

DEVELOPMENT ASSESSMENT REPORT - DA261/13 - PROPOSED SINGLE DWELLING, JENOLAN CAVES ROAD HAMPTON NSW 2790

1. PROPOSAL

Council is in receipt of a Development Application DA261/13 for a SINGLE DWELLING on land known as Lot 1 DP 530166, JENOLAN CAVES ROAD HAMPTON NSW 2790.

The proposal is for a single storey dwelling to contain two bedrooms. The property is currently vacant with scattered trees and contains an area of approximately 14 hectares.

Vehicular access to the proposed dwelling would be via an existing entrance on the northern side of the property and would be directly from Jenolan Caves Road.

A SEPP1 Objection was submitted with the application as the property is below Council's minimum allotment size for dwelling purposes in the 1(a) Rural (General) zone.

Previous Applications

15/89 DA Subdivision- created under the Blaxland Interim Development Order No.1, subdivision approved only for occupation by a direct relative of the owner, at the appointed date.

2. SUMMARY

To assess and recommend determination of DA261/13. Recommendation will be for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 1 and a lot 2 DP 530166, Lot 8 DP 791281
Property Address : JENOLAN CAVES ROAD HAMPTON NSW 2790

4. ZONING: The land is zoned 1(a) Rural (General) in accordance with Council's current planning instrument, being Lithgow City Local Environmental Plan (LEP) 1994.

5. PERMISSIBILITY: The dwelling development is not permissible in the 1(a) Rural (General) zone as the allotment does not meet the minimum lot size under Lithgow City Council's Local Environmental Plan 1994 Clause 17. Accordingly a SEPP 1 objection has been submitted which requires the concurrence of the NSW Department of Planning in order for Council to approve the development.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Council does not have any policies relating to this development. The applicant has submitted a SEPP 1 Objection to vary Council's Development Standards. As the

Council does not have delegation to determine SEPP 1 Objections greater than a 10% variation, the development is to be referred to the elected Council for consideration and recommendation which is to then be referred to the Department of Planning for determination.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Council's Section 94A Contributions Plan 2012

Estimated Cost of Development	Percentage (%) Contribution/Levy
All development types valued at \$100,000 or less	Nil
All development types valued at \$100,001 and up to \$200,000	0.5%
All development types valued in excess of \$200,000	1%

Comment: Section 94 Contributions were never paid for the subdivision as it was constructed in 1989 prior to Council's Section 94 Contributions for Rural Roads and Rural Fire 1998 were enforced. As such Section 94A is applicable to this development. The expected value of the proposed works is to be \$200,000.00. The following condition would be placed on the consent if the development is approved:

It is noted that the applicant has paid to Council a Section 94A contribution of \$1,000.00, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2012. This payment was made on the 21/11/2013 and therefore satisfies the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2012.

5.3 LEGAL IMPLICATIONS

Local Government Act 1993

If this application is approved, the applicant must obtain a written Section 68 application for onsite disposal of waste. This must be lodged and approved prior to commencement of any work on site.

Roads Act 1993

There are no legal implications of this Act on the proposed development.

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 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow City Local Environmental Plan 1994

LEP 1994 – Compliance Check	
Clause	Compliance
9 1(a) zoning table	Yes
11 General Considerations for development in rural zones	Yes
17 Erection of a dwelling in Zone No 1(a)	Yes
26 Development along arterial roads	Yes
30 Land subject to bushfire hazards	Yes

Comment: The land is deemed suitable for the proposal; a geotechnical report has been submitted to Council and it is found to be satisfactory that disposal of domestic waste water is feasible within the boundaries of the allotment.

History

The lot was created from subdivision approval 15/89DA utilising Clause 12(3) (b) of the previous Blaxland Shire Interim Development Order with the following condition of consent:

“6. Subdivision to be carried out in accordance with Clause 12(3) (b) of Interim Development Order No. 1-Shire of Blaxland.”

Clause 12(3)(b) states:

Subject to subclause (5) an allotment of land having an area of not less than 1000 square metres may be created in a subdivision of land within Zone No. 1 (a) or 1(b) where the Council is satisfied that such allotment is required for the erection of a dwelling for actual occupation by-

b) A relative of such owner

A building entitlement exists for a relative (being the owner of the original un-subdivided allotment) using the existing provisions of Clause 17 (e) of LEP 1994 which states:

17 Erection of a dwelling in Zone No 1 (a)

The Council may consent to the erection of a dwelling on land within Zone No 1 (a) which is:

(e) an allotment created by a subdivision consented to or approved by the Council prior to the gazettal of this Plan, being an allotment on which a dwelling could have been lawfully erected or consented to immediately before that gazettal, but only if any requirements relating to use or occupation of the dwelling are complied with.

Therefore, the only alternative for building and occupying a dwelling on the property is to submit a Development Application to Council, with a request for variation to development standards under State Environmental Planning Policy No.1 (SEPP 1) known as a SEPP1 Objection.

A SEPP 1 Objection has been submitted by the applicant to vary the minimum allotment size for dwelling purposes within the rural zone as the property contains an area of 14.2 hectares. Council's LEP 1994 states that the minimum allotment size for each lot is 40 hectares.

The reasoning for the SEPP 1 Objection is to allow dwelling entitlement on a lot created by a previous 'family dwelling allotment' subdivision approval.

The applicant had made a detailed submission (refer to attachment 1). The submission is summarised within the following statement that they have made:

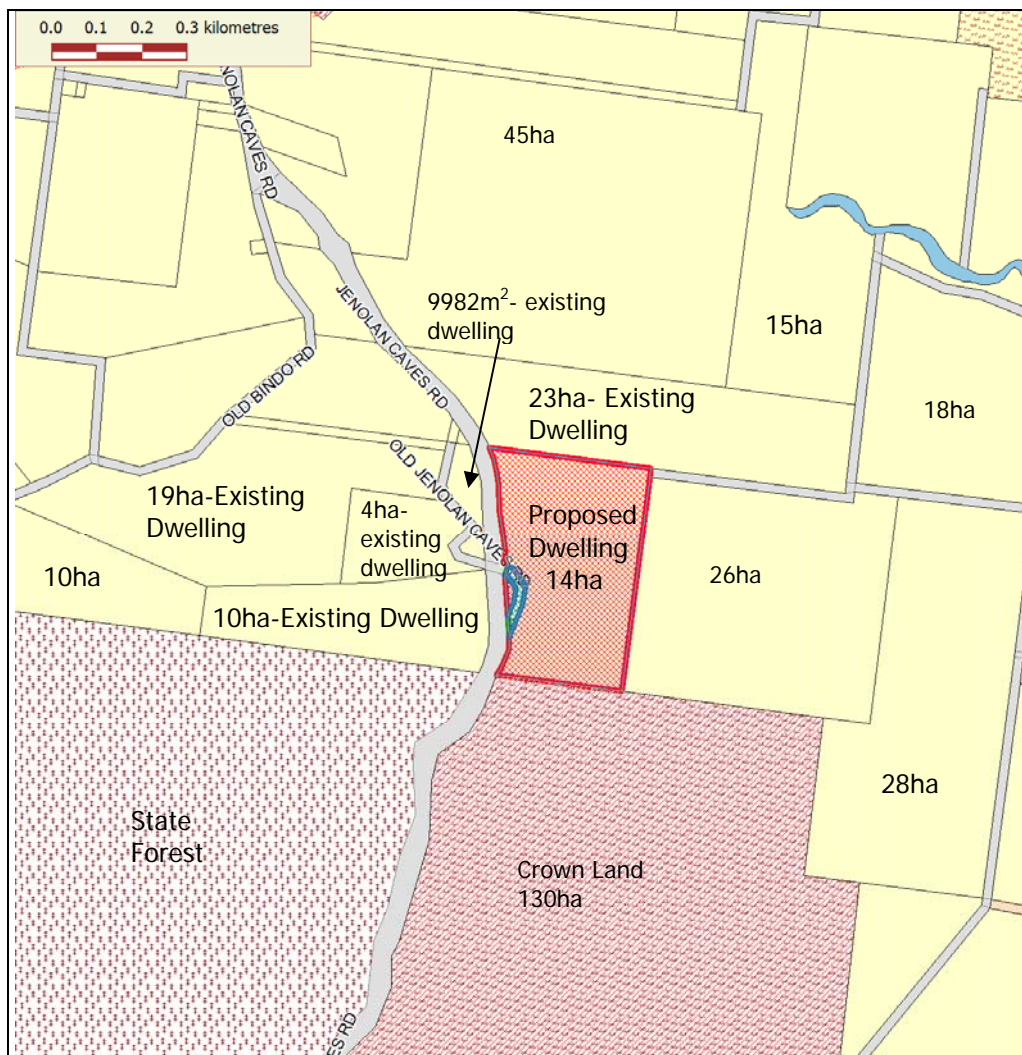
“To strictly apply the 40 hectare minimum area development standard to the proposed development would be unreasonable and unnecessary as the proposed development would clearly provide a development on that part of the Site which is degraded due to the previous location of Jenolan Caves Road and the more recent disturbance of that part of the Site by Telstra. The proposed development would meet the underlying objective and purpose of the development standard.”

The proposed development:

- Would not create any additional allotments,
- Would not impact on the use of prime agricultural land.

The lot size is similar to surrounding lots in the vicinity as a number of the lots on small portions contain existing dwellings so would not be out of character.

For the reasons supplied by the applicant it is recommended that the SEPP 1 Objection be supported on the basis that no additional impacts as a result of the development are envisaged and the objectives of the zone can still be met in the circumstances of this case.



Map 1: Showing the area size of surrounding allotments

Access onto the property would be from Jenolan Caves Road which is owned and maintained by the Roads and Maritime Services (RMS). Access to the property exists therefore it does not need to be upgraded and is considered suitable for the development.

The property is located within a bushfire prone area. A bushfire assessment report was submitted with the application. It is considered that the development complies with the Rural Fire Service requirements.

Lot 1, Lot 2 DP 530166 and Lot 8 DP 791281 are to be amalgamated as the dwelling entitlement includes the whole area of an existing holding. This would be a condition on the consent if approved and is to be registered with the Lands Title Office prior to the release of the Occupation Certificate.

State Environmental Planning Policy No 1—Development Standards

SEPP 1- Development Standards– Compliance Check	
Clause	Compliance
3 Aims, objectives etc	Yes
6 Making of applications	Yes
7 Consent may be granted	Yes
8 Concurrence	Yes

Comment: The Planning and Infrastructure Varying Development Standards Guidelines August 2011, states:

Concurrence of the Director-General to vary development standards

Councils may assume the Director-General's concurrence under SEPP 1 in relation to these applications but only if:

- (i)
- (ii) *That allotment has an area equal to or greater than 90 percent of the minimum area specified in the development standard.*

The development requires referral to the Department of Planning for concurrence once a recommendation is made by Council.

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 subject property, which has been inspected by the Sydney Catchment Authority (SCA), is located within the Warragamba catchment, which forms part of Sydney's drinking water supply. The site constraints for effluent disposal are highlighted in the wastewater report prepared by Calare Civil Pty Ltd (dated 5 November 2013) and an addendum to the report (dated 13 February 2014) and have been considered in the assessment of the application.

Based on the SCA's site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

The Chief Executive would therefore concur with Council granting consent to the application subject to conditions being imposed.

State Environmental Planning Policy (Rural Lands) 2008

SEPP (Rural Lands) 2008 – Compliance Check		
	Clause	Compliance
10	Matters to be considered in determining development applications for rural subdivisions or rural dwellings	Yes

Comment: The property is not identified as being prime crop and pastures land and was previously subdivided for dwelling purposes.

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.

Comment: Given that no trees are to 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.

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

Lithgow City Draft Local Environmental Plan 2013

Draft LEP 2013 – Compliance Check		
	Clause	Compliance
Part 2	RU2 Rural Landscape zoning table	Yes
4.2	Erection of dwelling houses or dual occupancies and secondary dwellings on land in certain rural and environmental protection zones	No
7.6	Terrestrial biodiversity	Yes

Comment:1 A dwelling is permissible in the zone although it retains an area under the minimum allotment size of 40 hectares.

The site is shown (as mapped in Council's draft LEP 2013) to contain "high" biodiversity. A flora and fauna report was submitted with the application which states that there would be minimal clearing of the site which would be for bushfire purposes only. These impacts are considered to be acceptable.

5.3.3 Any Development Control Plan

None.

5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

No.

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

There are no demolition works, rebuilding or extension of the building is proposed as part of this application.

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

Access, Transport and Traffic: the new dwelling will utilise the existing entrance. The entrance and driveway will be required to be constructed to Council's standards. Council's Engineers, the Roads and Maritime Services (RMS) and the Traffic Advisory Local Committee (TALC) have reviewed and assessed the impact of traffic issues from Jenolan Caves Road. It was resolved that Council's Engineers and TALC agree with the RMS recommendations to upgrade Jenolan Caves Road for access to the property.

Bushfire: The property is located within the bushfire prone area. A bushfire assessment report was submitted with the application which states that the property is entirely within the flame zone area. It is considered that the development complies with the Rural Fire Service requirements.

Water: as the site is not connected to the reticulated system the new dwelling on the land would be required to provide a minimum of 45000 litres of water in accordance with Council's standards.

Effluent disposal: a geotechnical report has been provided for the development which suggests that any proposed residential development is able to provide effective onsite effluent disposal.

Social and Economic Impact: as the proposed development is reasonably compatible with other similar development in the locality and it is expected to have minimal social and economic impact.

Adjoining Landuse: the surrounding development is typical of rural residential developments. The scale of the proposal is very similar to surrounding uses. The state forest adjoins the property and the development would have minor impacts upon it.

Services: Telephone and electricity services are available in the area and would be able to be connected to the development.

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

Heritage: The property is not heritage listed under Council's current LEP or draft LEP. An adjoining property is identified under Council's Draft LEP 2013 as containing a heritage significant building known as "Hillroy". The proposed development would have negligible impacts to the heritage item due to the large setback from the boundary and vegetation separates the two properties.

Other Land Resources: The development will not impact on the value of the land in terms of agricultural potential, mining etc. as it is only using part of the 14ha allotment, with all waste and water will be properly managed.

Soils: The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems.

Flora and Fauna: A flora and fauna report was submitted with the application. As the land has been cleared previously for the old road and Telstra phone cables, minimal vegetation would be disturbed or damaged from the development due to clearing for bushfire purposes. The report also identifies that no threatened species have been identified within a 1km radius of the property.

It has been identified that there will be minimal impact to flora and fauna.

Noise and Vibration: There are no nearby sources of noise or vibration that would impact detrimentally on residents of the proposed dwelling. The proposal will further not cause any noise issues.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for rural/residential pursuits. Therefore, the size and nature of the development will be consistent with those in the surrounding area.

The development is located within a bushfire prone area. A report has been submitted along with a referral to the Rural Fire Service.

Hence, the site is considered to be suitable for the proposed development. The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding residential amenity.

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

The proposal was sent to the Roads and Maritime Services (RMS), Rural Fire Service (RFS), The Sydney Catchment Authority (SCA), Councils Engineers, Building Surveyors and Environmental Officer for commenting. The proposal was also sent to adjoining neighbours and placed on public display in Councils Administration Building for a period of 14 days.

ADJOINING NEIGHBOURS

During the notification period no submissions were received.

ROADS AND MARITIME SERVICES (RMS)

“It is noted that the development application involves the erection of a single dwelling on an existing rural allotment. Access to the subject land is obtained via an existing unformed access from Jenolan Caves Road.

It does not appear that the application requires formal referral to Roads and Maritime under Section 138 of the Roads Act 1993 or State Environmental Planning Policy (Infrastructure) 2007. Notwithstanding, Roads and Maritime notes the following:

- The access to Jenolan Caves is located within 80km/h speed zone. Safe Intersection Sight Distance (SISD) within an 80km/h zone is 180 metres.
- SISD at the access location appears to be 160 metres (northern approach) and 180 metres (southern approach).

- The existing access is unformed. There does not appear to be any practical alternative locations to access the public road network from the subject land.

The proposed development will involve additional traffic using the existing access. To provide a higher level of safety for vehicles entering and exiting the subject land, Roads and Maritime suggests the following recommended conditions for Council consideration:

- Prior to the commencement of construction works, the access from Jenolan Caves Road servicing the subject land shall be generally upgraded in accordance with Austroads Guide to Road Design: Part 4 Figure 7.4 'Standard Rural Property Access' (copy attached) and any relevant Roads and Maritime Supplements. The access shall be sealed a minimum of 10 metres from the edge of the travel lane in Jenolan Caves Road, match existing road levels and not interfere with existing road drainage. The access shall be formed as to provide a lay-by on the departure of the access for use as a school bus stop/mail service shelter.
- Vegetation immediately adjacent to the access to Jenolan Caves Road shall be kept low to provide for maximum sight distance in each direction.
- To provide suitable storage capacity for the largest class of vehicle accessing the site, any gate, grid or similar structure installed in the accesses shall be setback appropriately (20m for single articulated) from the edge of the south bound travel lane in Jenolan Caves Road.
- A Road Occupancy Licence is required prior to any works commencing within three metres of the travel lanes of Jenolan Caves Road. This can be obtained by contacting the Traffic Operations Manager on (02) 6861 1686. Submission of a Traffic Management Plan incorporating a Traffic Control Plan may be required as part of this licence."

COUNCIL'S ENGINEERS

"All comments and conditions proposed by the RMS regarding DA261/13 in their letter dated today 7 January 2014 are suitable and are to be applied to the consent."

TRAFFIC ADVISORY COMMITTEE (TALC)

"At the TALC meeting held on the 6 February 2014, the committee addressed a request from Council's Environment and Development Department in regards to the development application and specifically advice from the RMS which includes a recommended condition for the road to be formed for use as a school bus stop/mail service shelter.

The committee investigated the request and made the following recommendation to Council:

That Council endorses RMS recommendations in regards to development application."

NSW RURAL FIRE SERVICE (RFS)

"Reference is made to Council's letter dated 28 November 2013 seeking advice regarding bush fire protection for the property in accordance with Section 79BA of the 'Environmental Planning and Assessment Act 1979'.

The Service provides the following recommended 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 the property around the dwelling to a minimum distance of 15 metres shall be maintained as an inner protection area (IPA) and 5 metres shall be maintained as an outer protection area (OPA) as outlined within Appendices 2 and 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

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:

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

3. A 20000 litre water supply shall be provided for fire fighting purposes together with a minimum 3kW (5hp) petrol or diesel powered pump and a 19mm (internal diameter) fire hose capable of reaching all parts of the dwelling.

If an above tank is provided it shall be non combustible and fitted with a 65mm storz outlet with a gate or ball valve via a 50mm diameter metal pipe. The tank should (where practicable) be located no closer than 10 metres from the dwelling and no greater than 20 metres. A fire fighting vehicle must be able to gain access to within 4 metres of the water supply.

Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

4. Property access roads shall comply with section 4.1.3 (2) 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 on the western elevation(s) shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.

6. New construction on the north, east and southern elevations shall comply with Sections 3 and 9 (BAL FZ) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. However, any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack—Large flaming sources shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.

7. Windows assemblies on the north, east and southern elevations shall comply with modified Sections 3 and 9 of AS3959 (as above) or the following:

- i. They shall be completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) & (f); and
- ii. They shall comply with the following:
 - a) Window frames and hardware shall be metal;
 - b) Glazing shall be toughened glass, minimum 6mm;
 - c) Seals to stiles, head and sills or thresholds shall be manufactured from materials having a flammability index no greater than 5;
 - d) The openable portion of the window shall be screened internally or externally with a mesh with a maximum aperture of 2mm, made from corrosion resistant steel or bronze. The frame supporting the mesh shall be metal.

8. External Doors (not including garage doors) on the north, east and southern elevations shall comply with modified Sections 3 and 9 of AS3959 (as above) or the following:

- i. They shall be completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) & (f); and
- ii. They shall comply with the following:
 - a) Doors shall be non-combustible;
 - b) Externally fitted hardware that supports the panel in its function of opening and closing shall be metal;
 - c) Where doors incorporate glazing, the glazing shall be toughened glass minimum 6mm;
 - d) Seals to stiles, head and sills or thresholds shall be manufactured from silicone;
 - e) Doorframes shall be metal;
 - f) Doors shall be tight fitting to the doorframe or an abutting door;
 - g) Weather strips, draught excluders or draught seals shall be installed if applicable.

Landscaping

9. Landscaping within the APZ shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

A lower bushfire attack level (BAL) may be achieved if the proposed dwelling is repositioned further to the west to enable a greater APZ on the eastern elevation.”

SYDNEY CATCHMENT AUTHORITY (SCA)

“I refer to your letter received 9 December 2013 requesting the concurrence of the Chief Executive under Clause 11 of *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (the SEPP) with a proposal for a dwelling to be

serviced by a septic tank and effluent disposal via absorption trenches. An addendum to the wastewater report was received on 13 February 2014.

The subject property, which has been inspected by the Sydney Catchment Authority (SCA), is located within the Warragamba catchment, which forms part of Sydney's water supply. The site constraints for effluent disposal are highlighted in the wastewater report prepared by Calare Civil Pty Ltd (dated 5 November 2013) and an addendum to the report (dated 13 February 2014) and have been considered in the assessment of the application.

Based on the SCA's site inspection and the information provided, the proposed development has been assessed by the SCA as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

The Chief Executive would therefore concur with Council granting consent to the application subject to the following conditions being imposed:

1. The septic tank and absorption trenches shall be designed, located and installed in accordance with the recommendations in the wastewater report prepared by Calare Civil Pty Ltd (dated 5 November 2013), addendum to the report (dated 3 February 2014) and *Designing and installing On-Site Wastewater Systems* (Sydney Catchment

Authority, 2012) but with the following specific requirements and modifications:

- the septic tank shall have a minimum volume of 3000 litres and shall be fitted with an outlet filter,
- the effluent distribution pipe from the tank to the absorption trenches shall be buried at a minimum depth of 300 mm (500 mm under access way) and laid in a manner that provides protection against mechanical damage or deformation,
- absorption trenches with a total base area of 40 square metres shall be installed e.g. two trenches each 17m long x 1.2m wide,
- the trenches shall be located as indicated in the wastewater report dated 5 November 2013,
- the trenches shall be fenced off from livestock and vehicles,
- switching valves and/or a dosing/distribution mechanism shall be installed to ensure the effluent is evenly distributed to different trenches, and
- all run-on and stormwater collected from roofs, access roads and other hard surface areas shall be diverted away from the trench area, e.g. by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.

2. The on-site wastewater management system shall be maintained according to Section 5 of the Department of Local Government's guidelines *On-site Sewage Management for Single Households (1998)*, AS/NZS 1547:2012 *On-site Domestic Wastewater Management*, and the manufacturer's specifications.

3. All effluent shall be fully assimilated within the boundaries of the property.

4. No effluent irrigation area shall be located within 150 metres of a named river, 100 metres of any perennial or intermittent creek or watercourse, or within 40 metres of a dam or drainage depression.

5. Appliances and fixtures with at least a four star ratings shall be installed in the dwelling to minimise the volume of wastewater produced.

6. These conditions of consent relating to wastewater management shall be provided to the installers of the wastewater management and effluent disposal system

7. The installers of the wastewater management and effluent disposal systems shall certify to Council in writing that the wastewater management and effluent disposal systems have been constructed and installed as per these conditions of consent and in accordance with the Sydney Catchment Authority's *Designing and installing On-Site Wastewater Systems* current recommended practice referred to in Condition 1 above, and that the systems have been tested and are functioning properly.

8. No Occupation Certificate shall be issued until Council has received the certification from the installers and approved the onsite wastewater management system under the *Local Government Act 1993* as being consistent with these conditions.

Reason for Conditions 1 to 8- To ensure that the on-site wastewater management system is appropriately designed, located and constructed so as to have a sustainable neutral or beneficial effect on water quality over the longer term.

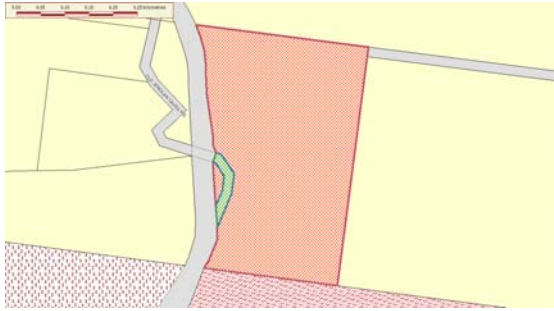
9. An Erosion & Sediment Control Plan shall be prepared for all works required as part of the development by a person with knowledge and experience in the preparation of such plans. The Plan shall meet the requirements outlined in Chapter 2 of NSW Landcom's *Soils and Construction: Managing Urban Stormwater* (2004) manual -the "Blue Book" and shall be to the satisfaction of Council.

10. Effective erosion and sediment controls shall be installed prior to any construction activity, including earthworks for dwelling and site access, and shall prevent sediment or polluted water leaving the construction site or entering any drainage depression, watercourse or stormwater drain. The controls shall be regularly maintained and retained until works have been completed and groundcover established.

Reason for Conditions 9 and 10- To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase."

COUNCIL'S BUILDING SURVEYOR

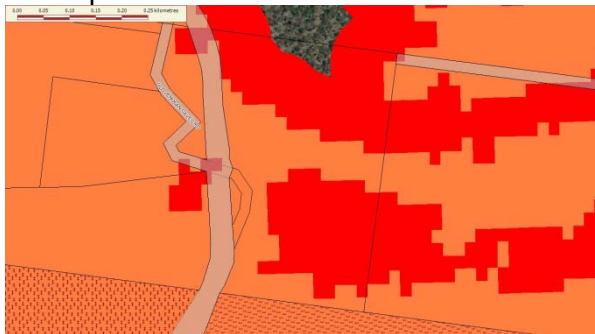
"Reference is made to the Development Application (no Construction Certificate included in this application), site inspection carried out on 3 December 2013, completion of site assessment checklist and assessment of DA plans and details provided.



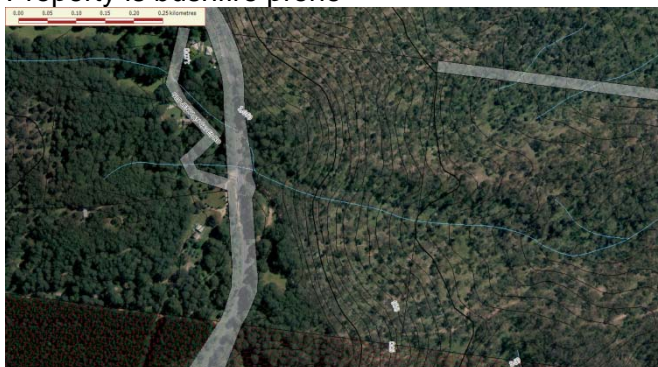
Location plan of property



Aerial photo of lot



Property is bushfire prone



Aerial photo showing water courses and contours

Conditions are provided for inclusion on the Development Application.

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.

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

3. Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

4. That the external cladding and roofing of the dwelling are of a natural tone, non-reflective condition.

Planning Comment: *Conditions 3 and 4 have been removed from the Recommendation as the property is located within the rural zone with access from Jenolan Caves Road which is maintained by the RMS and there is no Council infrastructure in the area.*

5. The dwelling is to be located wholly within the confines of the property boundaries in accordance with the approved site plan.

6. That water storage tanks capable of holding a minimum of 45,000 litres are provided for the storage of water for domestic purposes. An additional 20,000 litres shall be provided for fighting purposes.

7. 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.

Requirements Prior to Commencement of Work

8. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

9. 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.

10. 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.

Sedimentation controls

11. 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.

Dust minimisation measures

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

Signage

13. 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.

Requirements during construction

Workers toilet facilities

14. 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

15. 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.

BASIX certificate

16. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number 508590S as obtained on 16 November 2013 from the Department of Infrastructure, Planning and Natural Resources.

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

Construction hours

17. 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

Excavations

18. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- Must preserve and protect the building from damage; and
- If necessary, must underpin and support the building in an approved manner, and footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Cut and fill

19. Cut and fill areas are to be retained/stabilised to Council's satisfaction as soon as possible after excavation works and prior to the issue of the Occupation Certificate.

20. 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 topsoiled, and turfed. Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stoneflagging or terracing prior to occupation. **(Note retaining walls over 600mm in height require Development Consent).**

Prior to the issue of an Occupation Certificate

Occupation Certificate

21. The conditions of consent must be complied with prior to the issue of an Occupation Certificate either by Lithgow Council or an accredited principal certifying authority. All necessary information to comply with the conditions of consent must be submitted prior to the occupation of the building.

22. 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.

23. Prior to the issue of any Occupation Certificate an Approval to Operate for the On-Site Sewerage Management System is to be issued by Council in accordance with Section 68 of the Local Government Act.

24. Cut and fill areas and any disturbed areas including embankments are to be generally made good and revegetated in accordance with the approved landscaping plan, prior to the issue of the Occupation Certificate. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed. Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stoneflagging or terracing prior to occupation. **(Note retaining walls over 600mm in height require Development Consent).**

Advisory Notes

Threatened Species

1. No Threatened Species or Endangered Ecological Community listed under the Threatened Species Conservation Act 1995, the Environment Protection and Biodiversity Conservation Act 1999 or associated Regulations are to be cleared as a result of this Approval. This includes for fencing or accessways.

Building Code of Australia

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

Building Inspection schedule – Council

3. 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) Internal drainage carried out by licensed plumber prior to covering
- d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like).
- e) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- f) Framing when external wall and roof cladding is in place and prior to internal linings.
- g) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- h) Wet area flashing prior to tiling or covering.
- i) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- j) 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

Inspection schedule - Unsewered Area

4. As the Certifying Authority, for water and sewer inspections Council must be contacted to undertake inspections of the various stages of construction as follows:
- a. Internal and sanitary external drainage prior to covering including septic tank and absorption trench installation.
 - b. Hot and cold water plumbing prior to covering
 - c. Final inspection of completed onsite wastewater system prior to occupation of the building.

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

Snow load

5. The property is located in an area (elevation 1060m, ground snow load 1.974kPa) subject to snow falls. Frame and truss details from the manufacturer are to 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 prior to the frame inspection.

Requirements during Construction

6. That all timber sizes, spacing and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 "Timber Framing Code".

7. 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.

8. That all timber sizes, spacing and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 – 2012 "Timber Framing Code".

9. That a minimum clearance of 400 mm shall be provided between the underside of bearer level and the finished ground level.

10. That subfloor ventilation incorporating cross ventilation shall be provided to the sub-floor space in accordance with Part 3.4.1 Building Code of Australia, Housing Provisions.

11. Ant capping is to be provided and installed in accordance with AS 1694 and AS 3660.1.

12. That truss validation details supplied by the truss manufacturer shall be to the accredited certifier for the trusses over the garage at or prior to the time of frame inspection (**alternatively, full design details are to be submitted prior to commencement of construction**).

Details shall include:

- (i) job address and builder's name;
- (ii) **design wind velocity and ground snow load**
- (iii) terrain category;
- (iv) truss spacing;
- (v) roof pitch;

- (vi) material of roof;
- (vii) roof batten/purlin spacing;
- (viii) material of ceiling;
- (ix) job number

This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2 (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).

13. That glazing comply with the provisions of Part 3.6 and Part 3.7.4, Building Code of Australia, Housing Provisions. The serviceability design wind pressure, the ultimate strength test pressure and BAL level of the glazing must be suitable for the wind load and BAL level for the site. Certification should be submitted to the certifying authority at frame stage.

14. The installation of 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.

Stairways and Balustrades

15. That stairways and balustrades comply with the following requirements:

- That the stairway and construction (including flight, landings, goings, risers and the like) shall comply with the requirements of Part 3.9.1 of the Building Code of Australia, Housing Provisions.
- That the balustrades to balconies, more than one metre above the ground, are to comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions. The space between balusters or the width of any opening in the balustrade or the width of any opening in the balustrade is not more than 125 mm except where the space between rails or the height of the opening is not more than 125 mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.
- That the height of balustrades to stairways, must comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions following. The balustrade has a height of not less than 865 mm above the nosing of the stair treads and the floor of the landing, access bridge or the like; and the space between the balusters or the width of any opening in balustrades (including any openable window or panel) is not more than 125mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.

16. 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.

Stormwater, surface water, plumbing and drainage requirements

17. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of the Principal Certifying Authority. Care is to be taken to ensure that no nuisance is created to adjoining properties.

18. That the rainwater drains are connected to water storage tanks which are located in a position that will not create a nuisance to the building or adjoining properties.

Note: Overflow pipes are to be discharged into approved drains to 600 mm wide x 600 mm deep dispersal pits, having an aggregate length of 2 metres per downpipe

and be located not less than 4 metres from any building or site boundary. The pits are to be located so as to ensure that the stormwater is dispersed clear of any building, onsite wastewater disposal area and should not create a nuisance to adjoining properties

19. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

20. 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.

Requirements prior to Occupation

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

Requirements prior to Occupation

22. 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

23. 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.”

5.3.9 The public interest

There have been no issues raised from the public regarding planning issues.

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

- 1. SEPP 1 Objection
 - 2. Plans
 - 3. RMS drawing
- Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA 261/13 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Supervisor: 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 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) and General Terms of Approval (Integrated Approval Body)

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. 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.
2. Lot 1, Lot 2 DP 530166 and Lot 8 DP 791281 is to be amalgamated and registered with the Lands Title Office prior to the release of the Occupation Certificate.
3. The dwelling is to be located wholly within the confines of the property boundaries in accordance with the approved site plan.
4. That water storage tanks capable of holding a minimum of 45,000 litres are provided for the storage of water for domestic purposes. An additional 20,000 litres shall be provided for fighting purposes.
5. 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.

Requirements Prior to Commencement of Work

6. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.
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, orhas 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.

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.

Dust minimisation measures

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

Signage

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.

Traffic and Access

12. The existing access is to be retained with no additional access being approved to the existing development.
13. Prior to the commencement of construction works, the access from Jenolan Caves Road servicing the subject land shall be generally upgraded in accordance with Austroads Guide to Road Design: Part 4 Figure 7.4 ‘Standard Rural Property Access’ (copy attached) and any relevant Roads and Maritime Supplements. The access shall be sealed a minimum of 10 metres from the edge of the travel lane in Jenolan Caves Road, match existing road levels and not interfere with existing road drainage. The access shall be formed as to provide a lay-by on the departure of the access for use as a school bus stop/mail service shelter.
14. Vegetation immediately adjacent to the access to Jenolan Caves Road shall be kept low to provide for maximum sight distance in each direction.
15. To provide suitable storage capacity for the largest class of vehicle accessing the site, any gate, grid or similar structure installed in the accesses shall be setback appropriately (20m for single articulated) from the edge of the south bound travel lane in Jenolan Caves Road.
16. A Road Occupancy Licence is required prior to any works commencing within three metres of the travel lanes of Jenolan Caves Road. This can be obtained by contacting the Traffic

Operations Manager on (02) 6861 1686. Submission of a Traffic Management Plan incorporating a Traffic Control Plan may be required as part of this licence.

Engineering Requirements

17. The accesses shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface. Access is to be constructed providing a minimum entry splay of 6.0 metres in width, tapering back into a minimum 4.0 metre wide internal access road. All access roads are to be (2) two-coat bitumen sealed (14/7mm pre-coated aggregate) from the edge of the Road to the Property boundary or alternatively concreted.

Asset Protection Zones

18. At the commencement of building works and in perpetuity the property around the dwelling to a minimum distance of 15 metres shall be maintained as an inner protection area (IPA) and 5 metres shall be maintained as an outer protection area (OPA) as outlined within Appendices 2 and 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

19. Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
20. A 20000 litre water supply shall be provided for fire fighting purposes together with a minimum 3kW (5hp) petrol or diesel powered pump and a 19mm (internal diameter) fire hose capable of reaching all parts of the dwelling.

If an above tank is provided it shall be non combustible and fitted with a 65mm storz outlet with a gate or ball valve via a 50mm diameter metal pipe. The tank should (where practicable) be located no closer than 10 metres from the dwelling and no greater than 20 metres. A fire fighting vehicle must be able to gain access to within 4 metres of the water supply.

Access

21. Property access roads shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006'.

Design and Construction

22. New construction on the western elevation(s) shall comply with Sections 3 and 8 (BAL 40) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection'.
23. New construction on the north, east and southern elevations shall comply with Sections 3 and 9 (BAL FZ) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas'. However, any material, element of construction or system when tested to the method described in Australian Standard AS1530.8.2 Methods for fire tests on building materials, components and structures Part 8.2: Tests on elements of construction for buildings exposed to simulated bushfire attack—Large flaming sources shall comply with Clause 13.8 of that Standard except that flaming of the specimen is not permitted and there shall be no exposed timber.
24. Windows assemblies on the north, east and southern elevations shall comply with modified Sections 3 and 9 of AS3959 (as above) or the following:
 - i. They shall be completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) & (f); and
 - ii. They shall comply with the following:
 - a) Window frames and hardware shall be metal;
 - b) Glazing shall be toughened glass, minimum 6mm;
 - c) Seals to stiles, head and sills or thresholds shall be manufactured from materials

- having a flammability index no greater than 5;
- d) The openable portion of the window shall be screened internally or externally with a mesh with a maximum aperture of 2mm, made from corrosion resistant steel or bronze. The frame supporting the mesh shall be metal.

25. External Doors (not including garage doors) on the north, east and southern elevations shall comply with modified Sections 3 and 9 of AS3959 (as above) or the following:
- i. They shall be completely protected by a non-combustible and non perforated bushfire shutter that complies with Section 3.7 of AS3959 excluding parts (e) & (f); and
 - ii. They shall comply with the following:
 - a) Doors shall be non-combustible;
 - b) Externally fitted hardware that supports the panel in its function of opening and closing shall be metal;
 - c) Where doors incorporate glazing, the glazing shall be toughened glass minimum 6mm;
 - d) Seals to stiles, head and sills or thresholds shall be manufactured from silicone;
 - e) Doorframes shall be metal;
 - f) Doors shall be tight fitting to the doorframe or an abutting door;
 - g) Weather strips, draught excluders or draught seals shall be installed if applicable.

Landscaping

26. Landscaping within the APZ shall comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'.

Waste Management

27. The septic tank and absorption trenches shall be designed, located and installed in accordance with the recommendations in the wastewater report prepared by Calare Civil Pty Ltd (dated 5 November 2013), addendum to the report (dated 3 February 2014) and *Designing and installing On-Site Wastewater Systems* (Sydney Catchment Authority, 2012) but with the following specific requirements and modifications:
- the septic tank shall have a minimum volume of 3000 litres and shall be fitted with an outlet filter,
 - the effluent distribution pipe from the tank to the absorption trenches shall be buried at a minimum depth of 300 mm (500 mm under access way) and laid in a manner that provides protection against mechanical damage or deformation,
 - absorption trenches with a total base area of 40 square metres shall be installed e.g. two trenches each 17m long x 1.2m wide,
 - the trenches shall be located as indicated in the wastewater report dated 5 November 2013,
 - the trenches shall be fenced off from livestock and vehicles,
 - switching valves and/or a dosing/distribution mechanism shall be installed to ensure the effluent is evenly distributed to different trenches, and
 - all run-on and stormwater collected from roofs, access roads and other hard surface areas shall be diverted away from the trench area, e.g. by means of a stabilised bund or drain with provision for energy dissipation at the outlet to prevent scouring or erosion.
28. The on-site wastewater management system shall be maintained according to Section 5 of the Department of Local Government's guidelines *On-site Sewage Management for Single Households (1998)* AS/NZS 1547:2012 *On-site Domestic Wastewater Management* and the

manufacturer's specifications.

29. All effluent shall be fully assimilated within the boundaries of the property.
30. No effluent irrigation area shall be located within 150 metres of a named river, 100 metres of any perennial or intermittent creek or watercourse, or within 40 metres of a dam or drainage depression.
31. Appliances and fixtures with at least a four star ratings shall be installed in the dwelling to minimise the volume of wastewater produced.
32. These conditions of consent relating to wastewater management shall be provided to the installers of the wastewater management and effluent disposal system
33. The installers of the wastewater management and effluent disposal systems shall certify to Council in writing that the wastewater management and effluent disposal systems have been constructed and installed as per these conditions of consent and in accordance with the Sydney Catchment Authority's *Designing and installing On-Site Wastewater Systems* current recommended practice referred to in Condition 1 above, and that the systems have been tested and are functioning properly.
34. No Occupation Certificate shall be issued until Council has received the certification from the installers and approved the onsite wastewater management system under the *Local Government Act 1993* as being consistent with these conditions.
35. An Erosion & Sediment Control Plan shall be prepared for all works required as part of the 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) manual -the "Blue Book" and shall be to the satisfaction of Council.
36. Effective erosion and sediment controls shall be installed prior to any construction activity, including earthworks for dwelling and site access, and shall prevent sediment or polluted water leaving the construction site or entering any drainage depression, watercourse or stormwater drain. The controls shall be regularly maintained and retained until works have been completed and groundcover established.

DURING CONSTRUCTION

Construction hours

37. 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

Facilities

38. 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

39. 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.

BASIX certificate

40. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number 508590S as obtained on 16 November 2013 from the Department of Infrastructure, Planning and Natural Resources.

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

Excavations

41. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- Must preserve and protect the building from damage; and
- If necessary, must underpin and support the building in an approved manner, and footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

Cut and fill

42. Cut and fill areas are to be retained/stabilised to Council's satisfaction as soon as possible after excavation works and prior to the issue of the Occupation Certification.

43. 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 topsoiled, and turfed. Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stoneflagging or terracing prior to occupation. **(Note retaining walls over 600mm in height require Development Consent).**

PRIOR TO OCCUPATION CERTIFICATE

44. The conditions of consent must be complied with prior to the issue of an Occupation Certificate either by Lithgow Council or an accredited principal certifying authority. All necessary information to comply with the conditions of consent must be submitted prior to the occupation of the building.

45. 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.

46. Cut and fill areas and any disturbed areas including embankments are to be generally made good and revegetated in accordance with the approved landscaping plan, prior to the issue of the Occupation Certificate. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed. Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stoneflagging or terracing prior to occupation. **(Note retaining walls over 600mm in height require Development Consent).**

Section 68

47. Prior to the issue of any Occupation Certificate an Approval to Operate for the On-Site Sewerage Management System is to be issued by Council in accordance with Section 68 of the Local Government Act.

ADVISORY NOTES

Building Code of Australia Compliance

- AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Building Inspection schedule – Council

- AN2. 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) Internal drainage carried out by licensed plumber prior to covering
 - d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like).
 - e) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
 - f) Framing when external wall and roof cladding is in place and prior to internal linings.
 - g) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
 - h) Wet area flashing prior to tiling or covering.
 - i) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
 - j) 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

Inspection schedule - Unsewered Area

- AN3. As the Certifying Authority, for water and sewer inspections Council must be contacted to undertake inspections of the various stages of construction as follows:
- a. Internal and sanitary external drainage prior to covering including septic tank and absorption trench installation.
 - b. Hot and cold water plumbing prior to covering
 - c. Final inspection of completed onsite wastewater system prior to occupation of the building.

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

Snow load

- AN4. The property is located in an area (elevation 1060m, ground snow load 1.974kPa) subject to snow falls. Frame and truss details from the manufacturer are to 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 prior to the frame inspection.

Requirements during Construction

- AN5. That all timber sizes, spacing and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 "Timber Framing Code".

- AN6. 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.
- AN7. That all timber sizes, spacing and spans used in the construction of the building shall comply with the requirements of Australian Standard 1684 – 2012 "Timber Framing Code".
- AN8. That a minimum clearance of 400 mm shall be provided between the underside of bearer level and the finished ground level.
- AN9. That subfloor ventilation incorporating cross ventilation shall be provided to the sub-floor space in accordance with Part 3.4.1 Building Code of Australia, Housing Provisions.
- AN10. Ant capping is to be provided and installed in accordance with AS 1694 and AS 3660.1.
- AN11. That truss validation details supplied by the truss manufacturer shall be to the accredited certifier for the trusses over the garage at or prior to the time of frame inspection (**alternatively, full design details are to be submitted prior to commencement of construction**).
- Details shall include:
- (i) job address and builder's name;
 - (ii) **design wind velocity and ground snow load**
 - (iii) terrain category;
 - (iv) truss spacing;
 - (v) roof pitch;
 - (vi) material of roof;
 - (vii) roof batten/purlin spacing;
 - (viii) material of ceiling;
 - (ix) job number
- This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with AS 1684.2 (Residential Timber Framed Construction). Also includes window assembly being certified to AS 1288 (Glazing) and AS 2047 (Wind Speed Pressure).
- AN12. That glazing comply with the provisions of Part 3.6 and Part 3.7.4, Building Code of Australia, Housing Provisions. The serviceability design wind pressure, the ultimate strength test pressure and BAL level of the glazing must be suitable for the wind load and BAL level for the site. Certification should be submitted to the certifying authority at frame stage.
- AN13. The installation of 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.

Stairways and Balustrades

- AN14. That stairways and balustrades comply with the following requirements:
- That the stairway and construction (including flight, landings, goings, risers and the like) shall comply with the requirements of Part 3.9.1 of the Building Code of Australia, Housing Provisions.
 - That the balustrades to balconies, more than one metre above the ground, are to comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions. The space between balusters or the width of any opening in the balustrade or the width of any

opening in the balustrade is not more than 125 mm except where the space between rails or the height of the opening is not more than 125 mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.

- That the height of balustrades to stairways, must comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions following. The balustrade has a height of not less than 865 mm above the nosing of the stair treads and the floor of the landing, access bridge or the like; and the space between the balusters or the width of any opening in balustrades (including any openable window or panel) is not more than 125mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.

AN15. 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.

Stormwater, surface water, plumbing and drainage requirements

AN16. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of the Principal Certifying Authority. Care is to be taken to ensure that no nuisance is created to adjoining properties.

AN17. That the rainwater drains are connected to water storage tanks which are located in a position that will not create a nuisance to the building or adjoining properties.

Note: Overflow pipes are to be discharged into approved drains to 600 mm wide x 600 mm deep dispersal pits, having an aggregate length of 2 metres per downpipe and be located not less than 4 metres from any building or site boundary. The pits are to be located so as to ensure that the stormwater is dispersed clear of any building, onsite wastewater disposal area and should not create a nuisance to adjoining properties.

AN18. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

AN19. 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.

Requirements prior to Occupation

AN20. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

Requirements prior to Occupation

AN21. 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

AN22. 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.

Section 94A Contribution

AN23. It is noted that the applicant has paid to Council a Section 94A contribution of \$1,000.00, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2012. This payment was made on the 21/11/2013 and therefore satisfies the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2012.

Threatened Species

AN24. No Threatened Species or Endangered Ecological Community listed under the Threatened Species Conversation Act 1995, the Environment Protection and Biodiversity Conservation Act 1999 or the associated Regulations are to be cleared as result of this Approval. This includes for fencing or accessways.

Onsite Wastewater Approval

Section 68 LGA Approval

1. Compliance with the requirements of Wastewater Report prepared by Calare Civil dated 5 November 2013 and addendum to report dated 3 February 2014, Sydney Catchment Authority requirements, amendments and conditions of approval.
2. Forty – eight (48) hours notice shall be given to Council for inspection of the following:
 - a) Internal and external drainage lines, septic tank and absorption trenches prior to backfilling. The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged;
 - b) The completed septic system and disposal area before use.

Certification

3. The sewage Management facility shall not be used until Council has issued a certificate of completion which indicates that the facility has been installed in accordance with the approved plans.
4. Certification from the installers outlining that the wastewater management and effluent disposal systems have been constructed and installed as per these conditions of consent, in accordance with current recommended practices and that the systems have been tested and are functioning properly shall be submitted to Council prior to the issue of the Occupation Certificate.
5. All plumbing and drainage work in the building and from the building to the septic tank must be carried out by a licensed plumber/drainer in accordance with the requirements of Australian Standard 3500 "National Plumbing and Drainage Code".
6. The proposed sewerage management facility shall be installed generally in accordance with plans endorsed with Council's approval stamp and all associated documentation submitted with the application, except where varied by the following conditions of consent.
7. WC and bathroom fixtures are to be connected to the septic tank by an approved single pipe system.
8. Each water closet is to be provided with a dual flush cistern.
9. The maximum drop in soil line from the pan is 2.25 metres.
10. The horizontal length of pipe between the outlet of the pan and the junction with another waste to the main drain line does not exceed 3 metres.
11. The elevated pipe line is adequately supported.
12. A work-as-executed plan of drainage shall be drafted by the drainer and submitted to Council and the owner upon completion of all drainage works.
13. The septic tank shall be no less than 3000 litres and located no closer than 1.5 metres from any building to enable access for desludging.
14. An adequate water supply must be available at all seasons of the year.
15. An outlet filter is to be provided to the septic tank to improve performance and reduce carry over of solids into land application area.

16. Absorption trenches shall have a total base area of 40m² shall be installed (e.g. two trenches each 17m long x 1.2m wide).

17. Switching valves and/or a dosing/distribution mechanism shall be installed to ensure the effluent is evenly distributed to different trenches. The owner/tenant is responsible for switching the diversion valve to the alternate trench every six (6) months.

18. The effluent disposal area is to be sited in an exposed area clear of general access and play areas, and at the following minimum distances to boundaries/swimming pools/dams/watercourses:

- 6 metres to a boundary/building at a high elevation;
- 12 metres to a boundary/building at a lower elevation;
- 6 metres to swimming pool and driveway;
- 40 metres to drainage depression and dams
- 100 metres to intermittent or permanent surface waters (eg rivers, lakes, creeks etc) and 150 metres to a named river.
- 250 metres to bores and groundwater wells.

19. The effluent disposal area shall be fenced to exclude stock from entering the area and measure to protect the septic tank and absorption area from vehicular damage shall be installed.

20. A contour bank is to be installed on the high side of trenches to divert surface water away from the disposal site.