

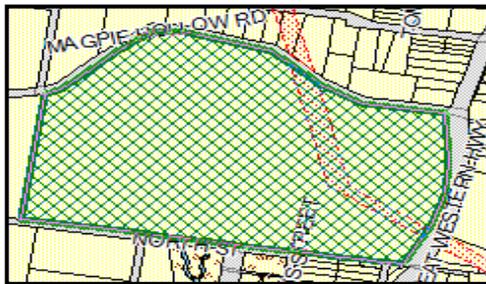
# DEVELOPMENT ASSESSMENT REPORT - DA124/15 - PROPOSED SUBDIVISION 1 LOT INTO 3, 41 MAGPIE HOLLOW ROAD SOUTH BOWENFELS NSW 2790

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## 1. PROPOSAL

Council is in receipt of a Development Application DA124/15 for a subdivision of 1 Lot into 3 on land known as Lot 1 DP 700204, 41 Magpie Hollow Road, South Bowenfels NSW 2790.

The property currently contains an area of 48.88ha and contains a double storey brick dwelling. The land has a relatively flat topography with a slight slope to the south west. The area surrounding the dwelling is utilised for agricultural purposes. The property is shown on the plan below:



The proposal is for a 3 lot subdivision with proposed Lot 1 to have an area of 5918m<sup>2</sup> and retain the existing dwelling. Lot 2 is proposed to have an area of 33ha and contains a farm shed. Lot 3 is proposed to have an area of 15.3ha and is currently vacant of building structures. Proposed Lot 2 is shown in the photo below:



Access is provided to the existing dwelling and is not proposed to be upgraded as part of this development application. A row of trees and a fence line is located around the boundaries of the proposed lot containing the dwelling. A gate is existing to Lot 3 and a new access to proposed Lot 2 would need to be created from Magpie Hollow Road. The dwelling and access to propose Lot 1 is shown in the photo below:



Lots 2 and 3 may be considered to be 'englobo' lots that will be the subject of future applications for further subdivision.

## 2. SUMMARY

To assess and recommend determination of DA124/15. Recommendation will be for approval subject to conditions.

## 3. LOCATION OF THE PROPOSAL

Legal Description: Lot 1 DP 700204  
Property Address: 41 MAGPIE HOLLOW ROAD SOUTH BOWENFELS NSW  
2790

**4. ZONING:** The land is zoned R2 Low Density Residential, E3 Environmental Management and SP2 Infrastructure in accordance with Lithgow Local Environmental Plan 2014.

**5. PERMISSIBILITY:** The development being a subdivision is considered permissible under Lithgow Council's Local Environmental Plan 2014 Part 2 Zoning Tables, subject to development consent.

### 5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

**Council's Policy 7.6** – *Development Applications by Councillors and staff and relatives* requires Development Applications to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. Given that the property is owned by a relative of Councillor Frank Inzitari, the proposal is reported to Council for determination.

**Council's Policy 7.5** – *Notification of Development Applications*

#### 2. APPLICATIONS FOR WHICH NOTIFICATION WILL NOT BE GIVEN UNDER THIS POLICY

*Development applications for the following types of development will not be notified. (NB: Any structure must conform to applicable setback requirements):*

- *Subdivision creating less than 5 new lots on land zoned RU1 or RU2*

The proposed subdivision development is located within the R2 and E3 zone. Consequently the subdivision is not considered to be exempt under the above Policy and was neighbour notified and placed on public display for a period of 14 days. During this time period one submission was received. This submission is detailed further in this report.

## **5.2 FINANCIAL IMPLICATIONS (eg Section 94)**

Under the Water Management Act 2000-Section 305, an Application for certificate of compliance must be submitted to Council. This Act states:

*(1) A person may apply to a water supply authority for a certificate of compliance for development carried out, or proposed to be carried out, within the water supply authority's area.*

*(2) An application must be accompanied by such information as the regulations may prescribe.*

Therefore Council's Section 64 contributions for water and sewer connections will be required to be paid prior to the release of the Subdivision Certificate.

The following condition would be included on the consent:

*An application shall be submitted to Council for the supply of a Certificate of Compliance under Section 305 of the Water Management Act. The Subdivision Certificate shall not be issued until such time as a Certificate of Compliance has been issued under Section 307 of that Act.*

## **5.3 LEGAL IMPLICATIONS**

### **Conveyancing Act 1919**

88B (easement)

An easement for transmission runs across the north eastern section of the property. This easement consists of above ground power lines, controlled and managed by the Endeavour Energy. The proposed development is not expected to impact the easement as no building structures are proposed as part of this application. As the property contains an easement for electrical purposes and exposed overhead electricity power lines the development was referred to Endeavour Energy for comment. Their comments are found later in this report.

### **Environmental Protection and Biodiversity Conservation Act 1991**

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

### **Local Government Act 1993**

If this application is approved, the applicant must obtain a written Section 68 application for connection to Council's water and sewerage supply. This has already been issued for a temporary sewer connection for lot 1.

### **Rural Fires Act 1997**

The development is considered to be integrated under this act (via Section 91 of the EP & A Act 1979). Accordingly the approval of the Rural Fire Service is required prior to Council being in a position to determine the application. Approval from the Rural Fire Service has been obtained and is discussed later in this report under "submissions made in accordance with the Act".

### **Threatened Species Conservation Act 1995**

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

### **Water Management Act 2000**

A Certificate of Compliance is required under this act prior to the release of any subdivision certificate. See previous comments under “Financial Implications”.

### **Environmental Planning and Assessment Act 1979**

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C 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***

<b>LEP 2014 – Compliance Check</b>		
	<b>Clause</b>	<b>Compliance</b>
Part 2	R2 Low Density Residential Zoning Table Minimum allotment size – 2000m <sup>2</sup>	Yes
Part 2	E3 Environmental Management Zoning Table Minimum allotment Size – 40ha	Yes
Part 2	SP2 - Infrastructure	Yes
4.1	Minimum subdivision lot size	Yes
7.4	Terrestrial Biodiversity	Yes
7.5	Groundwater Vulnerability	Yes
7.7	Sensitive Lands	Yes

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

#### ***Zone R2 Low Density Residential***

##### ***1 Objectives of zone***

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain or improve the water quality of receiving water catchments.*

The development proposes to subdivide the existing dwelling and provide additional lots for future residential purposes. The subdivision is not expected to impact services or facilities in the area as all services exist within the vicinity of the property. Water quality would be maintained and not impacted upon as no building structures are proposed as part of this application. A Norbe assessment was undertaken and identified the development as having a neutral or beneficial effect on water quality.

#### ***Zone E3 Environmental Management***

##### ***1 Objectives of zone***

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To facilitate the management of environmentally sensitive lands and riparian areas.*
- *To protect and conserve the vegetation and escarpment landscape surrounding Lithgow.*
- *To maintain or improve the water quality of receiving water catchments.*

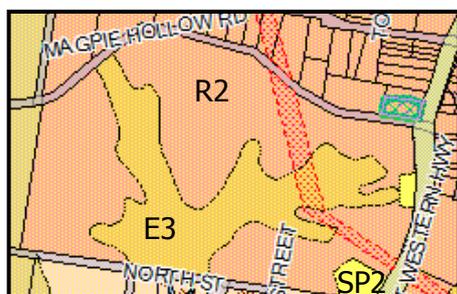
The development is expected to have minimal environmental impacts. The land formation and topography would not change due to the proposed development. As the proposed subdivision is located within a split zone with access and future developments, such as dwellings being permissible in the R2 zone, the development is considered permissible within the E3 zone. The development would conserve the vegetation and escarpment landscape on the property as no trees are proposed to be removed as part of this application.

### **Zone SP2 Infrastructure**

#### **1 Objectives of zone**

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To maintain or improve the water quality of receiving water catchments.*

A small section of the property is zoned SP2 Infrastructure. This section has a frontage to the Great Western Highway and may be required by the Roads and Maritime Services (RMS) in the future. The development is not expected to impact any future Highway upgrade works.



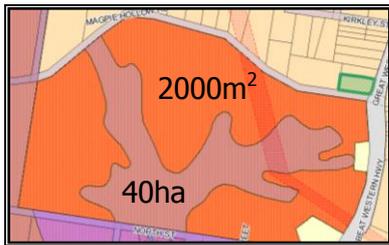
The development complies with the minimum subdivision lot sizes. The property has a mixture of surrounding uses; including two residential subdivisions (Bowenvista Estate adjacent Magpie Hollow Road and Strathlone Estate adjacent to the Highway), a service station and rural residential uses towards the south and west of the property.

Lot 1 is to be wholly contained within the R2 zone within a minimum subdivision size of 2000m<sup>2</sup>. The area of Lot 1 is proposed to be 5918m<sup>2</sup>. This is above the minimum allotment size under Council's LEP.

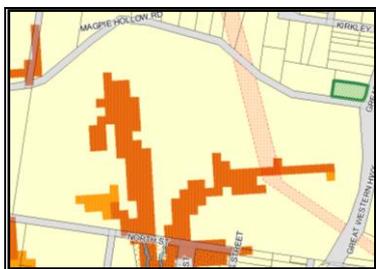
Lot 2 is proposed to have an area of 33ha and Lot 3 is proposed to have an area of 15.3ha. Lots 2 and 3 are located within both the R2 and E3 zone and the 2000m<sup>2</sup> and 40ha allotment size areas. As the whole of the property currently retains an area of 48.88ha, 40ha within the E3 zone would not be able to be achieved. As the E3 zoning section is currently undersized and the proposed lot sizes would be compatible with surrounding lot sizes, the development is considered permissible.

Due to the surrounding uses, the character and setting of the area is expected to be maintained. The development would allow for appropriately sized lots with sufficient access proposed from Magpie Hollow Road. The development was referred to Council's Operations Department for their comment. These comments are found later in this report.

The minimum allotment sizes under Council's LEP 2014 Lot Size Map is shown below:



The property is identified as containing Biodiversity. The proposed subdivision is not expected to have any adverse impact on ecological value or significant flora and fauna on the property as no building structures are proposed at this stage. Biodiversity is scattered over the large allotment as shown on the map below:



The property is identified as containing ground water vulnerability. The development is not expected to contain contamination as there are no building structures or earthworks proposed at this stage. Groundwater dependent ecosystems would not be impacted upon by the development as the landscape of the property is proposed to remain. The development is designed, sited and will be managed to avoid any significant adverse environmental impact. Water vulnerability is mapped below:



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



The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

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

SEPP(Sydney Drinking Water Catchment) 2011 – Compliance Check	
Clause	Compliance
<b>10</b> Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes

**Comment:** The application is required to be assessed using with Module 1 of the Neutral or Beneficial Effect on Water Quality Assessment Tool - see below.

Neutral or Beneficial Effect on Water Quality Assessment Tool

General Information

Council Name	Lithgow City
Date	29 July 2015
DA Number	DA124/15
Assessing Officer	Lauren Stevens
Development Class	Subdivision sewerred <=3 lots

Assessment Summary

NorBE Status: **Determined**  
 System Outcome: **Satisfied**                      User Outcome: **Satisfied**  
 SCA concurrence outcome:  
 Determination outcome: **Granted**                      Determination date: 29/7/15

Pre- Assessment Checklist

Located within Sydney Drinking Catchment? **Y**  
 Is development consistent with any existing SCA S88 instrument on title? **Y**  
 Crown perpetual leasehold land? **Y**  
 Water quality impact? **Y**  
     Concentration of flow of water? **Y**  
     Flow of water impeded? **Y**  
     Discharge of pollutants? **N**  
     Any other matter? **N**  
 Documentation is complete? **Y**  
 Does Water Cycle Management Study meet SCA/Council requirements? **Y**

Module 1

Impervious area **400**  
 Construction area **5**

SSGM certificate	N/A
Slope > 20%	N
Flood zone 1:100	N

### Required NorBE conditions of consent

*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.*

### 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.

### State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 – Compliance Check	
Clause	Compliance
45 Determination of development applications—other development	Yes

**Comment:** An easement for transmission runs across the north eastern section of the property. This easement consists of above ground power lines, controlled and managed by the electricity authority. The proposed development is not expected to impact the easement as no building structures are proposed as part of this application. As the development is carried out immediately adjacent to an easement for electricity purposes and it is within 5m of an exposed overhead electricity power line (under the above SEPP) the development was referred to Endeavour Energy for comment. Their comments are found later in this report.

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

None.

5.3.3 Any Development Control Plan

### Engineering Guidelines for Subdivisions and Development

Engineering Guidelines – Compliance Check	
Clause	Compliance
5.0 Subdivision Layout Plans	Yes
6.0 Engineering Plans and Specifications	Yes

<b>8.0</b>	Urban Allotment Size	Yes
<b>9.0</b>	Road Planning	NA
<b>11.0</b>	Kerb and Gutter	NA
<b>12.0</b>	Street Name Signs	NA
<b>13.0</b>	Street trees	NA
<b>14.0</b>	Charges and/or contributions	NA
<b>15.0</b>	Provision of Utility Services within the subdivision	Yes
<b>16.0</b>	Easements	Yes

**Comment:** The subdivision layout plan and allotment sizes are reasonable for the property with the development considered to be compatible with surrounding landuses.

The existing dwelling on proposed Lot 1 is connected to Council's water and sewer services. An approved temporary sewer connection will need to be replaced with access to gravity sewer when lot 2 is further subdivided. Telecommunications and electricity are also connected.

The Statement of Environmental Effects states that proposed Lots 2 and 3 have all services, including water, sewer, electricity and telecommunications available. Telecommunications and electricity are connected to the existing dwelling and are located in the vicinity for future dwellings. The following condition would be included on the consent:

*The applicant shall consult with an Authorised Telecommunications, Electricity and Gas Authorities for the provision of underground telephone, electricity, and natural gas services to each allotment. Confirmation of connection to each allotment and a plan is to be lodged with Lithgow City Council prior to the release of a final 'Subdivision Certificate'.*

An easement for transmission runs across the north eastern section of the property. This easement consists of above ground power lines, controlled and managed by the electricity authority. The proposed development is not expected to impact the easement as no building structures are proposed as part of this application. As the development is carried out immediately adjacent to an easement for electricity purposes and it is within 5m of an exposed overhead electricity power line the development was referred to Endeavour Energy for comment. Their comments are found later in this report.

No further easements are to be created as part of this subdivision.

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 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

**Adjoining Landuse:** The property has a mixture of surrounding uses; including two residential subdivisions (Bowenvista Estate adjacent Magpie Hollow Road and Strathlone Estate adjacent to the Highway), a service station to the north and rural residential uses towards the south and west of the property.

As the surrounding development is a mixture of rural residential developments, the scale of the proposal would be compatible with surrounding properties.

**Services:** Telecommunications and electricity are connected to the existing dwelling and are located in the vicinity for future dwellings. The following condition would be included on the consent:

*The applicant shall consult with an Authorised Telecommunications, Electricity and Gas Authorities for the provision of underground telephone, electricity, and natural gas services to each allotment. Confirmation of connection to each allotment and a plan is to be lodged with Lithgow City Council prior to the release of a final 'Subdivision Certificate'.*

Water and Sewer services were assessed by Council's water and sewer section. .

**Access, Transport and Traffic:** Access to the existing dwelling is suitable and is not proposed to be upgraded as part of this development. A row of trees and a fence line is located around the boundaries of the proposed lot containing the dwelling. A gate exists to Lot 3 and a new access to proposed Lot 2 would need to be created with access from Magpie Hollow Road.

The development was referred to Council's Operations Department. Their comments are found later in this report.

**Heritage:** There is no known heritage item located on or in the vicinity of the site.

**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 large allotment, with all waste and water will be properly managed.

**Water Resources:** There will be no significant impact on water resources.

**Water Courses:** Water courses are not expected to be impacted upon by the proposed subdivision as no building structures are proposed to be constructed. Any future application submitted for further subdivision will be required to assess impacts on water courses. Refer to the map below showing water courses on the property:



**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.



- *resumption of land for two large water quality basins; and*
- *resumption of land along the full length of the GWH from the fire station to Magpie Hollow Road for highway development.*

The development is for a 3 lot subdivision with access from Magpie Hollow Road. Lot 3 is proposed to have an area of 15.3ha and adjoins the Great Western Highway. As the access to Lot 3 is not proposed to be near the church or fire station, the development is not expected to have an impact on the RMS upgrade plans for the turning circle. Lot 3 is considered to have a significant site area for future dwellings. Due to the topography of the land and Council's setback requirements from major road networks, the development is not expected to impact the water quality basins. Future Development Applications for subdivisions and developments would be assessed when applications are submitted.

Properties that adjoin the Great Western Highway are dealt with under the RMS guidelines and Policies.

### **Endeavour Energy**

Reference is made to Council's letter of 30 July 2015 regarding Development Application DA124/15 at 41 Magpie Hollow Road South Bowenfels NSW 2790 (Lot 1 DP 700240) for 'Subdivision 1 lot into 3'.

As shown in the site plan from Endeavour Energy's G/Net master facility model (please note this is not a 'Dial Before You Dig plan') there is a significant easements / overhead power lines over the site benefitting Endeavour Energy indicated by the red hatching.

Endeavour Energy has no objections to the development application, its comments and recommendations are:

- Network Capacity / Connection

For any future proposed development of the site, the applicant will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor/chamber substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefitting and gifted to Endeavour Energy.

- Easement Management / Network Access

It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time. Should proposed works be required to encroach/affect Endeavour Energy's easements, then contact must first be made with the Endeavour Energy's Easement Management Officer.

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

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

Further information is provided in Endeavour Energy's Mains Design Instruction Document no. MDI 0044 'Easements and Property Tenure Rights'.

- Earthing

The construction of any building or structure (including fencing) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk. Again, if not already done so, the existing rotunda should also be checked for compliance.

- Vegetation Management

When planting vegetation near / below the electricity network, only low growing shrubs should be considered. Trees need to be planted at the same distance from the power line as their potential full grown height. Trees grown too close to power lines can restrict safe access to power lines by maintenance workers. This can cause delays in power restoration and may have severe consequences in the event of an emergency. Such landscaping may become subject to Endeavour Energy's Vegetation Management program. When planting vegetation near/below the electricity network, only low growing shrubs not exceeding 3.0 metres in height should be considered.

- Noise

Endeavour Energy's electrical network is operational 24/7/365 ie. all day, every day of the year. Power lines can produce an audible sound or buzz as a side effect of carrying electricity. The sound can be louder if there is increased moisture (during rain, fog, frost etc.) or pollutants in the air. The sound usually occurs at the poles at the insulators supporting the power lines. Where development is proposed in the vicinity of overhead power lines, Endeavour Energy is not responsible for any acoustic / noise amelioration measures for such noise that may impact on the nearby proposed development.

- Safety Clearances

Any proposed buildings, structures, etc. must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132kV) as specified in AS/NZS 7000:2010 'Overhead line design - Detailed procedures' and the 'Service and Installation Rules of NSW'. Different voltages are kept at different heights, the higher the voltage, the higher the wires are positioned on the pole. Similarly, the higher the voltage, the greater the required building setback. These distances must be maintained at all times and regardless of the Council's allowable building setbacks etc. under its development controls, must allow for the retention of appropriate / safe clearances.

- Electric and Magnetic Fields (EMF)

Endeavour Energy recognises that a causal link between power-line EMF exposure and demonstrated health effects has not been established, even after much scientific investigation throughout the world. There are no state or federal exposure standards for 50/60-Hz EMF based on demonstrated health effects. Nor are there any such standards world-wide. Among those international agencies that provide guidelines for acceptable EMF exposure to the general public, the International Commission on Non-Ionizing Radiation Protection established a level of 1000 mG. Endeavour Energy recognises that timely additional research is unlikely to prove the safety of power-line EMF to the satisfaction of all.

Endeavour Energy is committed to ensuring that its activities and assets conform to all relevant International and Australian Standards, National Health and Medical Research Council (NH&MRC) Standards, Energy Networks Association (ENA) Standards and NSW legislation. This includes a commitment to a policy of prudent avoidance as endorsed by the ENA with regard to the location of assets and electric and magnetic fields.

Likewise Endeavour Energy believes that Council should also adopt a policy of prudent avoidance by the siting of more sensitive uses away from any electricity infrastructure to minimise exposure to EMF eg. buildings should be designed with habitable rooms away from any electricity infrastructure with these orientations used for non-habitable rooms which by their nature are occupied neither frequently nor for extended periods.

- Public Safety

As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

### **RURAL FIRE SERVICE (RFS)**

Reference is made to Council's letter dated 30 July 2015 seeking general terms of approval for the Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered 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 issue of subdivision certificate and in perpetuity, all of proposed Lot 1 shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### **Asset Protection Zones**

The intent of measures is to provide sufficient space for fire fighters and other emergency services personnel, ensuring radiant heat levels permit operations under critical conditions of radiant heat, smoke and embers, while supporting or evacuating occupants. To achieve this, the following conditions shall apply:

2. At the issue of subdivision certificate and in perpetuity, the currently cleared area of proposed lots 2 and 3 shall be maintained as Asset Protection Zones as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

### **COUNCIL'S OPERATIONS DEPARTMENT**

Council's Operations Department had no objection to the proposed development subject to the following conditions being included on the consent:

1. All development to be constructed in accordance with Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.

2. Concrete driveway is to be constructed in accordance with Lithgow City Council's "Specification for the construction of Driveways, Footpath/Gutter Crossings and Footpaving" (Policy 10.18). A copy is available on Council's website, or on request from Council's Administration.

3. All road, drainage, kerb and gutter, water and sewerage reticulation works associated with a development will be inspected by Council's Operations Department. The developer shall at all times give uninterrupted access and afford every facility for the examination for any works and materials requested by the Group Manager of Operations or his authorised delegate.

4. A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works.

5. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

6. 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.

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

### **Civil Construction**

8. Only those areas involved in the construction of the civil works shall be disturbed, with all other areas of the site to be maintained with existing vegetation cover.

9. Construction noise shall be in accordance with the 'Noise Control Guidelines' for construction noise standards. Hours of operation shall be permitted between 7am – 6pm Monday to Friday and 8am – 1pm Saturdays. No heavy machinery work or usage shall be permitted on Sundays or Public Holidays.

### **WATER AND SEWER**

Council's Water and Sewer Section made the following comments:

A section 68 application has been approved to allow a temporary sewer connection to lot 1 until such time as a gravity sewer is available through the further subdivision of lot 2. This arrangement can only continue until sewer is available when proposed lot 2 is developed. This should be reflected in a condition of consent. Other conditions of consent will also be required as follows:

- *The current temporary connection for proposed Lot 1 shall be relocated when reticulated sewerage occurs as part of the future residential subdivision for Lot 2.*
- *Building envelopes are to be provided for proposed lots 2 and 3 to allow connection to gravity sewer mains. An application under Section 68 of the Local Government Act will be required to be submitted and approved prior to any water and sewerage works involving connection to Council's infrastructure. This to be provided prior to the issue of a subdivision certificate for these allotments.*
- *The existing sewage pumping station within proposed Lot 2 is to be dedicated to Council along with appropriate easements. This shall occur prior to the release of the Subdivision Certificate.*
- *Separate sewer and water services are to be provided to each allotment at the applicant's expense.*
- *A Work as Executed plan (WAE) will be required to be submitted to council prior to the release of the subdivision certificate, outlining the following:*
  - *Service meter location*
  - *Allotment number that meter is assigned to*
  - *Serial number of water meter*
- *The applicant is to arrange for the purchase and installation of water meters to the subdivision by Council through a Work at Owners Cost arrangement prior to the release of a Subdivision Certificate. These meters are to be held by Council until a water connection fee is paid as part of Development Application for a new dwelling, when Council will install the meter. Such arrangement is to be made clear to any purchasers of the proposed allotments.*

5.3.9 The public interest

There has 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**

Schedule A- Conditions of consent.

**8. RECOMMENDATION**

**THAT** development application DA 124/15 is approved subject to conditions set out in Schedule A.

Report prepared by: Lauren Stevens

Group Manager of Environment and Development: 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)**

**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. No dwelling has been approved as part of this subdivision application. A separate development application is required to be lodge with Council for any future development or demolish of dwellings.
3. That a Subdivision Certificate Application be lodged to Council for approval.
4. That the subdivision release fee, Registered Surveyors Plans (original & 11 copies) along with associated 88B instrument if applicable, be submitted to Council for finalisation following the compliance with all conditions of this consent.
5. An application shall be submitted to Council for the supply of a Certificate of Compliance under Section 305 of the Water Management Act. The Subdivision Certificate shall not be issued until such time as a Certificate of Compliance has been issued under Section 307 of that Act.

#### **PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE**

##### **Rural Fire Service Requirements**

##### **Asset Protection Zones**

6. At the issue of subdivision certificate and in perpetuity, all of proposed Lot 1 shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.
7. At the issue of subdivision certificate and in perpetuity, the currently cleared area of proposed lots 2 and 3 shall be maintained as Asset Protection Zones as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

##### **Amenity**

8. The Council's Environment and Development Department should be contacted to arrange the appropriate rural address numbers to be allocated to the subdivision.
9. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.

##### **Utilities**

10. The applicant shall consult with an Authorised Telecommunications, Electricity and Gas Authorities for the provision of underground telephone, electricity, and natural gas services to each allotment. Confirmation of connection to each allotment and a plan is to be lodged with Lithgow City Council prior to the release of a final 'Subdivision Certificate'.

### ***Water and Sewer***

11. The current temporary connection for proposed Lot 1 shall be relocated when reticulated sewerage occurs as part of the future residential subdivision for Lot 2.
12. Building envelopes are to be provided for proposed lots 2 and 3 to allow connection to gravity sewer mains. An application under Section 68 of the Local Government Act will be required to be submitted and approved prior to any water and sewerage works involving connection to Council's infrastructure. This to be provided prior to the issue of a subdivision certificate for these allotments.
13. The existing sewage pumping station within proposed Lot 2 is to be dedicated to Council along with appropriate easements. This shall occur prior to the release of the Subdivision Certificate.
14. Separate sewer and water services are to be provided to each allotment at the applicant's expense.
15. A Work as Executed plan (WAE) will be required to be submitted to council prior to the release of the subdivision certificate, outlining the following:
  - Service meter location
  - Allotment number that meter is assigned to
  - Serial number of water meter
16. The applicant is to arrange for the purchase and installation of water meters to the subdivision by Council through a Work at Owners Cost arrangement prior to the release of a Subdivision Certificate. These meters are to be held by Council until a water connection fee is paid as part of Development Application for a new dwelling, when Council will install the meter. Such arrangement is to be made clear to any purchasers of the proposed allotments.

### ***Environmental Protection***

17. All soil erosion and sediment controls shall be in place prior to the commencement of construction works. All erosion controls must remain in place until all construction work is finalised and suitable vegetation has been established. The developer will be required to remove and dispose of the sedimentation and erosion devices at the conclusion of suitable vegetation establishment at his/her full cost.

### ***Engineering Requirements***

18. All development to be constructed in accordance with Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.
19. Concrete driveway is to be constructed in accordance with Lithgow City Council's "Specification for the construction of Driveways, Footpath/Gutter Crossings and Footpaving" (Policy 10.18). A copy is available on Council's website, or on request from Council's Administration.

20. All road, drainage, kerb and gutter, water and sewerage reticulation works associated with a development will be inspected by Council's Operations Department. The developer shall at all times give uninterrupted access and afford every facility for the examination for any works and materials requested by the Group Manager of Operations or his authorised delegate.
21. 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.
22. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Magpie Hollow Road whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.
23. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.
24. A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works.
25. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.

### ***Civil Construction***

26. Only those areas involved in the construction of the civil works shall be disturbed, with all other areas of the site to be maintained with existing vegetation cover.
27. Construction noise shall be in accordance with the 'Noise Control Guidelines' for construction noise standards. Hours of operation shall be permitted between 7am – 6pm Monday to Friday and 8am – 1pm Saturdays. No heavy machinery work or usage shall be permitted on Sundays or Public Holidays.

### **ADVISORY NOTES**

#### **ENDEAVOUR ENERGY**

##### ***Easement Management / Network Access***

- AN1. It is imperative that the access to the existing electrical infrastructure adjacent and on the site is maintained at all times. To ensure that supply electricity is available to the community, access to the electrical assets may be required at any time. Should proposed works be required to encroach/affect Endeavour Energy's easements, then contact must first be made with the Endeavour Energy's Easement Management Officer. The following is a summary of the usual / main terms of Endeavour Energy's electrical easements requiring that the land owner:

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

conditions as Endeavour Energy may reasonably impose.

Further information is provided in Endeavour Energy's Mains Design Instruction Document no. MDI 0044 'Easements and Property Tenure Rights'.

### **Earthing**

AN2. The construction of any building or structure (including fencing) that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with AS/NZS 3000:2007 'Electrical installations' to ensure that there is adequate connection to the earth. Inadequate connection to the earth places persons and the electricity network at risk. Again, if not already done so, the existing rotunda should also be checked for compliance.

### **Vegetation Management**

AN3. When planting vegetation near / below the electricity network, only low growing shrubs should be considered. Trees need to be planted at the same distance from the power line as their potential full grown height. Trees grown too close to power lines can restrict safe access to power lines by maintenance workers. This can cause delays in power restoration and may have severe consequences in the event of an emergency. Such landscaping may become subject to Endeavour Energy's Vegetation Management program. When planting vegetation near/below the electricity network, only low growing shrubs not exceeding 3.0 metres in height should be considered.

### **Noise**

AN4. Endeavour Energy's electrical network is operational 24/7/365 ie. all day, every day of the year. Power lines can produce an audible sound or buzz as a side effect of carrying electricity. The sound can be louder if there is increased moisture (during rain, fog, frost etc.) or pollutants in the air. The sound usually occurs at the poles at the insulators supporting the power lines. Where development is proposed in the vicinity of overhead power lines, Endeavour Energy is not responsible for any acoustic / noise amelioration measures for such noise that may impact on the nearby proposed development.

### **Safety Clearances**

AN5. Any proposed buildings, structures, etc. must comply with the minimum safe distances / clearances for voltages up to and including 132,000 volts (132kV) as specified in AS/NZS 7000:2010 'Overhead line design - Detailed procedures' and the 'Service and Installation Rules of NSW'. Different voltages are kept at different heights, the higher the voltage, the higher the wires are positioned on the pole. Similarly, the higher the voltage, the greater the required building setback. These distances must be maintained at all times and regardless of the Council's allowable building setbacks etc. under its development controls, must allow for the retention of appropriate / safe clearances.

### **Public Safety**

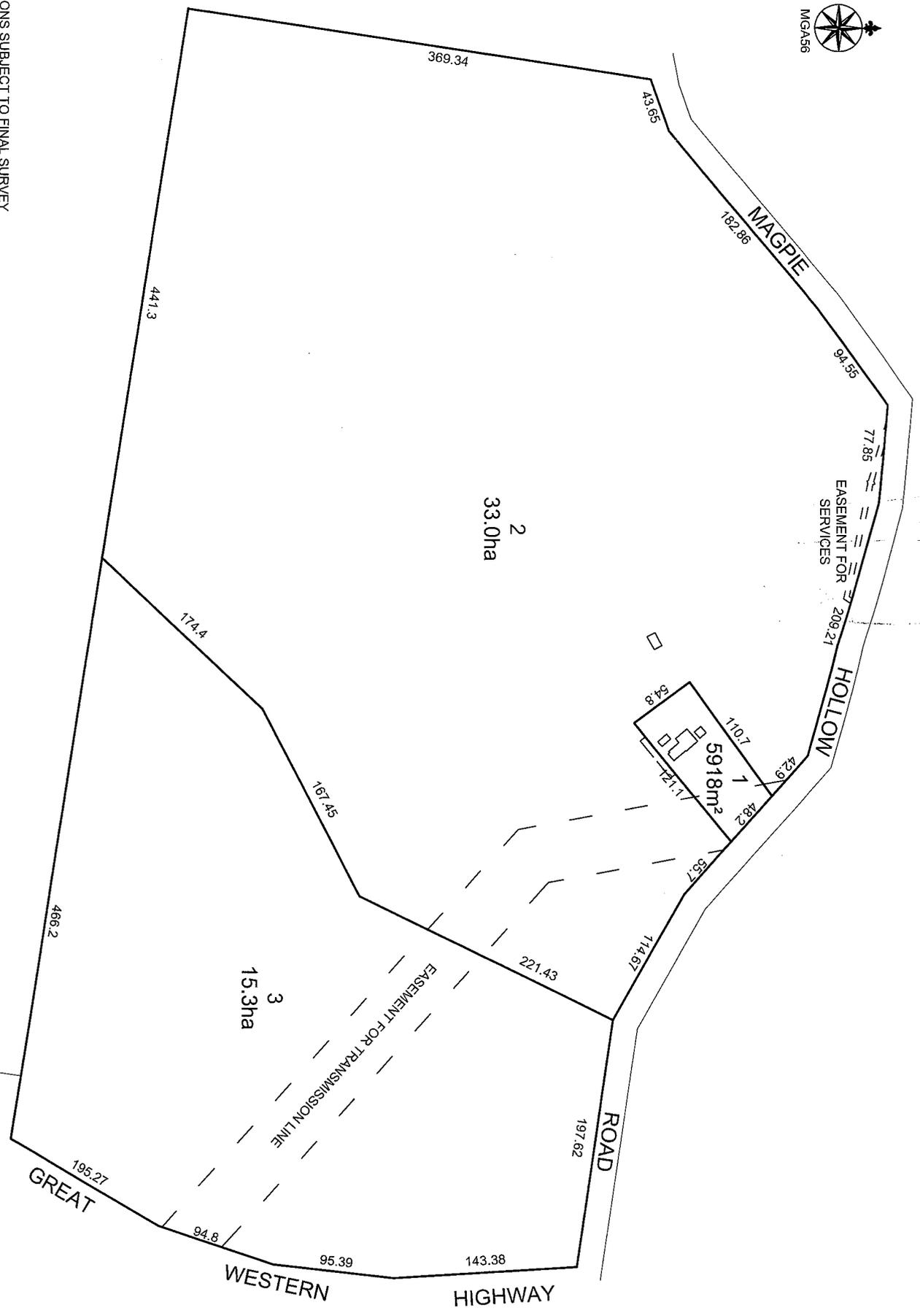
AN6. As the proposed development will involve work near electricity infrastructure, workers run the risk of receiving an electric shock and causing substantial damage to plant and equipment. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/community/nav/safety/safety+brochures>

### **Network Capacity / Connection**

AN7. For any future proposed development of the site, the applicant will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required padmount or indoor / chamber

substations will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy.



DIMENSIONS SUBJECT TO FINAL SURVEY

**CEH SURVEY**

CONSULTING LAND ENGINEERING AND MINING SURVEYORS  
 "Members" of the Institute of Engineers  
 LICENCE 2738  
 ABN: 88 056 544 651  
 Email: surveys@ceh.com.au



Office: 023 6841 7281  
 Website: www.ceh.com.au

DATE	5/5/2015
AMENDED	8/7/2015
SURVEYOR	PS-BN
DRAWN	PS
CHECKED	KLF

PROPOSED SUBDIVISION OF LOT 1 DP700204  
 41 MAGPIE HOLLOW ROAD SOUTH BOWENFELS  
 SCALE - 1:3000 ON A3 SHEET

CEH REF: 4/4786

DWG No

INITIARI PROPOSAL.DWG  
 LOTS