

# **DEVELOPMENT ASSESSMENT REPORT – DA044/21 - GARAGE WITH BATHROOM - 25 KIRKLEY STREET SOUTH BOWENFELS NSW 2790**

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## **1. PROPOSAL**

Council is in receipt of a Development Application for a garage with bathroom at 25 Kirkley Street South Bowenfels NSW 2790.

The proposal provides for:

- Earthworks of up to approximately 1000mm of cut and 800mm of fill (contained within a deepened edge beam).
- Construction of concrete sleeper retaining walls having a height of up to approximately 900mm to support the cut.
- Construction of a steel framed Colorbond clad garage, having external dimensions of 14.5m x 10.5m, and a maximum height (measured above finished ground level) of 5.125m.
- Construction of a bitumen sealed vehicular access driveway to serve the proposed garage. The vehicular access driveway is located on the northern side of the existing dwelling.

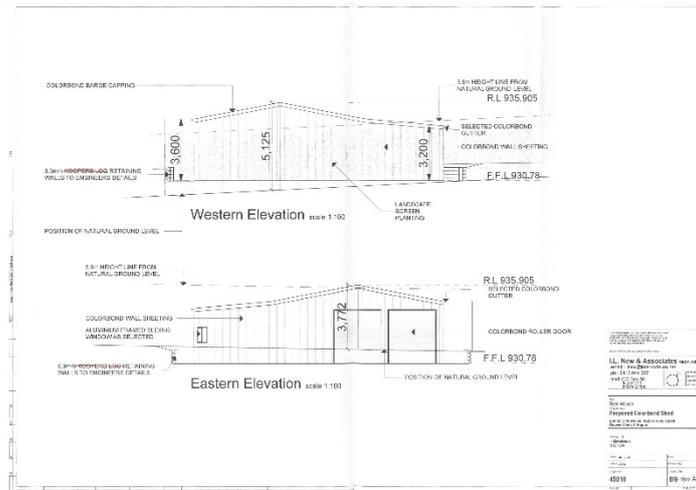
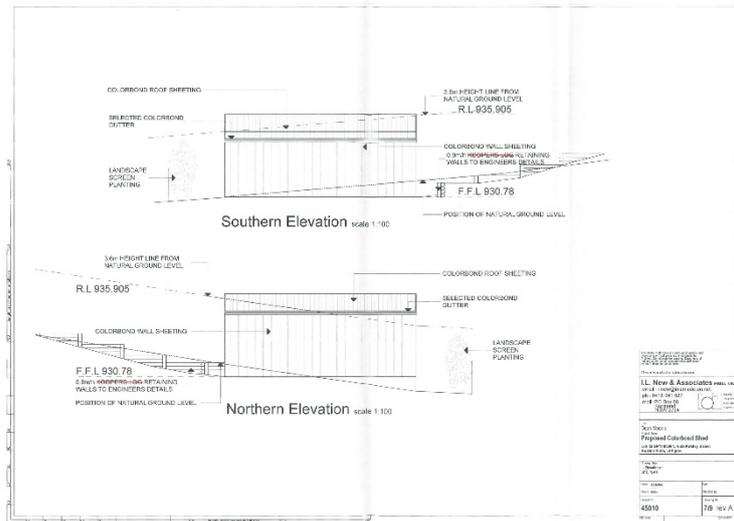
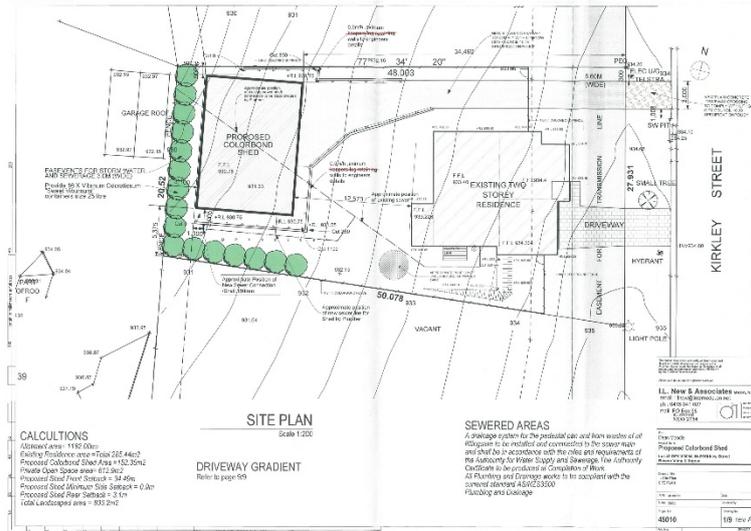
The garage is proposed to be located 3.1m from the western (rear) property alignment (clear of the 3m wide easement for drainage of water and sewer) and 900mm from the northern (side) property alignment.

The applicant is proposing a vegetative screen comprising of sixteen (16) 'Viburnum Odoratissimum' adjacent to the western and southern property alignments. According to various online resources, the proposed 'Viburnum Odoratissimum' are an evergreen species of plant that reach an average mature height of 4 – 5 metres.

The applicant is proposing to install a new sewer junction on the southern side of the proposed garage, and to re-route the existing sanitary plumbing and drainage from the dwelling to this junction. The proposed sanitary plumbing and drainage fixtures within the garage (comprising a WC, shower and cleaners sink) will also connect to the new sewer junction.

The applicant has advised that the proposed garage will be utilised for 'personal storage of tools and collectable motor vehicles and trade tools', and that the 'garage will not be used for operating a business'.

The site plan and elevation drawings showing the proposed garage are provided below:



## 2. SUMMARY

To assess and recommend determination of DA044/21 with recommendation for approval subject to conditions.

### **3. LOCATION OF THE PROPOSAL**

Legal Description : Lot 142 DP 1198237  
Property Address : 25 Kirkley Street South Bowenfels NSW 2790

### **4. ZONING**

The land is zoned R2 Low Density Residential in accordance with the *Lithgow Local Environmental Plan 2014* (LEP).

### **5. PERMISSIBILITY**

The proposed garage is considered as ancillary development to the existing dwelling house. As such the proposal is permitted with consent on land zoned R2 Low Density Residential under the LEP provisions.

#### **5.1 POLICY IMPLICATIONS (OTHER THAN DCPs)**

##### **Lithgow Community Participation Plan**

The Lithgow Community Participation Plan applies to all land within the Lithgow Local Government Area (LGA). In accordance with the Lithgow Community Participation Plan, the application was notified to adjoining and adjacent property owners for a period of fourteen days on two separate occasions.

- Notification period commencing 17/3/21 – One submission was received.
- Re-notification period commencing 14/5/21 – One submission was received

Details relating to the submissions is provided within the Public Submissions section of this report.

#### **7.7 – Calling In of Development Applications by Councillors**

The subject application was 'called in' by Council on 27 March 2021. As such, the subject application is required to be determined by Council in accordance with Policy 7.7.

#### **5.2 FINANCIAL IMPLICATIONS**

Nil

#### **5.3 LEGAL 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***

Clause		Compliance
<b>Land Use table</b>	ZONE & OBJECTIVES	Yes
<b>5.10</b>	Heritage conservation	N/A
<b>5.16</b>	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	N/A
<b>6.3</b>	Development Control plans	N/A
<b>6.4</b>	Relationship between Part and remainder of Plan (part 6)	N/A
<b>7.1</b>	Earthworks	Yes
<b>7.2</b>	Flood Planning	N/A
<b>7.3</b>	Stormwater management	Yes
<b>7.4</b>	Terrestrial biodiversity	N/A
<b>7.5</b>	Groundwater vulnerability	N/A
<b>7.6</b>	Riparian land and watercourses	N/A
<b>7.7</b>	Sensitive lands	N/A
<b>7.8</b>	Development within a designated buffer area	N/A
<b>7.10</b>	Essential Services	N/A
<b>7.12</b>	Development in Pottery Estate	N/A

**Zone and Objectives** – The proposed garage is permissible in the R2 Low Density Residential zone as ancillary development to the existing dwelling. The proposed garage is in keeping with the objectives of the zone given that the use of the garage is consistent with the existing residential use of the land, and that the development has achieved a Neutral or Beneficial Effect on Water Quality when assessed using the NorBE Tool provided by Water NSW.

**7.1** – Earthworks of up to approximately 1000mm of cut and 800mm of fill are proposed to achieve a level building platform and facilitate vehicular access to the proposed garage. The cut is proposed to be contained within concrete sleeper retaining walls, whilst the fill is proposed to be contained within a deepened edge beam. The deepened edge beam are required to be designed by a Structural Engineer. The proposed earthworks are considered to have minimal impact on the environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and therefore satisfy the provisions of the LEP.

**7.3** – Stormwater is proposed to be connected to Council's stormwater pit located on the western side of the proposed garage, within the easement to drain water. Furthermore, a strip drain to take surface water run off associated with the driveway is proposed at the bottom of the driveway, on the eastern side of the garage. This drain is also proposed to be connected to Council's stormwater pit located on the western side of the proposed garage, within the easement to drain water. Stormwater is considered to have minimal impact on adjoining properties, native bushland and receiving waters, and therefore satisfy the provisions of the LEP.

### ***State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011***

#### **NorBE Assessment**

##### **General Information**

DA number **DA044/21**  
Assessing officer **Ben Young**  
Council **Lithgow City**

Lot	Section	Plan
142		1198237

Development class **Existing dwelling/dual occ sewered**  
 Date of assessment **16/3/21**

**Assessment Summary**

NorBE status **Determined**  
 System outcome **Satisfied**      User outcome **Satisfied**  
 SCA concurrence outcome  
 Determination outcome **Granted**      Determination date **16/3/21**

**Pre-Assessment**

Located within Sydney drinking water catchment? **Yes**  
 Is development consistent with any existing SCA S88 instruments on title? **N/A**  
 Crown perpetual leasehold land? **No**  
 Water quality impact ? **Yes**  
     Concentration of flow of water? **Yes**  
     Flow of water impeded? **No**  
     Discharge of pollutants? **No**  
     Any other matter? **No**  
 Documentation is complete? **Yes**  
 Does Water Cycle Management Study meet SCA/Council requirements? **Yes**

**Module 1**

**Development risks**

Impervious area (m2) **160**  
 Construction area (m2) **180**  
 Adequate SSSQM certificate provided? **N/A**

**Area to be disturbed**

Development site slope > 20% **No**  
 Development site within 1% AEP flood level flood prone land? **No**  
 Other site constraints? **No**  
 (if yes) Have appropriate management measures been proposed? **N/A**

**Required NorBE conditions of consent**

Condition	Assigned At
Effective erosion and sediment controls shall to be installed prior to any construction activity and shall prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain. The controls shall be regularly maintained and retained until works have been completed and groundcover established.	3/16/21

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

An assessment against the applicable sections of the Preliminary Draft Development Control Plan has been undertaken for review purposes only (*Note: this Section is for review purposes only as the DCP is not currently a formal Draft Document and as such cannot be used for formal assessment purposes*):

Development Control	Assessment Comments
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<b>Chapter 2 – Site Requirements</b>	
<b>2.2 Site Analysis, Local Character &amp; Context</b>	
2.2.1 Site Selection	Generally satisfies objectives (no controls)
2.2.2 Site Analysis & Development Response	Generally satisfies objectives and controls
2.2.3 Local Character & Context	Generally satisfies objectives and controls
2.2.5 Materials	Generally satisfies objectives and controls
<b>2.3 Slope Response &amp; Earthworks</b>	
2.3.1 Slope & Site Design	Generally satisfies objectives and controls
2.3.2 Cut & Fill	Generally satisfies objectives and controls
<b>2.4 Retaining Walls</b>	Generally satisfies objectives and controls
<b>2.5 Stormwater Management</b>	Generally satisfies objectives and controls
<b>2.6 Vehicle Access &amp; Parking</b>	
2.6.1 Guidelines & Standards	Generally satisfies objectives and controls
2.6.2 Vehicle Access & Driveways	Generally satisfies objectives and controls
<b>2.9 Utilities, Easements &amp; Infrastructure</b>	
2.9.2 Building Near Utilities/Easements/Drainage Lines	Generally satisfies objectives and controls

<b>Development Control</b>	<b>Assessment Comments</b>
<b>Chapter 6 – Residential Development</b>	
<b>6.2 General Controls</b>	
6.2.1 Site Analysis & Potential Land Use Conflicts	Generally satisfies objectives (no controls)
6.2.2 Landscaping & Tree Protection	Generally satisfies objectives and controls
<b>6.4 Single Dwellings in Urban Areas</b>	
6.4.7 Garages, Carports, Outbuildings & Sheds	<b><u>Does not comply</u></b> with the following controls: 2) Floor Area – DCP Maximum is 100m <sup>2</sup> – proposed 152.25m <sup>2</sup> 3) Maximum Building Height – DCP Maximum is 4.5m – proposed 5.125m.
<b>6.7 Other Development</b>	
6.7.8 Use of Non-Habitable Buildings	Generally satisfies objectives and controls

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?

No.

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

Nil

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:** Adjoining landuse provides for typical residential type uses, comprising single and dual occupancy type dwellings and associated outbuildings. The proposed garage is considered generally compatible with adjoining landuse and is considered generally inkeeping with surrounding development.

**Services:** The sanitary fixtures located within the proposed garage will be connected to the new sewer junction proposed to be located on the southern side of the garage. Potable water will be provided to the garage by way of connecting to the existing water supply within the property.

**Context and Setting:** Given the proposed garage will be used for private storage purposes only within an established residential area, it is considered that the development will have no major impact on the context and setting of the area. Furthermore, the development is located within the rear yard of the subject property, behind the existing dwelling and is therefore considered to have minimal impact on streetscape in terms of bulk and scale.

**Access:** Vehicular access to the garage is proposed from Kirkley Street. The vehicular access driveway will be constructed in accordance with Council's Policy 10.18. It is recommended that suitable conditions be imposed on the Development Consent in this regard.

**Heritage:** The land does not contain, nor is it adjoining or adjacent to, any local, state or federally listed heritage items.

**Social and Economic Impact:** As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected a generally positive social and economic impact will result.

**Soils:** Earthworks of up to approximately 1000mm of cut and 900mm of fill are proposed to achieve a level building platform and facilitate vehicular access to the proposed garage. The cut is proposed to be contained within concrete sleeper retaining walls, whilst the fill is proposed to be contained within a deepened edge beam. It is recommended that suitable Conditions regarding installation and maintenance of effective erosion and sedimentation controls be imposed on the Development Consent.

**Water:** The proposal has been assessed using the NorBE Tool provided by Water NSW. The proposal has achieved a Neutral or Beneficial Effect on Water Quality and is therefore considered to satisfy the provisions of the LEP.

**Waste:** All left over construction waste will be transported off site and disposed at the appropriate waste disposal facility. It is recommended that suitable conditions be imposed on the Development Consent in this regard.

**Natural Hazards:** The land is not mapped as being bushfire prone, flood prone, or within a Mine Subsidence District.

**Noise and Vibration:** The proposed development is expected to have minimal impact on adjoining properties in terms of noise and vibration given the use of the proposed garage is for private storage purposes only.

#### 5.3.7 The Suitability of the site for the development

The surrounding land uses are for residential pursuits with the size and nature of the development consistent with those in the surrounding area. The development will have minimal impact to the surrounding amenity. The proposed development complies with the objectives of the zone and the site is considered to be suitable for the proposal.

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

##### **Council's Water and Wastewater Officer**

The application was referred to Council's Water and Wastewater Officer for comment. Council's Water and Wastewater Officer provided the following comments and recommended conditions:

*Please be advised of the following notes of assessment:*

- *The applicant has submitted an amended DWG showing the sanitary drainage being redirected away from the shed. Council's Water and Wastewater Department approves the amended plan.*
- *A new sewer junction will be cut in upstream to allow the shed to be constructed in the location shown*
- *The existing point of connection is to be terminated.*
- *A S68 Application will need to be submitted for the Junction Cutin on Council's Sewer main.*

*Therefore, there is no objection to the proposal subject to the following conditions of consent:*

1. *Prior to the Construction Certificate being issued the applicant is to submit a S68 application for approval to undertake sewer works (junction cutin) on Council's sewer infrastructure and pay the relevant fees and charges. All works to be in accordance with LCC Sewer Connections Policy 3.5.*
2. *The applicant is to redirect the existing sanitary drainage from the house to the new point of connection and connect the sanitary drainage from the shed to the new line.*

3. *The applicant is to terminate the existing sewer point of connection to the satisfaction of Council.*
4. *No building loads are to be imposed on the sewer main if the building is within the zone of influence. This may require the use of piers or as detailed by a practicing structural engineer.*
5. *Prior to the release of the Occupation Certificate all works are to be completed in compliance with the terms of the S68 approval and must be completed to the satisfaction of Council's Water & Wastewater Development Officer. Council's written approval must be obtained in this regard.*

It is recommended that the conditions outlined within items 1-5 above be imposed on the Development Consent.

### **Council's Plumbing and Drainage and Tradewaste Officer**

The application was referred to Council's Plumbing and Drainage and Tradewaste Officer for comment. Council's Plumbing and Drainage and Tradewaste Officer provided the following comments and recommended conditions:

1. *Prior to commencement of any plumbing and/or drainage work, a Notice of Works is to be submitted to Council from the licensed plumbing contractor in accordance with the Plumbing and Drainage Act 2011.*
2. *All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 1 & 2 and Comply with the Plumbing Code of Australia (PCA)*
3. *That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.*  
***Forty - eight (48) hours' notice shall be given to Council for inspection of the following:***
  - *Internal and external drainage lines prior to prior to backfilling.*
  - *The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged and under test.*
  - *Hot and cold water installations under test bucket pressure of 1500Kpa*
  - *On completion of all plumbing drainage and sanitary fixture installations.*
4. *Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.*
5. *Prior to the issue of an Occupation Certificate the applicant shall furnish Council with a Certificate of Compliance and approved drainage diagram (SSD) for all sanitary plumbing and drainage installations.*
6. *Plumber to determine correct point of connection into councils sewer and sewer heights.*

7. *Secondary dwellings shall be connected in conjunction with councils policy.*

It is recommended that the conditions outlined within items 1-6 (above) be imposed on the Development Consent. Recommended Condition no 7 (above) should not be imposed as it is not applicable to the subject development.

### **Council's Development and Traffic Engineer**

The application was referred to Council's Development and Traffic Engineer for comment. Council's Development and Traffic Engineer provided the following comments and recommended conditions:

*It is recommended that the following conditions be placed on the development consent:*

1. *The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors / Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.*
2. *Concrete driveway (including kerb reinstatement of redundant vehicular crossings) is to be constructed in accordance with Lithgow City Council's Policy 10.18 - Specification for the construction of Driveways, Footpath/Gutter Crossings and Footpaving. A copy is available on Council's website, or on request from Council's Customer Service Department.*
3. *Stormwater generated from the impervious areas in proposed development shall be discharged to the rear inter-allotment drainage system.*
4. *A fully certified traffic control plan will be required where machinery may obstruct traffic on public roads whilst construction work is being undertaken. Failure to comply may result in SafeWork intervention and may also include Stop Work orders from Council until such time the Applicant complies with suitable traffic management procedures.*
5. *The Applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.*
6. *Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions and watercourses, and shall be*

It is recommended that the conditions outlined within items 1, 2, 4 and 5 (above) be imposed on the Development Consent. Recommended Condition nos. 3 and 6 (above) should not be imposed as they have been implemented by the assessing officer.

### **PUBLIC SUBMISSIONS**

In accordance with the Lithgow Community Participation Plan, the application was notified to adjoining and adjacent property owners on two separate occasions.

Notification period commencing 17/3/21

During this notification period, one public submission was received on 22/3/2021 and is detailed below (verbatim):

*I have received Council's letter dated 17 March 2021 regarding Development Application DA044/21 for proposed shed and toilet at 25 Kirkley Street, South Bowenfels (copy attached for the convenience of the Mayor and Councillors whom I have copied in to this email).*

*I lodge herewith my objection on the following grounds;*

- *Scale/Bulk/Height/Amenity – At its peak the shed measures 5.544 metres and its height is not less than 3.6 metres for its entire length. The location of the shed is also higher in elevation than my lot which adjoins it. This is a massive shed which will tower over my yard and the rear of my home. Although I welcome a shed in that location to afford each landowner some privacy from the other, the shed as currently proposed is a **massive over-development of the site**. All that will be visible from the rear of my home or while me or my children are in the yard will be a Colourbond wall some 3.744 metres above the existing 1.8m fence.*
- *Character - The scale and bulk of the proposed development are completely out of character with other sheds in the estate. The proposed shed looks like an industrial installation which is completely out of place in a residential subdivision. Any shed should be of a similar size to other sheds **on similar sized blocks** within the subdivision.*
- *Use/Noise – The nature of the proposed development is such that it appears to be designed for a non-domestic purpose (i.e. industrial or commercial). The applicant owns a plumbing/contracting business with significant large earthmoving and other equipment. My concern is given the size and design of the proposed shed is that it will be used for purposes related to the applicant's business. If that is the case, there will be unacceptable noise impacts coming from the development (the sound of the earthmoving starting, trucks being loaded, reversing horns etc.). The proposed shed is some 7 or so metres from my dwelling. The nearest point is occupied by my 11-year-old son's bedroom. **If, however, Council is minded to approve the development in this, or any modified form, a condition should be inserted into any development approval prohibiting the shed from being used for any non-domestic purpose.***

*It is also worth noting that the applicant owns a number of adjoining properties which are currently tenanted. Therefore, the number of objections/submissions Council might ordinarily receive for a proposed development of this nature may be less than if the adjoining properties were owned by independent persons.*

*I am more than happy if you or any of the Councillors wish to visit my home to better understand what the impacts of the proposed development would be.*

Following receipt of the submission outlined above, Council conveyed these concerns to the applicant who responded with revised plans on 5/5/2021. The revised plans included the following design amendments:

- a. Reducing the overall floor area of the garage from 159.5m<sup>2</sup> to 152.25m<sup>2</sup>

- b. Reorientating the roof so that the ridge is located further north away from the dwelling and private open space associated with the adjoining property to the west.
- c. Increasing the western (rear) setback from 2m to 3.1m.
- d. Proposing landscaping along the western and southern property alignments.
- e. Clarifying the extent of proposed earthworks and driveway location.

The applicant also provided shadow diagrams to demonstrate impacts of overshadowing on the adjoining properties. The shadow diagrams indicate that adjoining properties to the west and south will maintain well in excess of 3 hours of direct sunlight to their private open space areas during winter.

Re-notification period commencing 14/5/21

The revised plans incorporating the design amendments outlined within items a-e (above) were then renotified to adjoining and adjacent property owners for an additional period of fourteen days. One submission was received on 19/5/2021 and is detailed below (verbatim):

*I refer to the above matter and your letter dated 14 May 2021.*

*I note the amendments to the proposed design.*

*The amended design does nothing to address my concerns and accordingly this email should be read in conjunction with my earlier correspondence..*

*The proposed shed is still a massive over development of the site (in terms of both height and bulk) which is out of character with other development in the area.*

*The peak of the roof is some 5m above the natural level of the ground (which in itself occupies an elevated position above my land) – hence my concerns about visual amenity and over shadowing.*

*This type of shed belongs in an industrial area, not a new housing estate.*

*My main concerns however relate to the possible future use of this shed. I am worried that the proponent will either run a large scale business from there (contrary to the zoning) or use it as a pseudo dual occupancy. The nature of the shed would allow either of these conflicting land uses. This clearly has not been designed for a small home occupation type use.*

*If council is minded to approve this development (which they shouldn't for the above reasons) they should put a condition on the approval prohibiting the use of the shed for a commercial, industrial or residential use)*

Council considers that the provision of shadow diagrams that indicate the adjoining properties will receive well in excess of 3 hours of direct sunlight to their private open space areas during winter, together with the provision of substantial landscaping along the southern and western property alignments, and the design amendments outlined within items a-e (above), result in a development that is considered to have minimal impact on adjoining and adjacent properties.

Furthermore, the applicant has clarified the intended use of the proposed garage being for 'personal storage of tools and collectable motor vehicles and trade tools', and that the 'garage will not be used for operating a business' (refer to letter dated 9/3/21 on file).

### 5.3.9 The public interest

The public interest is best served by the orderly and economic use of land for permissible uses and that does not impact unreasonably on the use and development of surrounding land.

Given that the development is permissible within the zone and is considered to have minimal impact on streetscape in terms of bulk and scale, and minimal impact on adjoining and adjacent properties, the Development is considered in the public interest.

## **6. DISCUSSION AND CONCLUSIONS**

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

## **7. ATTACHMENTS**

Schedule A- Conditions of consent.

## **8. RECOMMENDATION**

**THAT** development application DA044/21 is approved subject to conditions set out in Schedule A.

Report prepared by: Ben Young

Supervisor: Jim Sheehan

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.

## Schedule A

### Conditions of Consent (Consent Authority)

#### GENERAL REQUIREMENTS

1. The development is to take place in accordance with the approved plans containing Council's stamp and all associated documentation submitted with the application, except as modified in red by Council and/or by any conditions of this consent.

Project No.	Prepared By	Dwg. No(s).	Rev.	Date
45010	I.L. New & Associates	1 – 9	A	20/6/2021

2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. The structure shall not be used, fitted or occupied for industrial, commercial or residential purposes under any circumstances.
4. 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 that Act:
    - i) has been informed in writing of the licensee's name and contractor Licence Number, and
    - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of that Act, or
  - b) in the case of work to be done by any other person:
    - i) has been informed in writing of the 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 date any information or declaration previously given under either of those paragraphs.
5. All rainwater/stormwater drains must be connected to the existing stormwater pit located within the drainage easement to the satisfaction of Council.
6. That the proposed retaining walls (including footings and associated drainage) shall be located wholly upon the subject property. The applicant/owner is responsible for accurately identifying the allotment boundaries.

#### Requirements Prior to Issue of a Construction Certificate

7. Prior to the Construction Certificate being issued the applicant is to submit a S68 application for approval to undertake sewer works (junction cut in) on Councils sewer

infrastructure and pay the relevant fees and charges. All works to be in accordance with LCC Sewer Connections Policy 3.5.

### **Requirements Prior to Commencement of Work**

8. 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.
9. Effective erosion and sediment controls shall to be installed prior to any construction activity and shall prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain. The controls shall be regularly maintained and retained until works have been completed and groundcover established.
10. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.
11. 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.
12. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

### **Requirements During Construction**

13. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
14. 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

- Measures shall be implemented to minimize wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook).

### **Plumbing and Drainage Requirements**

- Prior to commencement of any plumbing and/or drainage work, a Notice of Works is to be submitted to Council from the licensed plumbing contractor in accordance with the Plumbing and Drainage Act 2011.
- All plumbing and drainage work must be carried out by a licensed plumber and drainer in accordance with the requirements of Australian Standard 3500 1 &2 and Comply with the Plumbing Code of Australia (PCA)
- That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.  
**Forty - eight (48) hours’ notice shall be given to Council for inspection of the following:**
  - Internal and external drainage lines prior to prior to backfilling.
  - The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged and under test.
  - Hot and cold water installations under test bucket pressure of 1500Kpa
  - On completion of all plumbing drainage and sanitary fixture installations.
- Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.
- Prior to the issue of an Occupation Certificate the applicant shall furnish Council with a Certificate of Compliance and approved drainage diagram (SSD) for all sanitary plumbing and drainage installations.
- Plumber to determine correct point of connection into Council’s sewer and sewer heights.

### **Engineering Requirements**

- The Applicant is to ensure that Contract Works Insurance is kept current for the duration of the development, and must also ensure that all Contractors and Subcontractors working within Council road reserves possess and maintain adequate Public Liability Insurance (\$20 million), with copies to be provided to Council prior to commencement of any works. Any potential claims that result from negligent actions performed by Contractors / Subcontractors engaged by the Applicant within Council road reserves will be borne by the Applicant and not Lithgow City Council.
- Concrete driveway (including kerb reinstatement of redundant vehicular crossings) is to be constructed in accordance with Lithgow City Council’s Policy 10.18 - Specification for the construction of Driveways, Footpath/Gutter Crossings and Footpaving. A copy is available on Council’s website, or on request from Council’s Customer Service Department.
- A fully certified traffic control plan will be required where machinery may obstruct traffic on public roads whilst construction work is being undertaken. Failure to comply may result in

SafeWork intervention and may also include Stop Work orders from Council until such time the Applicant complies with suitable traffic management procedures.

### **Water and Wastewater Requirements**

25. The applicant is to redirect the existing sanitary drainage from the house to the new point of connection and connect the sanitary drainage from the garage to the new line.
26. The applicant is to terminate the existing sewer point of connection to the satisfaction of Council.
27. No building loads are to be imposed on the sewer main if the building is within the zone of influence. This may require the use of piers or as detailed by a practicing structural engineer.
28. Prior to the release of the Occupation Certificate all works are to be completed in compliance with the terms of the S68 approval and must be completed to the satisfaction of Council's Water & Wastewater Development Officer. Council's written approval must be obtained in this regard.

### **Requirements Prior to Use**

29. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.
30. Prior to issue of any Occupation Certificate, landscaping is to be implemented in accordance with the approved site plan and site analysis plan. Such landscaping is to be maintained in perpetuity.

### **Advisory Notes:**

AN1. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Trenches complete with reinforcing and prior to filling with concrete.
- c) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like).
- d) Framing when external wall and roof cladding is in place and prior to internal linings.
- e) Wet area flashing prior to tiling or 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.**

AN2. Prior to issue of the Construction Certificate, revised structural drawings prepared by a Structural Engineer are required to be submitted in respect to the revised garage design (frame and slab including deepened edge beam). Details regarding the extent of piling associated with

the reinforced concrete slab are to be included to demonstrate that loads associated with the garage will not impact on Council's sewer and stormwater infrastructure located to the west of the garage.