allowable construction tolerance is $\pm 5\%$, and the maximum standard deviation of crossfalls is 5%. The vertical alignment should not deviate by more than 25mm from the value shown on the drawings.

17. All road, drainage, kerb and gutter, water and sewerage reticulation works associated with a development shall be inspected by a Principal Certifying Authority. The whole of the works are to be carried out to the satisfaction of the Executive Manager of Infrastructure. Council shall inspect engineering works at the following stages as a minimum:

- Following site regrading and shaping, and prior to installation of footway services;
- Installation of erosion and sedimentation control measures;
- Storm water drainage lines prior to backfill;
- Water and sewer lines prior to backfill;
- Testing of water and sewer lines;
- Subgrade preparation, before placing pavement;
- Establishment of line and level for kerb and gutter placement;
- Completion of each pavement layer ready for testing;
- Road pavement surfacing;
- Completion of works

The developer or contractor shall give Council a minimum 24 hours' notice if Council is the Principal Certifying Authority when requesting an inspection to ensure that development works are not delayed. The developer shall, if required by a Council Engineer, submit delivery dockets for all materials used, and all material and performance test results obtained in the development.

18. Works as Executed (WAE) Plans detailing all services and infrastructure are to be prepared by a registered surveyor or professional engineer, and submitted to the Principal Certifying Authority and Council. The WAE plans shall be lodged prior to the release of the linen plan. The applicant is required to submit three complete sets of hard copy plans (one A1-sized, two A3-sized) and one set of electronic plans in AUTOCAD format.

19. A "Work-As-Executed" (WAE) plan is required to be prepared by a Registered Surveyor or professional engineer and forwarded to the Principal Certifying Authority and Council prior to the final inspection. The WAE is to include, as a minimum:

- certification that all works have been completed generally in accordance with the approved plans and specification,
- any departure from the approved plans,
- any additional/deleted work,
- the location of conduits, subsoil lines, stub mains and inter-allotment drainage lines,
- pipeline long sections showing the constructed invert levels of each pipe at each pit and pipe dimensions,
- details of overland flow provisions,
- site regrading areas by new contours, and
- all other details which have a bearing on the extent of works and their acceptance by a Principal Certifying Authority

- The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD.
 - A copy of all documentation, reports and manuals, technical guidelines for handover of stormwater management facilities (bioretention basin/swell) to Lithgow City Council.
 - A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Lithgow City Council's Design Guidelines and Construction specifications. The report shall include:
 - Compaction reports for road pavement construction
 - Compaction reports for bulk earthworks and lot regarding.
 - Soil classification for all residential lots
 - Statement of Compliance
 - Soil testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".
20. Prior to issue of any Multi Dwellings 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.
21. Prior to the issue of any Multi Dwellings Subdivision Certificate the following easements shall be created on the plan of subdivision
- Easements for drainage
 - Right of carriageway
 - Any other easements identified during the construction process
22. Prior to issue of any Multi Dwellings Subdivision Certificate, a restriction as to user and positive covenant relating to Water Sensitive Urban Design (WSUD).
23. Construction noise shall be in accordance with the 'Noise Control Guidelines for Construction Noise Standards'. Hours of operation shall be permitted between 7am and 6pm Monday to Friday and 8am and 1pm Saturdays. No heavy machinery work or usage shall be permitted on Sundays or Public Holidays.
24. The applicant shall submit a soil erosion and sedimentation control plan with the engineering design for a Principal Certifying Authority for approval. Such shall address both short and long term management of all disturbed areas and specified methods and structures to be employed to minimise any impact.
25. Prior to and during the commencement of works the applicant shall erect soil erosion and sedimentation controls for the following purposes:
- control of soil erosion and sedimentation movement during the bulk earthworks stage,
 - control of run off and diversion of the sedimentation trap prior to the development of land,
 - method of stabilising the land from erosion and sediment movement after the completion of works and prior to the development of the land.
26. The applicant is to comply with all reasonable requests from Council with regard to any complaints received during construction works.

27. The applicant shall consult with an Authorised Telecommunications, Electricity and Gas Authorities for the provision of underground telephone, electricity, and gas services to each allotment. Notification of Arrangement for provision to each allotment shall be lodged with Council prior to the issue of a Subdivision Certificate.
28. The following conditions apply to Stormwater Drainage design and construction:
- a) Stormwater Drainage plans shall submitted to Principal Certifying Authority as part of the construction certificate, drawn at a scale sufficient to show all necessary details, nominally 1:200, 1:500, 1:1000 or 1:2000. The following data is to be included with a contoured catchment area plan:
 - I. Catchment areas and sub-areas, watershed (catchment boundary), overland flow paths, existing and proposed pipe layout. For large catchments, the total catchment area should be shown at a large scale on a separate plan or inset.
 - II. All sub-areas, drainage lines and pits are to be logically numbered.
 - III. A schedule of pipe details, including pipe number, size, class, bedding type, joint type, invert levels at inlet and outlet, slope, and length.
 - IV. A schedule of pit details, including pit number, type, road chainage, surface level to the Australian Height Datum (AHD), invert level to AHD, depth, and lintel length.
 - V. North point and legend.
 - VI. Setout information.
 - VII. Accurate position and level of all services and utilities which cross underground drainage pipelines.
 - VIII. Identify those building allotments adjacent to channels and major storm flow paths which may be liable to flooding in major flood events, and the minimum design habitable floor level adjacent to prevent flooding in the design flood event.
 - IX. Inlet and outlet treatments.
 - X. Measures for the prevention of erosion and sedimentation.

PUBLIC SUBMISSIONS

During the notification period four (4) individual submissions were received including eighteen (18) signatures and comments on a petition on one of the submissions received. Council's former notification policy states that submissions are classified as one submission. The concerns, applicant's response and Council Officer's response are summarised below:

	Submission	Applicant Response	Planning Comment
1	The Right of Carriageway at Tweed Road is not wide enough for passing traffic,	The Right of Carriageway (ROC) width at Tweed Road will be 8 metres. A width of 8 metres will enable 2 vehicles to pass whilst also accommodating landscaping along its length. The Draft Strata Management Plan also prohibits parking on the ROC and Common Property Driveways.	The plans show the right of carriageway to have a width of 8m. Council's Guidelines for Civil Engineering Design and Construction for Development; February 2012 states: 2.3.9 Right of Carriageway (R.O.W.) <i>Right of Carriageways are to be constructed to the following minimum standards:</i> <i>Carriageway Width: 10 metres</i> <i>Formation Width: 4 metres</i>

			Council's Infrastructure Services Department assessed the access driveway width and considers it to be adequate for the development and that there is adequate space for passing traffic.
2	Insufficient space for parking/loading/turning,	Eleven (11) off-street visitor parking spaces provided; a turning area is provided for garbage and other trucks as detailed on drawings and Civil Engineering Designs and Traffic Impact and Parking Assessment by Samana Blue Engineering. These plans clearly identify, parking areas, turning arc's, including garbage truck turning bay. The design is in accordance with AS2890.	The development has supplied enough off-street carparking spaces. 11 spaces for visitor parking is proposed within the site with each dwelling to contain parking. The manoeuvring area around the site has been assessed by Council's Infrastructure Services Department and is also found to be sufficient in relation to turning circles for trucks.
3	Insufficient space for garbage service vehicles to manoeuvre if using proposed access roads,	Satisfied as detailed in Civil Engineering Design – Samana Blue Engineering and Letter from JR Richards. The design complies with AS2890.	The plans show sufficient space on site for vehicle turning bays.
4	Insufficient kerbside space for 15 extra garbage bins if garbage service was unable to use access road,	Not relevant as garbage service can/will access the site.	The applicant has consulted with JR Richards in relation to entering the property for garbage service. This will be via a separate contract agreement between the Applicant and JR Richards.
5	Present pump station at the end of Tweed Road is already overloaded and requires constant maintenance,	Existing infrastructure is adequate to accommodate the additional housing proposed.	The development was referred to Council's Water and Wastewater Department for comment with advice received that the existing pump station is adequate for the proposed development.
6	If works are required to upgrade the existing right of carriageway, then this will restrict access to the current users to access their properties.	There is only 1 resident who has the benefit of the Right of Carriageway (ROC). The proposed upgrade will benefit that resident and will be achieved at no cost to the resident. Access will be managed during any construction/upgrade works including regular communication with the resident. It is not intended to impede or restrict that resident from accessing their residence at any time.	The upgrade to the right of carriageway would only be for a short period of time. It is recommended and would be conditioned on any consent if granted that the applicant notifies the property owner of Lot 401 DP 1155154, 52 Tweed Road, within 7 days prior to the works being undertaken on the Right of Carriageway. The applicant is to also negotiate an agreement with all parties involved during the construction of the carriageway for alternative access during this time.
7	Loss of 3 very large habitat trees on the eastern side of proposed Lot 1,	The site is currently almost completely devoid of trees. The trees referred to are medium in size and not in a healthy condition. They are	The 3 trees on the property that are proposed to be removed are not of significant threatened species. Habitat is not expected to be impacted upon

		comprised of introduced species which are not indigenous canopy trees and other flora indigenous to the Lithgow area. Refer to the Landscaping Plan by Zenith Landscape Design. Following the implementation of the landscaping design, the habitat will be greatly enhanced.	as the vegetation by the creek is proposed to remain. The property where the construction work is proposed to be undertaken is almost clear of vegetation except for the 3 trees which are currently in proximity to residential dwellings.
8	Loss of 2 large red ironbark trees on Western side of proposed Lot 1	Refer to above.	As above.
9	There are two mature paddock trees in the middle of the site that are an important part of the visual landscape and are habitat for possums and other active wildlife,	Refer to 7 above.	As above. The applicant proposes to undertake further landscaping of the site as part of the development. The actual area to be constructed on is within the residential zone and there is no reference or knowledge that these species are significant except for visual points from surrounding property owners.
10	Loss of habitat for native birds and animals, including echidnas,	The subject site consists of dried grasslands and is almost completely devoid of trees. New habitat will be established in accordance with the Landscaping Plan by Zenith Landscapes. The implementation of landscaping will substantially enhance the site and will provide a very significant amount of new habitat. New canopy trees etc. will consist of species indigenous to the Lithgow area and thus create and provide an improved habitat for indigenous birds and fauna.	There are no native habitats identified on Council's Flora and Fauna map. The BioNet Atlas of NSW Wildlife by NSW Environment, Energy and Science also does not contain any records on their database of any significant habitats for native species.
11	Gang-gang cockatoos are listed as vulnerable, inhabit this area during their annual migration. Kookaburras and other animal habits have also been witnessed in the area,	Gang-Gang Cockatoos (<i>Callocephalon fimbriatum</i>) are found in forests and woodland areas of Australia. The subject site is neither a forest nor woodland area. The proposed development is located about 500 metres from the 1,670-hectare Marrangaroo National Park and 1.5 Kilometres from the 2,690 square kilometre Blue Mountains National Park	There are currently limited trees and vegetation on the property location as to where the proposed dwelling sites are proposed to be located. Vegetation around Farmers Creek will remain. Given that there is limited vegetation currently located on the property, the cockatoos and kookaburras would not be highly impacted upon.
12	The western side of proposed Lot 1 has been used in the past as a quarry/tip,	The former quarry has been the subject of two comprehensive technical reports namely the Envirowest Consulting Site Investigation Report R5230 and Geotechnical Report by D Katauskas both of which have been on Council's	The location of the old quarry site is not within the vicinity of the proposed dwellings. Council is satisfied with the investigation reports undertaken. Conditions would also be included on

		records since 2005. During construction it is intended to remove any loose fill and then re-compact the relevant area in accordance with the report the relevant area in accordance with the report and current engineering standards.	any consent to ensure there is minimal to no contamination on the site.
13	Dust pollution from constant traffic up and down access driveway,	The Access Driveway will be sealed. There will be no dust pollution.	There will be dust during construction work. Conditions would be placed on the consent to ensure that dust management controls are to be in place during construction. Once constructed the driveway access would be sealed as per Council's Infrastructure Services Department requirements.
14	Significant increase in traffic generation,	Traffic Impact and Parking Assessment – Samana Blue Engineering.	<p>At this stage of the development, it is predicted that there would be minimal traffic movements as only 3 dwellings are proposed as part of stage 1. The surrounding road network can accommodate the additional traffic movements.</p> <p>On final construction, the development will equate to 16 residential allotments utilising the battle-axe/right of carriageway. This will be a privately maintained access driveway between all landowners. Council's Infrastructure Services Department considers that an 8m width carriageway is adequate for 16 dwellings. Tweed Road contains a greater width than a normal road reserve, with the property access located near the end of a cul-de-sac where there is currently approximately 3 other property owners between the proposed access and the end of the cul-de-sac. The end of the cul-de-sac also provides access to Council's sewer services and the old bottle kilns on the hill.</p> <p>A traffic report was submitted with the application and states that there would be approximately an additional 135 trips per day and 13 trips per hour. There are several road networks that are connected to the Great Western Highway from the development including Caroline Avenue and Tweed Road. Caroline Avenue contains an approximate road width of 12m not including the road reserve. This is adequate for the</p>

			potential increase in traffic movement.
15	Loss of privacy,	The development will enhance privacy and safety.	The development is located at the rear of the current dwellings along Tweed Road, Outer Crescent and Tangent Street. The section of the property that is proposed for the residential dwellings is zoned for residential purposes. The property was previously used as a quarry and has been vacant since. Therefore, as it is in a residential area, the development is expected to be more visually enhanced. There is also fencing along the back boundaries and the proposed dwellings are of single storey with reasonable setbacks. The closest setback (dwelling number 15 and dwelling number 12) contains a setback of approximately 1.030m from the nearest residential boundaries. Therefore it is anticipated that privacy and safety would be maintained.
16	Loss of security to personal properties	The proposed development will enhance security.	The development was referred to the NSW Crime Prevention Officer for comment. The NSW Crime Prevention Officer has no objection to the application subject to recommended conditions on the consent. Built up developments are likely to be more secure than open space areas due to restrictions within the development, such as walls, fencing, landscaping and yards.
17	The proposed density is overdevelopment, with the proposed dwellings impacting adjoining properties in terms of privacy and visual impacts.	The development fully complies with the provisions of the Lithgow Local Environmental Plan 2014.	The size of the development is satisfactory for the site. The development has also allowed for landscaped areas, visitor parking and truck turning bays. Private open space areas for each dwelling are also considered to be satisfactory. The dwellings would contain private open space with areas to be 25m ² . This is typical of private open space areas within similar developments in the Lithgow Local Government Area.
18	There would be impacts to Farmers Creek and the wildlife in the area,	The proposal will not have any adverse impacts on Farmers Creek. The development does not adjoin Farmers Creek	The development is located over 40m from Farmers Creek and is therefore not required to be referred to the Natural Resources Access Regulators as development on waterfront land or within proximity to a water course. Management such as retaining walls are proposed to be located on the western side of the property boundary

			to reduce potential impacts to the creek and wildlife. The area is proposed to utilise a small section of the large allotment for residential purposes. The remainder of the property is zoned E4 and would be left as vacant land. Therefore, it is predicted that wildlife would not be greatly impacted upon.
19	Loss of views to the creek,	Noted.	The development will create a loss of views to the creek, however as previously stated the area is zoned for residential purposes. The development has been designed, via the orientation of the dwellings, to try and minimise the visual impacts to existing dwellings and their views to the creek. There are openings between the dwellings so that this can still be achieved. The dwellings will also be at a lower elevation to the existing dwellings along Tweed Road. It is anticipated that the development will enhance the character of the area.
20	Out of character for the area,	The proposed development adjoins, and is compatible with existing residential development in terms of height, bulk and scale.	There is no set character to the area. there is a heritage dwelling within proximity and a mixture of the surrounding dwellings being cottage types and modern styles. The development is of single storey with reasonable setbacks from boundaries.
21	The proposed development is inconsistent with Council's vision statement; <i>'balancing, protecting and enhancing our diverse environmental elements, both natural and built'</i> ,	The land proposed to be developed in zoned R1 Residential. The proposed development is in accordance with the provisions of the Lithgow Local Environmental Plan 2014.	The proposal is providing for housing needs in the community by proposing a mix of housing types in the form of medium density development. The development is similar to the adjoining multi dwellings located to the north of the property. The development will maintain or improve the water quality of receiving water catchments and therefore meets the objectives of the zone. The creek at the rear of the site is located within the environmental management zone. However, there is proposed to be no construction work undertaken in proximity to the creek. The vision from Council's Community Strategic Plan is not a matter for consideration under the Environmental Planning and Assessment Act. Council's Local Environmental Plan (LEP) 2014 is more relevant to the application with

			<p>the objectives of the R1 General Residential Zone being:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community. • To provide for a variety of housing types and densities. • To enable other land uses that provides facilities or services to meet the day to day needs of residents. • To maintain or improve the water quality of receiving water catchments.
22	<p>The proposed development is inconsistent with Council's vision statement; <i>'celebrating, protecting and sustaining our unique industrial and natural heritage, its cultural landscapes and its built heritage.'</i></p>	<p>The land proposed to be developed in zoned R1 Residential. The proposed development is in accordance with the provisions of the Lithgow Local Environmental Plan 2014.</p>	<p>The development complies with Council's LEP 2014.</p> <p>Refer to previous comments as this quote is in relation to Council's Community Strategic Plan and not a relevant matter for consideration under the Environmental Planning and Assessment Act.</p>
23	<p>The site is rare and unique to the Lithgow area as it contains a rural outlook and is within a short distance to Lithgow's CBD. The change in use to the site would destroy its unique natural environment that residents in the area have tried to restore overtime.</p>	<p>The land proposed to be developed in zoned R1 Residential. The proposed development is in accordance with the provisions of the Lithgow Local Environmental Plan 2014.</p>	<p>The development proposes to utilise a small section of the area for residential purposes consistent with the land's zoning. The rural outlook would still be maintained for majority of the site. The property is currently overgrown with weeds and rubbish. Therefore, the development would clean up the site to enhance the visual impacts of the area with new and maintained landscaping and services.</p>
24	<p>The development is in proximity to a heritage item that contains heritage significance to the area.</p>	<p>Refer to Heritage Report by Andrew Starr and Associates Heritage Consultants.</p>	<p>A heritage report was undertaken and submitted with the application. The new development backs on to Braemer House with access via an existing driveway between Braemer House and number 52. The multi dwellings are proposed to be of single storey with pitch roofs. The designs of the dwellings are proposed to be contemporary with other dwellings that surround the property. The dwellings are masonry with colourbond roofs with muted colour schemes. The development proposes landscaping along the driveway and around the site to minimise the impact to Braemer House. This creates adequate screening between the properties. As the development is located behind the existing dwellings and does not have direct frontage to a</p>

			road. The development is not expected to impact the heritage items.
25	Devaluation of homes,	Not a relevant consideration.	This is unknown and not relevant to Planning considerations.
26	Services such as water, sewer, electricity, gas and phone would be located within the proposed carriageway. If these services require maintenance and the roadway is closed, emergency services would not be able to respond to emergencies within the development site.	The provision and location of utilities is in accordance with Council's and providers requirements.	The services would be located along one side of the access driveway. The driveway would be approximately 5.5m in width and be two way. If services required maintenance, there would still be adequate space for emergency vehicles to enter the property. Any maintenance to the services would also be for a short period of time.
27	The services within Tweed Road, including adjoining property water meters, pipework and telephone cabling, would also be required to be relocated for the development. The development would require the removal and reinstallation of an adjoining properties rural fence, cattle ramp.	Fences would not require relocation unless they encroached onto the land to be developed. There is no cattle ramp on the land being developed.	All services or any relocation of services to the area would be at the applicant's cost. The development proposes to utilise the whole of the property's boundaries. Any properties affected by the relocation of services would be notified prior to the works commencing by the authority or company undertaking the works along with the duration timeline.
28	The access has flooding and gradient concerns.	Remodelling of site detailed in Report by Samana Blue Engineering. Site not subject to flooding.	The section of the property for the dwellings is not within the flood prone area. The dwellings are also proposed to be located on the property where the topography gradient is relatively flat.
29	Traffic control at the intersection of Tweed Road and Caroline Avenue will present a T and a 4 way intersections within 20m of each other. The very narrow Outer Crescent and Tangent Street which is near impossible to be unpassable when 2 vehicles are parked either side of the road and a car travelling in each direction on the crest of a hill, curves and blind spots meet. The additional road	No adverse traffic movement issues as detailed in Traffic Impact and Parking Assessment by Samana Blue Engineering. Outer Crescent commences some 150 metres from the entrance of the development. Tangent Street is located some 500 metres from the entry of the development.	The development was assessed by Council's Infrastructure Services Department and is considered adequate for the development subject to conditions being implemented on the consent. As previously stated, a traffic report was submitted for the development and was found to be adequate. Refer to previous comments.

	usage would impact safety concerns.		
30	The pump station in the vicinity is already overloaded and would not be able to accommodate a potential increase.	Addressed under (5) above.	Addressed above.
31	The site was previously used as a quarry and as a dumping ground for waste material such as ash, steel, concrete, fibre piping and an unknown quantity and type off 44 drums of fluids. Asbestos and other contaminates would be identified on the property due to the previous uses.	Addressed in (12) above.	Addressed above.
32	The property currently contains overgrown vegetation, weeds and vermin. This has potential issues of fire threat. The soil has been leached by these contaminates along with coal refuse. If disturbed by earthworks the leaching will impact on Farmers Creek. The threat of exposing the coal refuse and allowing oxygen to migrate into it may cause a spontaneous combustion/heating event or methane gas from the waste beneath could be present.	The property is currently affected by a number of adjoining neighbours discarding refuse over the boundary fence and onto the land. Once the development has been completed, overgrown vegetation, weeds and vermin will be eliminated. The site will be revegetated in accordance with the Landscaping Plan by Zenith Landscape Designs. Additionally, a substantial amount of new habitat will be established which will benefit the land and attract indigenous birds and fauna. Some minor earthworks are proposed to establish level building envelopes and is shown on the accompanying Civil Concept Design plans Rev B dated 19.07.2019. Works should be conditioned to be in accordance with Council standards and all cut/fill to be in accordance with the recommendations of the following two geotechnical reports: Re: Geotechnical Assessment Interim Report, prepared by D. Katausas dated 18 May 2005 Detailed Site Investigation, prepared by Envirowest Consulting Pty Ltd Dated 31 October 2005. It is advised that all fill associated with building platforms to be: <ul style="list-style-type: none"> • In accordance with AS3798, • Under Level 1 supervision, 	Council is satisfied with the investigation reports undertaken. Conditions would also be included on any consent.

		<ul style="list-style-type: none"> • Certified by a suitably qualified and experienced geotechnical engineer as fit for purpose. 	
33	<p>The natural aesthetics will no longer exist, drainage and run off concerns, additional home and street lighting, noise and traffic issues.</p>	<p>The current aesthetics of the property consist of:</p> <ol style="list-style-type: none"> 1. Dried grassland and weeds, 2. Almost completely devoid of trees, 3. Overgrown vegetation, weeds and vermin, 4. Rubbish dumped by Neighbours, 5. Potential Fire Threat, 6. Drainage and run-off erosion on driveway, 7. Dust from access driveway, 8. Erosion along current Right of Carriageway, 9. Resident using ROC currently needs to move garbage some 260 metres to Tweed Road to be collected. <p>The future aesthetics of the property following development:</p> <ol style="list-style-type: none"> 1. The development (where appropriate) will be planted with grass/lawn, thus replacing dried grasslands and weeds and rubbish. 2. A significant number of indigenous canopy trees (substantially improved habit for bird life and fauna. 3. Overgrown vegetation, weeds and vermin will be eliminated. 4. Dumping of rubbish will be eliminated. 5. Any fire threat will be eliminated by the removal of dried grass and the management of an APZ. 6. Sealed access will be provided, thus eliminating dust and erosion through stormwater management. 7. Residents will all have a garbage collection service at their front door. <p>In summary, the aesthetics of</p>	<p>The development proposes adequate drainage on the property. Drainage has also been assessed by WaterNSW and Council's Development Engineer.</p> <p>The development proposes bioretention basins throughout the site.</p> <p>Street lighting would be internal with Dwellings surrounding the internal road, and public open space areas. Fencing and landscaping would also block the lighting and noise impacts.</p> <p>Council's Development Engineer has assessed the traffic impacts of the development and considers the internal road width is adequate for the development.</p> <p>Traffic is expected to be increased in the areas specifically to adjoining properties. The Council managed/public road is an adequate size and condition for the proposed development.</p>

		the land and surrounding area will be enhanced in all respects.	
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5.3.9 The public interest

Sewer: The development requires additional connections to Council’s reticulated sewer. This requires potential upgrades of existing services to allow for the additional loadings. The cost of these of upgrades will be borne by the developer; however the ongoing maintenance of the services will be the responsibility of Council. It is important for Council to ensure that these services are properly provided to minimise potential unnecessary maintenance in the future. This is of public interest as there are additional sewer services that will be required to be maintained by Council resulting in future costs to the community. However, contributions through the *Water Management Act 2000* will be applicable and will provide support to Council’s ongoing maintenance of this utility.

Water: The development requires additional connections to the reticulated water services. The cost of these of upgrades will be borne by the developer; however the ongoing maintenance of the services will be the responsibility of Council. It is important for Council to ensure that these services are properly provided to minimise potential unnecessary maintenance in the future. This is of public interest as there are additional water services that will be required to be maintained by Council resulting in future costs to the community. However, contributions through the *Water Management Act 2000* will be applicable and will provide support to Council’s ongoing maintenance of this utility.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A - Conditions of consent.

8. RECOMMENDATION

THAT development application DA094/19 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Director: Andrew Muir

Signed:.....

Signed:.....

Dated:.....

Dated:.....

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

NB – Development Consent is only granted for Stage 1 being.

Stage 1

- Lot 1 into 2 Torrens Title subdivision creating allotment for the development
- Construction of internal driveways including upgrade to access handle and construction of 11 visitor car spaces.
- Landscaping of communal areas
- Erection of 3 detached dwellings and strata subdivision
- Civil works – water, sewer, stormwater and utilities for the whole of proposed Lot 1 Development Site
- Strata subdivision of 1 into 3 with remainder as a Development Lot.

Separate Development Applications will be required for:

Stage 2: Construction of detached dwellings on Strata Lots 4-6,

Stage 3: Construction of detached dwellings on Strata Lots 7-9,

Stage 4: Construction of detached dwellings on Lots 10 & 13 and semi-detached dwellings on Lots 11, 12, 14 and 15.

Schedule A

Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated/Concurrence Approval Body - NSW Rural Fire Service and WaterNSW)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

ADMINISTRATIVE CONDITIONS	
1.	<p>That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.</p> <p>The plans and documents approved as part of this application includes:</p> <ul style="list-style-type: none">• Amended Statement of Environmental Effects; dated July 2019; REF: KN394,• Stormwater Management Plan; dated 6 June 2019; Samana Blue Engineering,• Heritage Impact Assessment; dated March 2019; Andrew Starr and Associates Heritage Consultants,• Nationwide House Energy Rating Scheme Summary and BASIX Certificates; dated 24 April 2019,• Bushfire Hazard Assessment; dated 8 June 2019; Barry Eadie Consulting Pty Ltd,• Stata Management Statement; May 2019; Bight & Duggan,• Jr Richards Waste and Recycling Letter; dated 14 June 2019,• Traffic Impact and Parking Assessment; dated 13 September 2019; Samana Blue Engineering,• Concept Civil Design; dated 13 September 2019; Samana Blue Engineering,• Site Plan and Staging Plan; dated 1 March 2019; Ground Floor Master Plan; dated 11 March 2020; Elevations; 1 March 2019; Shadow Diagrams; 1 March 2019; Strata Subdivision Plan; dated 1 March 2019; Archi Spectrum,• Proposed Plan of the 2 lot Torrens Title Subdivision DP1155154; ND• Strata Lot 1-Proposed Floor Plan; DA03, Lot 1-Front & Rear Elevations; DA04, Lot 1-East & West Elevations; DA05, Lot 1-Section A-A; DA06, Strata Lot 2-Proposed Floor Plan; DA07, Lot 2-Front & Rear Elevations; DA08, Lot 2-East & West Elevations; DA09, Lot 2-Section B-B; DA10, Strata Lot 3-Proposed Floor Plan; DA10, Lot 3-Front & Rear Elevations; DA12, Lot 3-East & West Elevations; DA13, Lot 3-Section C-C; DA14, Archi Spectrum,• Concept Landscaping Plan; dated 25 February 2019; Zenith Landscaping Designs,• Servicing Plan Stage 1; dated 25 March 2020; Qalchek,

2.	<p>This Development Approval (DA094/19) is for Stage 1 only and involves:</p> <ul style="list-style-type: none"> • Lot 1 into 2 Torrens Title subdivision creating an allotment for the proposed multi dwelling development, • Construction of a new access road 1 and road 2 (private internal roads) including upgrade to access handle and construction of 11 visitor car spaces, • Landscaping of communal areas, • Erection of 3 detached dwellings and strata subdivision • Civil works – water, sewer, stormwater and utilities for the whole of proposed Lot 1 Development Site (stage 1 and future), • Strata subdivision of 1 into 3 with remainder of the land as a Development Lot.
CONCEPT PLAN	
3.	<p>The concept design (Stages 2-4, Dwellings numbered 4 to 15 on the plans) is subject to future Development Applications (DA's) being lodged to Council.</p>
PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATES-CURRENT DA094/19	
4.	<p>That the Subdivision Certificate Application, subdivision release fee, Registered Surveyors Plans (original & 1 copy) along with associated 88B instrument if applicable, be submitted to Council for finalisation following the compliance with all conditions of this consent.</p> <p>This condition applies to the proposed two lot Torrens Title Subdivision and Stage 1 Strata Subdivision.</p>
5.	<p>There shall be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being the Lithgow City Council, placed over all proposed lots requiring that no coal burning heating appliances be permitted on each of the allotments.</p> <p>This conditions applies to the proposed two lot Torrens Title Subdivision and Stage 1 Strata Subdivision.</p>
6.	<p>A fully detailed Strata Management Plan shall be submitted to Council prior to the issue of the subdivision certificate. The Strata Management Plan must meet the requirements under the Strata Schemes Management Regulation 2016 and Strata Schemes Development Regulation 2016.</p> <p>This conditions applies to Stage 1 Strata Subdivision and future Strata Subdivisions (Stages 2-4 within the Concept proposal).</p>
7.	<p>The Applicant must enter into a planning agreement under section 93F of the <i>Environmental Planning and Assessment Act 1979</i> with Council that is in the terms outlined in the email correspondence containing the offer dated 29 July 2019 The general terms of the agreement will be that the developer shall make a contribution of \$5,000 per dwelling/strata lot for community facilities and public open space in the local government area. Such agreement must be entered into prior to the issue of any Occupation Certificate for each dwelling.</p> <p>(Total of \$75,000 for the 15 dwellings; Stage 1= \$15,000.00, Stage 2= \$15,000.00, Stage 3= \$15,000.00 and Stage 4= \$20,000.00) for community facilities and public open space.</p>

This conditions applies to Stage 1 Strata Subdivision and future Strata Subdivisions (Stages 2-4 within the Concept proposal).

8.

An application shall be submitted to Council for the supply of a Compliance Certificate under Section 305 of the Water Management Act 2000. A Subdivision Certificate or Final Occupation Certificate shall not be issued until such time as the contributions applicable to release the Certificate of Compliance are paid in full to Council. These contributions are calculated using Water Directorate Section 64 Determinations of Equivalent Tenements (ET) Guidelines- May 2009 and Lithgow City Council's Fees and Charges 2019-2020. This rate is subject to change as per any adopted subsequent Development Servicing Plan, that is annually adjusted for CPI (Sydney) and applicable at the time of payment.

At the time of this approval the following chargers were applicable, which are subject to variation and to CPI increases in accordance with the applicable Fees & Charges adopted by Council at the time of payment.

Clause 7- Standard ET Figures – residential user categories

Category	Standard Unit	Suggested Values	
		Water ET	Sewer ET
Residential Units 3 bedrooms	dwelling	0.80	1.00

Therefore the following calculations will be applied to the development:

$$\begin{aligned} \text{Water} &= 0.80 \times \$2,970.79 = \$2,376.63 \text{ E.T} \times 15 = \$ 35,649.48 \\ &\text{Stage 1=3 Strata Units + 1 Additional Torrens Title Lot} \quad \quad \quad = \mathbf{\$ 10,100.68} \end{aligned}$$

$$\begin{aligned} \text{Sewer} &= 1.00 \times \$2,776.41 = \$2,776.41 \text{ E.T} \times 15 = \$ 41,646.15 \\ &\text{(Stage 1=3 Strata Units + 1 Torrens Title Lot)} \quad \quad \quad = \mathbf{\$ 11,105.64} \end{aligned}$$

For your reference and subject to the submission of future Development Applications, the following would be included for the whole concept design plan:

Water= Stage 2=3 Strata Units	= \$ 7,129.89
Stage 3=3 Strata Units	= \$ 7,129.89
Stage 4=6 Strata Units	= \$ 14,259.78
OVERALL TOTAL OF STAGE 1 AND CONCEPT DESIGN	= \$ 38,620.27

Sewer= Stage 2=3 Strata Units	= \$ 8,329.23)
Stage 3=3 Strata Units	= \$ 8,329.23)
Stage 4=6 Strata Units	= \$16,658.46)
OVERALL TOTAL OF STAGE 1 AND CONCEPT DESIGN	= \$44,422.56

This conditions applies to Stage 1 Strata Subdivision and future Strata Subdivisions (Stages 2-4 within the Concept proposal).

9.

Prior to the issue of the Subdivision or Construction Certificate in connection with a development, the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

	<p>(i) Subject to the availability in the location of the subdivision, the installation of fibre-ready facilities to all individual lots and/or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose.</p> <p>and</p> <p>(ii) the provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/or premises in a real estate development project demonstrated through an agreement with a carrier.</p> <p>Note: real estate development project has the meanings given in section 372Q of the Telecommunications Act.</p>
10.	Council's Economic Development and Environment Department must be contacted to arrange the appropriate address numbers to be allocated to the subdivision prior to Subdivision certificate release.
11.	Prior to the issue of Stage 1 (first 3 dwellings) Final Occupation Certificate, the new plans and 88B instrument including the positive covenant relating to the right of carriageway is to be registered with NSW Land Registry Services for the two lot Torrens Title Subdivision. The covenant is to contain provisions whereby the developer or Strata Corporation is obligated to maintain and upkeep the Right of Carriageway at no cost to the owner of Lot 401 DP 1155154.
<i>Location of Dwellings</i>	
12.	The dwellings shall be located wholly within the confines of the proposed strata lot property boundaries in accordance with the approved site plan.
<i>Stormwater and plumbing and drainage</i>	
13.	That seepage and surface waters are collected and diverted clear of the dwellings site by a drainage system. Care is to be taken to ensure that no nuisance is created to adjoining strata lot properties.
14.	That roof water be connected to water tanks with overflow pipes being discharged to the proposed stormwater easement.
15.	Prior to issuing a Certificate of Compliance for sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.
COUNCIL'S WATER AND SEWER REQUIREMENTS	
16.	The applicant is to provide a sewer main extension and sewer main realignment to service Lot 1 of the above development in accordance with the Concept DWG sent to Council by Qalchek Pty Ltd dated 25/3/20 for subdivision Stage 1 Rev D at owner's costs. No sewer connections for lot 1 or 2 are permitted to the existing 225mm sewer trunk main that is located within the development.
17.	A single 150mm sewer point of connection to be provided at the property boundary of Lot 1 located in Tweed Road at owners costs and be in accordance with LCC Sewer Connections Policy 3.5.

18.	The applicant is to provide a 100mm metered water supply to service the development and be in accordance with LCC Water Service & Meter Installation Policy 3.1., Fire Service Installation Policy 3.6 and Councils Containment Backflow Policy 3.4. All works to be at owners costs.
19.	Prior to the Construction Certificate being issued the applicant is to provide a full set of Hydraulic Design Drawings for approval under S68070/19 showing sanitary drainage layout, potable water design and fire hydrant design. The construction design details shall also show sewer main deviation details.
20.	The applicant is to provide water pressure and flow tests for potable water and fire supply design purposes for all fixtures for the new development prior to the S68 approval being issued and prior to the Hydraulic Design Drawings being submitted to Council.
21.	A Master Meter and individual meters for each unit are required and to be shown on the design plan including details of containment backflow prevention. No water main extensions to be taken from the water supply for Lot 2.
22.	Proposed Lot 2, future water and sewer connections would be available from Tangent St and a separate S68 Approval would be required from Council after receiving a DA for Lot 2.
23.	Prior to any Subdivision Certificate or any type of Occupation Certificate being issued compliance with the terms of the S68 Approval must be completed to the satisfaction of Councils Water & Wastewater Director. Council's written approval must be obtained in this regard.

REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK INCLUDING BUILDING AND CIVIL

24.	Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with: <ul style="list-style-type: none"> a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
25.	Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates: <ul style="list-style-type: none"> a. In the case of work to be done by a Licensee under the Act: <ul style="list-style-type: none"> i) has been informed in writing of the licensee's name and contractor Licensee Number, and ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of the Act, or

	<p>b. In the case of work to be done by any other person:</p> <ul style="list-style-type: none"> i) has been informed in writing of persons name and Owner-Builder Permit Number, or ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of dated any information or declaration previously given under either of those paragraphs.
<i>BASIX Certificate</i>	
26.	<p>The building works shall be constructed in accordance with, and comply with the undertakings given on the submitted BASIX certificate number 1008567M obtained on 24 April 2019 has expired.</p> <p>Appropriate certification is to be submitted to the Principal Certifying Authority prior to issue of the occupation certificate indicating that all BASIX requirements have been undertaken.</p>
<i>Sedimentation Controls</i>	
27.	<p>To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:</p> <ul style="list-style-type: none"> a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment. b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres. <p>Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.</p>
<i>Signage</i>	
28.	<p>Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:</p> <ul style="list-style-type: none"> a) 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. b) Stating that unauthorised entry to the work site is prohibited and c) Showing the name, address and telephone number of the principle certifying authority for the work. <p>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.</p>

29.	A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
Lighting	
30.	<p>Lighting must meet the minimum Australian standard AS1158 for public streets, car parks and pedestrian access. There is a proven correlation between poor lighting, fear of crime, the avoidance of public/private places and crime opportunity.</p> <p>A lighting plan is to be submitted to Council prior to commencement of building works and in compliance with the Australian Standard. Lighting is to be placed in the car park area, pathways, driveways and buildings.</p> <p>It is recommended that:</p> <ul style="list-style-type: none"> • Lighting in the drive ways and parking areas should be sufficient to enable sight lines for pedestrian and vehicles. • Sensor lighting to all vestibule and walkways including outdoor car park areas. • Lights should be vandal resistant and projected away from buildings towards pathways and gates – not towards windows and doors.
31.	The lighting plan is to be implemented prior to the issue of the Occupation Certificate for the dwellings.
32.	The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.
Utilities	
33.	The applicant shall consult with an authorised telecommunications, electricity and gas authorities for the provision of underground (were available) telephone, electricity, and natural gas services to each allotment. Confirmation of connection to each allotment or a 'Notification of Arrangement' is to be lodged with Lithgow City Council prior to the release of a final Subdivision Certificate.
34.	If the development is likely to disturb or impact upon telecommunications and electricity infrastructure, written confirmation from the service provider that they have agreed to the proposed works must be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate or any works commencing, whichever occurs first.
35.	The arrangements and costs associated with any adjustment to telecommunications and electricity infrastructure as per the above Condition shall be borne in full by the applicant/developer.
Environmental Protection	
36.	<p>Prior to the issue of the Subdivision Certificate, Council is to be provided with a report from the Upper Macquarie County Council indicating:</p> <ul style="list-style-type: none"> • Noxious plants are under adequate management; or • Noxious plant management has been undertaken and adequate control measures are in place; or • Noxious plants are not a concern for the property.
37.	The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.

38.	Any infill areas surrounding the quarry perimeter as identified by D. Katauskas and located within Lot 1 are to be treated as outlined in the Geotechnical Assessment of D. Katauskas dated 18 May 2005 or in accordance with acceptable engineering and building standards approved by the Consent Authority.
39.	That a validation Report pertaining for any fill brought to the site is to be submitted to Council prior to the materials being placed onsite.
40.	That a Property Vegetation Management Plan be formed to minimise any future risk to the drainage area and river bank that is sensitive to erosion and land degradation. This plan is to be approved by Council prior to being implemented as a positive covenant for the stage 1 2 Lot Torrens Title Subdivision and the all Strata Title Subdivisions under the Conveyancing Act which would require affected landowners to comply with the plan. The Property Vegetation Management Plan is to be submitted and approved by Council prior to any construction work being undertaken on the property.
41.	That the recommendation from Envirowest Consulting Report No R5230 dated 31 October 2005 being: <i>'A small area of recently deposited fill was identified as containing metal fillings with high levels of lead, nickel and copper. Most of this fill material was a silty sand with a small volume of metal filings (less than 1kg). The metal filings material should be transported off site to an appropriate landfill.'</i> Be actioned with proof provided to and approved by Council prior to the issue of the 2 Lot Torrens Title Subdivision Certificate being released. Any works in this regard is to be done being mindful to erosion and sedimentation requirements of Water NSW.
<i>Engineering Requirements</i>	
42.	The applicant notifies the property owner of Lot 401 DP 1155154, 52 Tweed Road, within 7 days prior to the works being undertaken on the Right of Carriageway.
43.	A Subdivision Works Certificate must be obtained prior to the commencement of any Civil Works.
44.	All subdivision works have been designed in accordance with the development consent, Council's "Guidelines for Civil Engineering Design and Construction for Development", Austroads Guidelines and best engineering practice.
45.	Engineering plans shall be generally consistent with the submitted Ground Floor Master Plan prepared by Archispectrum drawing number 01, dated 11 March 2020 and other civil plans
46.	All necessary services and infrastructure must be clarified and provided in each stage of the proposed Multi Dwelling Subdivision works in separate Construction Certificates.
47.	A full length of internal road, waste collection vehicle maneuvering area, the access handle and associated earthworks/retaining walls/stormwater drainage system,

	including swale drain in proposed easement, must be provided in the initial 3 Multi Dwellings Subdivision works.
48.	The size and details of the bio-retention system works needs to be clarified in the Construction Certificates.
49.	A minimum 1m wide pedestrian access (concrete footpath) shall be provided in the full length of the access handle.
50.	Structural Design Certificates certified by a qualified structural engineer shall be provided for all retaining walls more than 1m in height.
51.	A temporary access shall be provided for the rear property at 52 Tweed Rd, Lithgow (Lot 401 DP 1155154) during the construction of the development.
52.	All engineering works are to be to the standard specified in Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.
53.	<p>The subdivision works may include but are not limited to the following:</p> <ul style="list-style-type: none"> • Public and private roads • Stormwater management (quantity and quality) • Private access driveways • Sediment and erosion control measures • Overland flow paths • Traffic facilities • Earthworks • culverts, retaining walls and other structures • Landscaping and embellishment works <p>The Construction Certificate must be supported by engineering plans, calculations, specifications and any certification relied upon.</p>
54.	<p>Prior to the issue of any Construction Certificate, the Certifying Authority shall ensure that the proposed roads have been designed in accordance with Lithgow City Council's Guidelines for Civil Engineering Design and Construction for Development for Developments. ESA shall be 1×10^5 for internal roads.</p> <p>A copy of the pavement design prepared and certified by a suitably qualified geotechnical engineer must accompany the application for Construction.</p>
55.	<p>Work on the subdivision shall not commence until:</p> <ul style="list-style-type: none"> • a Construction Certificate has been issued; • a Principal Certifying Authority has been appointed for the project, and; • any other matters prescribed in the development consent for the subdivision and the Environmental Planning and Assessment Act and Regulation have been complied with.

	<p>A Notice of Commencement of works is to be submitted to Lithgow City Council five (5) days prior to commencement of engineering works or clearing associated with the subdivision.</p>
56.	<p>A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on any Public Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on the shoulder of any Public Road. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.</p>
57.	<p>All earthworks shall be undertaken in accordance with AS3798 and Lithgow City Council's Guidelines for Civil Engineering Design and Construction for Development".</p>
58.	<p>Each layer of pavement shall be tested for compaction and deflection as detailed below. A Principal Certifying Authority must approve each layer prior to the placing and compaction of subsequent layers.</p> <p>(a) Compaction Testing:</p> <p>The subgrade, and all pavement layers, shall be density tested in-situ at the start and finish of the work (within the first/last five metres), and thereafter at intervals of no more than 50 metres, or as indicated by a Principal Certifying Authority or Council's Development Engineer, if Council is the Principal Certifying Authority. A minimum of two tests will be required for road pavements less than 50 metres in length. At cul-de-sacs, additional testing will be required at the turning head. The test sites selected should be representative of the likely minimum pavement compaction levels achieved. Density testing must be undertaken by an authorised representative of a laboratory registered by the National Association of Testing Authorities (NATA). Density testing may be conducted using either the sand replacement test, nuclear gauge, or other NATA approved method.</p> <p>Where a nuclear gauge in direct transmission mode is used to determine pavement density, the test method shall comply with RTA Test Method T173. Results of density testing shall be forwarded directly to a Principal Certifying Authority for approval. No pavement layer shall be covered by a subsequent layer until the results of the density testing have been delivered to and approved by a Principal Certifying Authority. Table 1 below sets out the minimum compaction requirement for each pavement layer.</p>

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

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

(b) Deflection Testing:

All pavement layers must be proof-rolled, and approved by a Principal Certifying Authority prior to the placement of subsequent pavement layers.

The proof-rolling will be conducted using either:

(i) a roller having a load intensity of seven (7) tonnes per metre width of roller

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

Any movement of the pavement layer under loading will be deemed a failure.

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

(c) Final Road Profile:

The mean construction tolerance on pavement surface crossfalls should be within $\pm 5\%$ of the design crossfall. The maximum allowable construction tolerance is $\pm 5\%$, and the maximum standard deviation of crossfalls is 5%. The vertical alignment should not deviate by more than 25mm from the value shown on the drawings.

59.

All road, drainage, kerb and gutter, water and sewerage reticulation works associated with a development shall be inspected by a Principal Certifying Authority. The whole of the works are to be carried out to the satisfaction of the Executive Manager of Infrastructure. Council shall inspect engineering works at the following stages as a minimum:

- Following site regrading and shaping, and prior to installation of footway services;
- Installation of erosion and sedimentation control measures;
- Storm water drainage lines prior to backfill;
- Water and sewer lines prior to backfill;

	<ul style="list-style-type: none"> • Testing of water and sewer lines; • Subgrade preparation, before placing pavement; • Establishment of line and level for kerb and gutter placement; • Completion of each pavement layer ready for testing; • Road pavement surfacing; • Completion of works <p>The developer or contractor shall give Council a minimum 24 hours' notice if Council is the Principal Certifying Authority when requesting an inspection to ensure that development works are not delayed. The developer shall, if required by a Council Engineer, submit delivery dockets for all materials used, and all material and performance test results obtained in the development.</p>
60.	<p>Works as Executed (WAE) Plans detailing all services and infrastructure are to be prepared by a registered surveyor or professional engineer, and submitted to the Principal Certifying Authority and Council. The WAE plans shall be lodged prior to the release of the linen plan. The applicant is required to submit three complete sets of hard copy plans (one A1-sized, two A3-sized) and one set of electronic plans in AUTOCAD format.</p>
61.	<p>A "Work-As-Executed" (WAE) plan is required to be prepared by a Registered Surveyor or professional engineer and forwarded to the Principal Certifying Authority and Council prior to the final inspection. The WAE is to include, as a minimum:</p> <ul style="list-style-type: none"> • certification that all works have been completed generally in accordance with the approved plans and specification, • any departure from the approved plans, • any additional/deleted work, • the location of conduits, subsoil lines, stub mains and inter-allotment drainage lines, • pipeline long sections showing the constructed invert levels of each pipe at each pit and pipe dimensions, • details of overland flow provisions, • site regrading areas by new contours, and • all other details which have a bearing on the extent of works and their acceptance by a Principal Certifying Authority • The WAE drawings shall be accompanied by plans indicating the depth of cut / fill for the entire development site. The survey information is required to show surface levels and site contours at 0.5m intervals. All levels are to be shown to AHD. • A copy of all documentation, reports and manuals, technical guidelines for handover of stormwater management facilities (bioretention basin/swell) to Lithgow City Council. • A Geotechnical Report certifying that all earthworks and road formation have been completed in accordance with AS3798 and Lithgow City Council's Design Guidelines and Construction specifications. The report shall include: <ul style="list-style-type: none"> ○ Compaction reports for road pavement construction ○ Compaction reports for bulk earthworks and lot regrading. ○ Soil classification for all residential lots ○ Statement of Compliance • Soil testing for each lot to be classified according to AS2870 "Residential Slabs and Footings".

62.	Prior to issue of any Multi Dwellings 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.
63.	<p>Prior to the issue of any Multi Dwellings Subdivision Certificate the following easements shall be created on the plan of subdivision</p> <ul style="list-style-type: none"> • Easements for drainage • Right of carriageway • Any other easements identified during the construction process
64.	Prior to issue of any Multi Dwellings Subdivision Certificate, a restriction as to user and positive covenant relating to Water Sensitive Urban Design (WSUD).
65.	Construction noise shall be in accordance with the 'Noise Control Guidelines for Construction Noise Standards'. Hours of operation shall be permitted between 7am and 6pm Monday to Friday and 8am and 1pm Saturdays. No heavy machinery work or usage shall be permitted on Sundays or Public Holidays.
66.	The applicant shall submit a soil erosion and sedimentation control plan with the engineering design for a Principal Certifying Authority for approval. Such shall address both short and long term management of all disturbed areas and specified methods and structures to be employed to minimise any impact.
67.	<p>Prior to and during the commencement of works the applicant shall erect soil erosion and sedimentation controls for the following purposes:</p> <ul style="list-style-type: none"> • control of soil erosion and sedimentation movement during the bulk earthworks stage, • control of run off and diversion of the sedimentation trap prior to the development of land, • method of stabilising the land from erosion and sediment movement after the completion of works and prior to the development of the land.
68.	The applicant is to comply with all reasonable requests from Council with regard to any complaints received during construction works.
69.	<p>The following conditions apply to Stormwater Drainage design and construction:</p> <p>a) Stormwater Drainage plans shall submitted to Principal Certifying Authority as part of the construction certificate, drawn at a scale sufficient to show all necessary details, nominally 1:200, 1:500, 1:1000 or 1:2000. The following data is to be included with a contoured catchment area plan:</p> <ol style="list-style-type: none"> I. Catchment areas and sub-areas, watershed (catchment boundary), overland flow paths, existing and proposed pipe layout. For large catchments, the total catchment area should be shown at a large scale on a separate plan or inset. II. All sub-areas, drainage lines and pits are to be logically numbered. III. A schedule of pipe details, including pipe number, size, class, bedding type, joint type, invert levels at inlet and outlet, slope, and length.

	<p>IV. A schedule of pit details, including pit number, type, road chainage, surface level to the Australian Height Datum (AHD), invert level to AHD, depth, and lintel length.</p> <p>V. North point and legend.</p> <p>VI. Setout information.</p> <p>VII. Accurate position and level of all services and utilities which cross underground drainage pipelines.</p> <p>VIII. Identify those building allotments adjacent to channels and major storm flow paths which may be liable to flooding in major flood events, and the minimum design habitable floor level adjacent to prevent flooding in the design flood event.</p> <p>IX. Inlet and outlet treatments.</p> <p>X. Measures for the prevention of erosion and sedimentation.</p>						
REQUIREMENTS DURING CONSTRUCTION							
Workers Toilet Facilities							
70.	Before work starts, toilet facilities must be provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.						
Waste Disposal							
71.	Prior to any building works commencing a suitable Waste Container for the deposit of all building rubbish and litter must be provided and emptied as soon as full at a waste management facility. Building rubbish and litter must be contained on the building site and the work site left clear of waste and debris at the completion of the works.						
Construction Hours							
72.	<p>All work on site shall only occur between the following hours:</p> <table border="0"> <tr> <td>Monday to Friday</td> <td>7.00am to 6.00pm</td> </tr> <tr> <td>Saturday</td> <td>8.00am to 1.00pm</td> </tr> <tr> <td>Sunday and public holidays</td> <td>No work</td> </tr> </table>	Monday to Friday	7.00am to 6.00pm	Saturday	8.00am to 1.00pm	Sunday and public holidays	No work
Monday to Friday	7.00am to 6.00pm						
Saturday	8.00am to 1.00pm						
Sunday and public holidays	No work						
Waste Management							
73.	All waste during construction is to be taken off site to an approved land fill facility.						
74.	Waste from dwellings after construction are to be serviced by a private weekly waste contractor. This is to be detailed within the Strata Management Plan.						
Other							
75.	Any fill containing metal fillings shall be removed from the site and disposed of to a licensed landfill site as per the Site Investigations for Contamination Assessment report prepared by Envirowest Consulting Pty Ltd (dated 31 October 2005).						
RURAL FIRE SERVICE (RFS)							
Asset Protection Zones							
The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:							

76.	At the commencement of building works, and in perpetuity, proposed lot 1 shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
77.	A 9 metre asset protection zone (APZ) is to be provided within proposed lot 2 as shown on the plan titled 'Concept Civil Plans' prepared by Samana Blue Engineering dated 7 June 2019 with reference 181222-C13 C as outlined in 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. In accordance with section 88B of the Conveyancing Act 1919 a restriction to the land use shall be placed on the land requiring the provision of this APZ.
<p>Water and Utilities</p> <p>The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:</p>	
78.	Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
<p>Access</p> <p>The intent of measures for access roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:</p>	
79.	Road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.
<p>Design and Construction</p> <p><i>The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:</i></p>	
80.	New construction within Stage 1 (Houses 1-3) shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection' 2006'.
<p>WATERSNSW REQUIREMENTS</p>	
<p>General</p>	
81.	The lot layout, works and staging of the subdivision shall be as specified in Statement of Environmental Effects (Ref: KN394, dated June 2019) prepared by KN Planning Pty Ltd, shown on the Proposed Subdivision Plan (Dwg No. 2019034-C12B, Rev. B, dated 19/07/19) prepared by Samana Blue Engineering Pty Ltd and Staging Plans (Sheet No. A1, Dwg. Nos. 01 and 05, dated 12.06.2019) prepared by Archispectrum. No revisions to lot layout, works or staging of the subdivision that will impact on water quality, shall be permitted without the agreement of Water NSW.
<p><i>Reason for the above Condition - Water NSW has based its assessment under State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development including subdivision.</i></p>	

<i>Upgrade to Existing Access Handle and Construction of New Driveways</i>	
82.	The existing access handle and new driveways shall be located, upgraded, and constructed as shown on the proposed Subdivision and Civil Plans prepared by archispectrum dated 11 March 2020 and shall: <ul style="list-style-type: none"> • be sealed and otherwise constructed in accordance with Council’s engineering standards, • runoff to be collected via a series of pits and pipes and directed to various water quality treatment measures, and • incorporate inlet filters (Ocean Guard or Water NSW endorsed equivalent) on all inlet pits.
83.	All stormwater structures and drainage works associated with the proposed driveways shall be wholly included in the road or drainage reserve or within suitably defined easements.
<i>Reason for the above Conditions – To ensure that the upgrade of existing access handle and construction of access driveways and associated infrastructure will have a sustainable neutral or beneficial impact on water quality during the operational phase of the development.</i>	
<i>Stormwater Management</i>	
84.	All stormwater management measures as specified in Section 4.2 of Stormwater Management Plan (Revision B, dated 24 July 2019) and shown on Concept Civil Plans (Dwg Nos. 2019034-C13B to C16B, Revision B, dated 19/07/19) all prepared by Samana Blue Engineering Pty Ltd shall be implemented. The stormwater management measures shall include: <ul style="list-style-type: none"> • pits and pipes • bioretention systems • rainwater tanks • gross pollutant traps and cartridge filters, and • permeable pavings.
85.	Bioretention systems shall also: <ul style="list-style-type: none"> •be designed consistent with Adoption Guidelines for Stormwater Biofiltration Systems Version 2 (Payne <i>et al</i>, 2015, Melbourne, CRC for Water Sensitive Cities), •have a minimum combined filter area of 9 square metres, •be accessible from access driveways by machinery to facilitate cleaning, monitoring and mainatenace of the structures, •be permanently protected from vehicular damage by bollards, fences, castellated kerbs or similar structures, with a sign to be erected to advise of its nature and purpose in water quality management, and •be protected by sediment and erosion control measures during any construction and post-construction phase until the ground surface is revegetated or stabilised.
86.	No changes to stormwater treatment and management that will impact on water quality, shall be permitted without the agreement of Water NSW.
87.	A suitably qualified stormwater consultant or engineer shall certify in writing to Water NSW and Council prior to the issuance of an Occupation Certificate that all stormwater management structures have been installed as per these conditions of consent and are in a functional state.

88.	<p>An Operational Environmental Management Plan shall be prepared in consultation with Water NSW by a person with knowledge and experience in the preparation of such plans prior to the issuance of an Occupation Certificate and be provided to the Body Corporate for management of the development. The Plan shall:</p> <ul style="list-style-type: none"> •include details about the location and nature of stormwater management structures such as pits, pipes, inlet filters/gross pollutant traps, cartridge filters and bioretention systems •outline the responsibilities and detailed requirements for the inspection, monitoring and maintenance of all stormwater management structures, including the frequency of such activities •identify the persons responsible for inspection and maintenance activities including a reporting protocol and hierarchy, and •include checklists for recording inspections and maintenance activities, particularly for bioretention basin, gross pollutant traps, and cartridge filters.
89.	<p>There shall be an instrument created under Section 88E of the <i>Conveyancing Act 1919</i>, prior to the issuance of Strata Subdivision Certificate, the prescribed authority being Water NSW, placed over the Common Property, requiring that:</p> <ul style="list-style-type: none"> •the gross pollutant traps, cartridge filters and bioretention systems be inspected, monitored, maintained and managed in accordance with the Operational Environmental Management Plan, •the structures shall be retained and protected, and •no development take place within one metre of the structures.
<p><i>Reason for the above Conditions – To ensure that the stormwater quality management measures and structures for the proposed subdivision have a sustainable neutral or beneficial impact on water quality over the longer term.</i></p>	
<p>Construction Activities</p>	
90.	<p>A Soil and Water Management Plan shall be prepared for all works for Stage 1 of the development, required for the proposed development by a person with knowledge and experience in the preparation of such plans. The Plan shall:</p> <ul style="list-style-type: none"> •meet the requirements outlined in Chapter 2 of NSW Landcom’s Soils and Construction: Managing Urban Stormwater (2004), •be prepared prior to issuance of a Construction Certificate and to the satisfaction of Council, and •include controls to prevent sediment or polluted water leaving the construction site or entering any natural drainage lines or stormwater drain.
91.	<p>The Soil and Water Management Plan shall be implemented, and effective erosion and sediment controls shall be installed prior to any construction activity. The construction site shall be regularly inspected, monitored and maintained until works have been completed and groundcover established.</p>
<p><i>Reason for the above Conditions – To ensure to have an overall sustainable neutral or beneficial effect on water quality over the longer term.</i></p>	
<p>ENDEAVOUR ENERGY Network Capacity/Connection</p>	
92.	<p>Given the size of the proposed development (15 multi dwellings) the existing local network is unlikely to be able to service the additional load ie. the existing pole mounted substations are unlikely to have sufficient spare capacity to service a</p>

	<p>significant urban development. An extension or augmentation of the local network is likely to be required, but this cannot be determined until a detailed assessment is completed. Endeavour Energy's preference is to alert proponents/applicants of the potential matters that may arise as further redevelopment of area continues to occur.</p> <p>In due course the applicant for the proposed development of the site will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Further details are available by contacting Endeavour Energy's Network Connections Branch.</p> <p>Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch.</p> <p>Alternatively the applicant should engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation.</p>
Urban Network Design	
93.	<p>New electrical lines are to be either underground cables or where overhead is permitted be predominantly covered or insulated constructed. In areas with the potential for significantly overhanging foliage, CCT is used. Non-metallic Screened High Voltage Aerial Bundled Cable must be used in areas which are heavily treed and where it is not practicable to maintain a tree clearing envelope around the conductors.</p> <p>Where underground reticulation is required on a feeder that supplies a mixture of industrial, commercial and/or residential loads, the standard of underground construction will apply to all types of load within that development. Where ducting is used, adequate spare ducts and easements must be provided at the outset to cover the load within that development.</p> <p>Extensions to the existing overhead 11kV/22kV network must generally be underground. Bare wire will be used for conductor replacements and augmentations except in treed areas where CCT or Non-metallic Screened High Voltage Aerial Bundled Cable must be used.</p>
Bushfire	
94.	<p>The network required to service the proposed development must be fit for purpose and meet the technical specifications, design, construction and commissioning standards based on Endeavour Energy's risk assessment associated with the implementation and use of the network connection/infrastructure for a bushfire prone site. In assessing bushfire risk, Endeavour Energy has traditionally focused on the likelihood of its network starting a bushfire, which is a function of the condition of the network. Risk control has focused on reducing the likelihood of fire ignition by implementing good design and maintenance practices. However safety risks associated with the loss of electricity supply are also considered.</p>
Earthing	
95.	<p>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' as</p>

	<p>updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.</p>
<p><i>Easement Management/Network Access</i></p>	
96.	<p>The following is a summary of the usual/main terms of Endeavour Energy's electrical easements requiring that the land owner:</p> <ul style="list-style-type: none"> • Not install or permit to be installed any services or structures within the easement site. • Not alter the surface level of the easement site. • Not do or permit to be done anything that restricts access to the easement site without the prior written permission of Endeavour Energy and in accordance with such conditions as Endeavour Energy may reasonably impose. <p>Endeavour Energy's preference is for no activities or encroachments to occur within its easement areas. Most activities are prohibited within the padmount substation easement area. However, if any proposed works (other than those approved/ certified by Endeavour Energy's Network Connections Branch as part of an enquiry/application for load or asset relocation project) will encroach/affect Endeavour Energy's easements, contact must first be made with the Endeavour Energy's Easements Officer.</p> <p>It is imperative that the access to the existing electrical infrastructure on and in proximity of the site be maintained at all times. To ensure that supply electricity is available to the community, access to the electricity infrastructure may be required at any time. Restricted access to electricity infrastructure by maintenance workers causes delays in power restoration and may have severe consequences in the event of an emergency.</p>
<p><i>Vegetation Management</i></p>	
97.	<p>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 (including any new electricity infrastructure required to facilitate the proposed development). Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant.</p>
<p><i>Dial Before You Dig</i></p>	
98.	<p>Before commencing any underground activity the applicant is required to obtain advice from the <i>Dial Before You Dig 1100</i> service in accordance with the requirements of the <i>Electricity Supply Act 1995</i> (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.</p>
<p><i>Public Safety</i></p>	

99.	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 are available via Endeavour Energy's website via the following link: http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures .
<i>Emergency Contact</i>	
100.	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.
PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE	
<i>Occupation Certificate</i>	
101.	Prior to the use/occupation of any structures, an Occupation Certificate must be issued by the Principal Certifying Authority.
102.	Prior to the issue of any Occupation Certificate the applicant shall furnish Council with a Certificate of Compliance and approved drainage diagram for all sanitary plumbing and drainage.
103.	That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council prior to the issue of any Occupation Certificate. Any excavated and filled areas are graded and drained and all constructed batters are to be top soiled and vegetated.
ADVISORY NOTES	
<i>Building Code of Australia Compliance</i>	
AN1.	All building work must be carried out in accordance with the provisions of the Building Code of Australia.
<i>Inspection Schedule – Drainage and Plumbing</i>	
AN2.	<p>The Principal Certifying Authority must be contacted to undertake inspections of the various stages of construction as follows:</p> <ul style="list-style-type: none"> i. Pier holes/pad footings before filling with concrete. ii. Internal drainage carried out by licensed plumber prior to covering iii. Reinforcing steel in position and before concrete is poured (slabs, footings, lintels, columns, floors, walls and the like). iv. Framing when external wall and roof cladding is in place and prior to internal linings. v. External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering. vi. Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering. <p>Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.</p> <p>At each inspection, erosion and sediment control measures and site management will be inspected.</p>

	Note: forty-eight (48) hours notice shall be given to Council prior to inspections and inspection fees must be paid.
<i>Wind and Snow Loads</i>	
AN3.	The proposed dwellings are located in an area subject to high winds and snow falls. The wall and roof frames shall be designed and certified for the relevant ground snow and wind loading for the area and details are to be submitted to the Certifying Authority.
REQUIREMENTS DURING CONSTRUCTION	
AN4.	That 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: <ul style="list-style-type: none"> 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.
AN5.	That glazing comply with the provisions of Part 3.6, Building Code of Australia, Housing Provisions. The serviceability design wind pressure and the ultimate strength test pressure of the glazing must be suitable for the wind load and BASIX requirements for the site.
AN6.	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.
AN7.	The installation of interconnected hard wired smoke alarm/s is required to be carried out in accordance with AS3786 and the Building Code of Australia. The licensed electrical contractor is required to submit to the Principal certifying authority a certificate certifying compliance with AS 3000 and AS 3786.
REQUIREMENTS PRIOR TO OCCUPATION	
AN8.	Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.
<i>Reference to Building Code of Australia</i>	
AN9.	A reference to the <i>Building Code of Australia</i> is a reference to that Code as in force on the date the application for the relevant construction certificate is made.
<i>Catchment Management Authority Clearing Approvals</i>	
AN10.	That any proposed clearing of native vegetation may require approval from the Catchment Management Authority-Local Land Services. Prior to the removal of any native vegetation it is suggested that you contact the Catchment management Authority for advice.
<i>Threatened Species</i>	

AN11.	No Threatened Species or Endangered Ecological Community listed under the Environmental Protection and Biodiversity Conservation Act 1999, the Biodiversity Conservation Act 2016 and the Biodiversity Conservation Regulation 2017 or the associated Regulations are to be cleared as result of this Approval. This includes for fencing or accessways.
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