1. PROPOSAL

Council is in receipt of a Development Application DA053/16 from Rosa Inzitari (mother to Councillor Frank Inzitari) to construct a garage on land known as Lot 2 DP 862773, 890 Great Western Highway Bowenfels.

The residential lot is 3074m² and contains an existing dwelling. The proposal consists of a colourbond shed 10.5 metre long by 4.2 metres wide with a floor area of 44.1m², wall height of 2.7m and maximum ridge height of 3.117m. The proposed garage will be located at the rear of the existing dwelling.

View to the west and proposed location of shed (please note that rear colourbond fence is an internal fence and the property extends approximately another 30 metres to the rear)

2. SUMMARY

DA053/16 has been assessed and is recommended for approval subject to the conditions attached.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 2 DP 862773
Property Address : 890 GREAT WESTERN HIGHWAY BOWENFELS NSW 2790
4. ZONING: The land is zoned, R2 Low Density Residential in accordance with Lithgow Local Environmental Plan 2014.

5. PERMISSIBILITY: The development being a domestic shed/garage is considered permissible under Lithgow Local Environmental Plan 2014 Zone R2 Low Density Residential, subject to development consent.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP’s)

Policy 7.5 Notification Of Development Applications
The proposal was notified to surrounding adjoining land owners in accordance with Council’s Policy 7.5: Notification of Development Applications for a period of 14 days. No submissions were received by Council.

Policy 7.6 Development Applications By Councillors And Staff Or On Council Owned Land

The application was lodged by Rosa Inzitari, Councillor Frank Inzitari’s mother. Policy 7.6 ‘Development Applications by Councillors and Staff and Relatives or on Council owned Land’ requires the Development Application to be considered and determined by Council.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Section 94A Development Contributions Plan 2015
The Section 94A plan does not apply to this development given it is for a shed/garage at an estimated cost of $15,000.

5.3 LEGAL IMPLICATIONS

Conveyancing Act 1919
There are no covenants or easements on the land.

Environmental Protection and Biodiversity Conservation Act 1991
The residential lot is cleared of all native vegetation and contains managed lawn and gardens. 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.

Native Vegetation Act 2003
No native vegetation is required to be cleared as a result of this application. Accordingly, there are no legal implications of this act on the proposed development.

Rural Fires Act 1997
The property is not mapped as bushfire prone. Accordingly, there are no legal implications of this Act on the proposed development.

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.
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**

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<tr>
<th>Clause</th>
<th>Compliance</th>
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<tr>
<td>Land Use table</td>
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<tr>
<td>R2 Low Density Residential</td>
<td>Yes</td>
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<tr>
<td>7.5 Groundwater vulnerability</td>
<td>Yes</td>
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**Comment:**
The proposed shed is permissible under LEP 2014 for the following reasons:
1. The property has building entitlement and there is an existing dwelling located on the property.
2. The property is located within an established residential area.
3. The proposed shed has been determined to have a Neutral or Beneficial effect on Water Quality.
4. The property is identified as Groundwater vulnerable on the Environmentally Sensitive Areas – Water Overlay Map. The impact of the development on groundwater will be minimal for the following reasons:
   - The levels of cut and fill for the construction will be minimal.
   - The construction is not being undertaken in known acid sulphate soils.
   - Sedimentation controls will be implemented.
   - The development is for a domestic shed/garage only.
   - The development has been sited on an existing cleared level area and no vegetation other than grass will be removed as part of this development.

**State Environmental Planning Policy (Infrastructure) 2007**
There are no legal implications of this act on the proposed development.

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

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<th>Clause</th>
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<td>10 Development consent cannot be granted unless neutral or beneficial effect on water quality</td>
<td>Yes</td>
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**Comment:** The application has been assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool. The development satisfies this assessment and the development complies with the SEPP.

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

Nil.
5.3.3 Any Development Control Plan

South Bowenfels Development Control Plan (DCP)
It is considered that the proposed development meets the objectives of the DCP for the following reasons:
- The design is compatible with the surrounding sheds and dwellings.
- The materials and colours are compatible with surrounding sheds and dwellings.
- The bulk and scale is similar and compatible with surrounding sheds.
- The proposed shed will have no impact on the streetscape as its location is at the rear of the existing dwelling.

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

The Construction Certificate is still being assessed and will be required to comply with the Building Code of Australia.

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

Adjoining Landuse: The surrounding area is generally for residential pursuits with the proposal to be consistent with the surrounding land uses. The proposal will not cause any land use conflicts and the development is permissible within the zone.

Services: The property and existing dwelling has connection to Council’s reticulated water and reticulated sewer services. Additionally, there is access to electricity and telecommunication services nearby. Therefore, it is considered that the proposal will be adequately serviced.

Context and Setting: The proposed development will be located within an established residential 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.

Access: The proposal will gain access from an existing driveway off the Great Western Highway.

Heritage: There are no heritage items on the land or within the immediate vicinity.

Flora and Fauna: No proposed clearing is required and the development will have no impact on flora or fauna.

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

**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. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

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

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

**Waste:** Waste during construction will be to a licenced facility as per conditions of consent if approved. Given the development is for residential use, once an Occupation certificate has been provided a garbage service will be available for domestic use.

**Natural Hazards:** There are no known natural hazards.

**Noise and Vibration:** There are no nearby sources of noise or vibration that would impact detrimentally on residents of the proposed dwelling. The proposal is not expected to cause any noise issues to the surrounding area, given it is use as a domestic shed.

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

5.3.7 The Suitability of the site for the development

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

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

The proposal was sent to surrounding landowners for a period of 14 days. No submissions were received by Council.

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

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA053/16 is approved subject to conditions set out in Schedule A.

Report prepared by: Rebecca Nichols          Supervisor: Andrew Muir

Signed:...........................................          Signed:...........................................

Dated: 31 March 2016          Dated:............................................

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.
Schedule A

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

**General Requirements**

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

2. Approval is for a domestic shed/garage only and the structure shall not be used, fitted or occupied for industrial, commercial or residential purposes under any circumstances.

3. The structure is to be located wholly within the confines of the property boundary and in accordance with approved site plan.

4. That the development comply with the South Bowenfels Development Control Plan – Residential Development.

5. That minimal disturbance is caused to the site during construction works 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 that do not comply with the exempt requirements outlined in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, and over 600mm in height require Development Consent.)*

6. Any 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.

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

**Requirements Prior to Commencement of Work**

**Construction certificate – Building**

8. A construction certificate is required prior to commencement of any site or building works. Note: Council as your Principal Certifying Authority has issued this certificate concurrently with the development consent. Therefore this requirement is fulfilled.

**Notification of commencement of Building Work**

9. Prior to commencing any construction works, 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 date any information or declaration previously given under either of those paragraphs.

Sediment 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.

Signage
12. 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.

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

Requirements during Construction

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

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

Stormwater
15. 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 and should not create a nuisance to adjoining properties.

16. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

17. 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.

18. Prior to any building works commencing a suitable Waste Container with a lid for the deposit of all building rubbish and litter must be provided and emptied as soon as full. Building rubbish and litter must be contained on the building site.

**Prior to the issue of an Occupation Certificate**

19. 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.

**Advisory Notes**

**Compliance with Building Code of Australia**

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

**Building Inspection schedule**

2. 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 and reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like).
   b) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
   c) Framing prior to internal linings and 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**

**Construction, Plumbing and Drainage**
3. The shed is to be designed and constructed in accordance with the structural and manufacturers details designed by the Approved Practising Structural Engineer for the site specific ground snow load and wind load.

4. That glazing comply with the provisions of Part 3.6, Building Code of Australia, Housing Provisions. The serviceability design wind pressure and the ultimate strength test pressure of the glazing must be suitable for the wind load. Certification is to be provided to Council at frame stage.

5. That the structure is securely bolted at its supports and fixed rigidly at its base.

6. 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.

7. That existing plumbing and drainage fixtures affected by the building works are modified or relocated in accordance with the requirements of the Council. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

Prior to Occupation
8. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority (PCA). In this regard an application must be lodged with the PCA in conjunction with any request to carry out a final inspection.

Reference to the Building Code of Australia
9. 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.
ATTACHMENT 1 –ENVIRO – 18/04/16 – DA053/16

Proposed shed/garage at 890 Great Western Highway Bowenfels

SITE PLAN
View to the west and front of dwelling (garage located at the rear of the dwelling)

View to the west and proposed location of shed (please note that rear colourbond fence is an internal fence and the property extends approximately another 30 metres to the rear
View to the south west

View to the south

Mapping
The property is not bushfire prone
Elevation is 950m

Property is mapped as groundwater vulnerable under LEP 2014
Location of proposed shed/garage