

DEVELOPMENT ASSESSMENT REPORT DA125/16 PROPOSED SUBDIVISION ONE LOT INTO TWO AT 209 MARTINS ROAD RYDAL NSW 2790

1. PROPOSAL

Council is in receipt of Development Application DA125/16 from Thompan Holdings Pty Ltd for a subdivision of 1 lot into 2 at Lot 122 DP 757036, 209 Martins Road Rydal NSW 2790.

Lot 122 DP757036 is 16.19ha with Martins Road dividing the lot into two through the middle. On the western side of the property proposed Lot 1 is a manager residence and olive grove with other scattered vegetation, with this side property sloping to the west. On the eastern side, being proposed Lot 2, is Seclusions being accommodation and function centre including cabins, shelter, toilets, residential dwelling and other associated buildings and infrastructure. The existing dwelling and some ancillary buildings are heritage listed as Highland House. It is proposed to subdivide the land into two allotments approximately 8ha each using the road as the division, as below:



2. SUMMARY

To assess DA125/16 with recommendation for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 122 DP 757036
Property Address : 209 Martins Road Rydal NSW 2790

4. ZONING: The land is zoned RU1 Primary Production in accordance with Lithgow Local Environmental Plan (LEP) 2014.

5. PERMISSIBILITY: The development of a subdivision is **NOT** permissible under Lithgow Local Environmental Plan 2014 as it does not comply with the below Clause 4.1:

4.1 Minimum subdivision lot size

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

- (a) *to minimise the cost to the community of:*
 - (i) *fragmented and isolated development of rural land, and*
 - (ii) *providing, extending and maintaining public amenities and services,*
- (b) *to ensure that the character and landscape setting of an area is protected and enhanced by any development,*
- (c) *to promote development on appropriately sized lots and to ensure access to available essential services.*
- (2) *This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.*
- (3) *The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.*
- (4) *This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.*
- (4A) *Despite any other provision of this clause, land identified as "Area 1" or "Area 2" on the Lot Size Map may not be further subdivided.*

The minimum lot size (MLS) as per the Lot Size Map of the LEP for this land is 40ha and Lot 122 is currently 16.19ha in total. The proposal is to subdivide the land into two lots of approximately 8ha each which does not meet the MLS of 40ha.

Therefore, the applicant has requested that Council consider the proposal under the following Clause 4.6:

4.6 Exceptions to development standards

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

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:*
- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - (b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Note. *When this Plan was made it did not include all of these zones.*

The proposal will allow for a degree of flexibility for this development to achieve a better outcome of development for this land. The MLS requirements in RU1 Primary Production of the LEP are standards that can be considered under this Clause.

The compliance with the development standard is unnecessary in the circumstances of this case, as it does not benefit the allotment to retain as one allotment. Lot 122 is already fragmented by the road with two distinct landuses on either side of this division being; tourist facility and heritage building on the eastern side and dwelling with agricultural use on the western side. The division of the land would not impact on the agricultural uses of the land, as it is being used to its full potential currently with olive groves and tourist development. The allotment is already undersized and does not lend itself to increased agricultural uses, regardless of it was subdivided. The proposed development would not require further infrastructure or loadings on current infrastructure as all requirements are in place for the developed land currently.

Allowing the proposed subdivision will assist in funding for works under the conservation management plan submitted for the heritage listed buildings under the LEP known as Highland House. This is positive in relation to heritage conservation initiatives.

The proposed subdivision will not set a precedent for further subdivision under the MLS as the land is currently fragmented by Martins Road and exists as a lot under the MLS currently. The views and landscape will not change as a result of the subdivision and may allow for better management and funding to each parcel of land with separate ownerships.

The applicant has adequately addressed matters required to be demonstrated by subclause (3) as discussed above. The proposal is in the public interest and it will allow for further conservation of a local heritage listed item and is consistent with the objectives of the RU1 Primary Production zoning.

The proposal is in the public interest because it will allow for further conservation of a local heritage item and is consistent with the objectives of the RU1 Primary Production zoning.

However, the proposal does not meet the requirements of 4.6(6)(b) above as the development will be a variation over 90% of the development standard being the 40ha MLS for subdivision. This requirement is a prohibition under the LEP and therefore the applicant is relying on Clause 5.10(10) to allow the prohibited development, due to the heritage listing of the land. The proposed subdivision as discussed would allow for an increase in heritage conservation for this particular land and could be supported through Clause 5.10(10) of the LEP.

The proposal being for one additional allotment under the MLS requires compliance with the Planning and Infrastructure Varying Development Standards Guidelines August 2011, which 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) That allotment has an area equal to or greater than 90 percent of the minimum area specified in the development standard.*

Therefore, the proposed development is to be referral to the Department of Planning for concurrence as it does not comply with Clause 4.1 or 4.6(6) of the LEP and requests a variation of approximately 77%, if supported by Council.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Policy 7.2 Subdivision – Release of Subdivision Plans

The development if approved will be required to comply with this policy as part of the Subdivision Certificate release process.

Policy 7.5 Notification Of Development Applications

This policy applies to all applications as below:

5. Who will be notified under this Policy and how long is the notification period?

5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the Lithgow City Council Policy 7.5 – Notification of Development Applications land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.

Therefore the proposal was notified to surrounding landowners and placed on display for a period of 14 days and therefore complies with Council's Policy.

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 subdivision with no estimated cost of development.

5.3 LEGAL IMPLICATIONS

Conveyancing Act 1919

If the application is approved a positive covenant on proposed Lot 1 will be imposed that restricts any further dwellings being erected on the allotment given the size and constraints of the site. Additionally, this will be remove additional availability for development of the lot as a result of the proposed subdivision that does not meet the current MLS requirements under the LEP. Therefore, the following condition of consent will be imposed on the development:

- That a restrictive covenant under 88B & 88E of the Conveyancing Act 1919 be imposed on Lot 1 that restricts any additional dwellings being development on the allotment prior to release of the Subdivision Certificate. This ensures that the allotment is not over developed in the future in relation to residential type accommodation. This authority authorised to vary, modify or release this restriction will be vested in Lithgow City Council.

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.

Noxious Weeds Act 1993 No 11

This Act applies when rural land is being developed, if you find weeds you know of and especially at subdivision stage you can ask regardless of if found by site inspection. This is due stop the land being divided and sold individually it should have no weeds on it. You can ask applicant for a noxious weeds confirmation as per below condition:

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

Rural Fires Act 1997

The development may be 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. Comments from the Rural Fire Service have been obtained and it is considered that the development will comply with the provisions of this Act with no specific conditions.

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

LEP 2014 – Compliance Check		
Clause		Compliance
Land Use table	RU1 Primary Production	Yes
4.1	Minimum subdivision lot size	No
4.6	Exceptions to development standards	No
5.10	Heritage conservation	Yes
7.4	Terrestrial biodiversity	Yes
7.7	Sensitive lands	Yes
7.10	Essential Services	Yes

Comment: The land is utilised by sustainable land uses of the olive grove, residential and tourist development. This allows for diversity and use of the smaller allotment without over development or over intensification. The area does not allow for further agricultural uses given its limit in size currently 16.19ha. The land as currently used is not conflicting with the surrounding agricultural landuses given its location and size of development. The visual and landscapes will not be impacted as a result of the proposed subdivision. The development will not further fragment land as the land has been fragmented by the creation of Martins Road through the middle. The land does allow for tourist development that is providing economic resource and conserving the values of the heritage listed buildings onsite as part of Seclusions. The proposed subdivision will not impact on water quality of the surrounding catchments. Therefore the proposal meets the requirements set by the objectives of the RU1 Primary Production zoning.

The proposal will allow for a degree of flexibility for this development to achieve a better outcome of development for this land. The MLS requirements in RU1 Primary Production of the LEP are standards that can be considered under this Clause 4.6.

The compliance with the development standard is unnecessary in the circumstances of this case, as it does not benefit the allotment to retain as one allotment. Lot 122 is already fragmented by the road with two distinct landuses on either side of this division being; tourist facility and heritage building on the eastern side and dwelling with agricultural use on the western side. The division of the land would not impact on the agricultural uses of the land, as it is being used to its full potential currently with olive groves and tourist development. The allotment is already undersized and does not lend itself to increased agricultural uses, regardless of it was subdivided. The proposed development would not require further infrastructure or loadings on current infrastructure as all requirements are in place for the developed land currently.

Allowing the proposed subdivision will assist in funding for works under the conservation management plan submitted for the heritage listed buildings under the LEP known as Highland House. This is positive in relation to heritage conservation initiatives.

The proposed subdivision will not set a precedent for further subdivision under the MLS as the land is currently fragmented by Martins Road and exists as a lot under the MLS currently. The views and landscape will not change as a result of the subdivision and may allow for better management and funding to each parcel of land with separate ownerships.

The applicant has adequately addressed matters required to be demonstrated by subclause (3) as discussed above. The proposal is in the public interest and it will allow for further conservation of a local heritage listed item and is consistent with the objectives of the RU1 Primary Production zoning.

The proposal is in the public interest because it will allow for further conservation of a local heritage item and is consistent with the objectives of the RU1 Primary Production zoning.

The objectives of the heritage provision in the LEP are to conserve heritage significance including the fabric, settings and views. The applicant has argued under Clause 5.10(10) that if this proposal is approved it will assist in funding works undertaken in accordance with the conservation management plan submitted for Highland House and associated buildings. This means that the heritage significance would be enhanced by the granting of consent for the subdivision. The land on the western side of Martins Road is not significant to the heritage listing and is separated from the heritage listed buildings currently. The heritage listed would change as a result of the subdivision as it would focus on the eastern side of the existing lot where the heritage significant buildings are located. As a result of the subdivision all heritage conservation work could be achieved as per the conservation management plan and would be a positive outcome for the area. The proposed subdivision is not expected to have an adverse effect on the surrounding area given the development of each proposed lot already exists.

However, the proposal does not meet the requirements of 4.6(6)(b) above as the development will be a variation over 90% of the development standard being the 40ha MLS for subdivision. This requirement is a prohibition under the LEP and therefore the applicant is relying on Clause 5.10(10) to allow the prohibited development, due to the heritage listing of the land. The proposed subdivision as discussed would allow for an increase in heritage conservation for this particular land and could be supported through Clause 5.10(10) of the LEP.

The development will not impact on terrestrial biodiversity or sensitive lands given no construction works or clearing is proposed as part of the subdivision. Each allotment will also have connections to electricity and telecommunications and access from Martins Road. The allotments also retain their own effluent management systems and onsite rainwater tanks. Therefore, each lot will have all essential services.

State Environmental Planning Policy 44 – Koala Habitat Protection

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

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

Comment: Given that no trees are to be removed as part of the development as it is the division of land, it is unnecessary to proceed further with SEPP 44 assessment.

State Environmental Planning Policy (Rural Lands) 2008

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

Comment: The proposed development will not cause further fragmentation as the land is currently separated by the existing Martins Road. The current landuses are not causing land use conflicts with the surrounding agricultural lands and meets the current objectives of RU1 Primary Production zoning under the LEP. The land is currently under the MLS and does not allow itself for further agricultural uses given the landform restrictions and size.

The land cannot be further development is relation to residential uses as these are existing and will be further restricted as a result of the proposed subdivision is approved. The existing uses of the land will not change or increase as a result of the proposal. Therefore the proposal will meet the provisions of the SEPP.

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 NA

Comment: The development is for the subdivision of land in which each lot will have development existing. These developments have been previously assessed under the SEPP and meet requirements to ensure that there is a neutral or beneficial effect on water quality. Therefore, the subdivision does not require further assessment under the SEPP and the development complies with existing provisions.

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

Nil.

5.3.3 Any Development Control Plan

Nil.

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?

Nil.

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

Adjoining Landuse: The surrounding area is generally for agricultural and residential landuses as permitted within the zoning. The current landuses will not change as a result of the proposed subdivision and currently do not conflict with adjoining landuses. The land is not expected to be further developed in relation to residential or agricultural land uses given the size and nature of the allotment and proposed conditions to restrict additional dwellings.

Services: Each proposed lot has existing water tanks for water supply and effluent management systems for wastewater onsite. 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 rural and residential type area and the existing uses will not change as a result of the proposed subdivision. The development has been designed to utilise existing features of the land with minimal impact on the surrounding areas. No views or landscape will change as a result of the proposed subdivision.

Access/ traffic: The proposal will gain access from Martins Road as per existing accesses for the managers residents and Seclusions development. The existing accesses have been assessed by Council's engineers and will be adequate subject to conditions of consent if approved.

Heritage: The land retains a local heritage item being Highland House and ancillary buildings. The objectives of the heritage provision in the LEP are to conserve heritage significance including the fabric, settings and views. The applicant has argued under Clause 5.10(10) that if this proposal is approved it will assist in funding works undertaken in accordance with the conservation management plan submitted for Highland House and associated buildings. This means that the heritage significance would be enhanced by the granting of consent for the subdivision. The land on the western side of Martins Road is not significant to the heritage listing and is separated from the heritage listed buildings currently.

The heritage listed would change as a result of the subdivision as it would focus on the eastern side of the existing lot where the heritage significant buildings are located. As a result of the subdivision all heritage conservation work could be achieved as per the conservation management plan and would be positive outcome for the area. The proposed subdivision is not expected to have an adverse effect on the surrounding area given the development of each proposed lot already exists.

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 as the developments onsite are existing.

Natural Hazards: The land is known as bushfire prone and has been assessed by the Rural Fire Service (RFS). Given the land has already implemented requirements under previous developments to minimise bushfire risks, no further requirements are imposed by the RFS for this development.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for residential and agricultural pursuits with the nature of the development to be consistent with those in the surrounding area. The size of the development does not change the existing landuses and will not further hinder agricultural development of the land given the existing restrictions.

The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding amenity. Therefore, the site is suitable for the proposed development as per discussions outlined in this report.

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

The proposal was sent to Rural Fire Service, Council's Building Officer, Environmental Officer and Engineers for commenting with recommendations detailed below. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with no submissions received.

RURAL FIRE SERVICE

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 without any specific conditions.

COUNCIL'S BUILDING OFFICER

Reference is made to the abovementioned Development Application for a subdivision. An examination of the applications relating to the above property revealed that several applications have not been finalized. The status of the applications are summarised in the table below:

Application	Status	Comments
BA114/82 - carport	NF	No inspection undertaken
DA92/98i – 6 cabins	F	Final Occupation Certificate issued however note on letter to tension all balustrade wires
BA128/98 – Inground pool at rear of dwelling	NF	Final inspection of pool has not been undertaken
DACC238/07 – Pool	F	Final certificate issued
DACC141/11 – Managers residence	NF	Final inspection of dwelling and OSSM required
DA158/12 – Barn/garage	F	Occupation Certificate to be issued
DA036/15 – shade structure & function centre	NA	Still under construction

The applicant is required to finalize DA92/98i, BA128/98 and DACC141/11. A letter will be forwarded to the applicant requesting that an inspection be organized with Council.

Planning comment: To ensure that all outstanding building requirements are met for existing development and use onsite the following condition of consent will be imposed:

- Prior to the release of the Subdivision Certificate, final Occupation Certificates or equivalent to the satisfaction of Council's Building inspectors be arranged for the following applications:
 - DA92/98i
 - BA128/98
 - DACC141/11

COUNCIL'S ENGINEERS

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

- The existing access driveway off Martins Road is to provide a minimum entry splay of 6.0 metres in width, tapering back into a minimum 4.0 metre wide internal access road. The access driveway shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface from the edge of Martins Road to the Property boundary.
- A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works.
- All road and right of carriageway construction is to be to the standard specified in Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.
- If a pipe is required a minimum 450mm diameter pipe is to be installed at the new access, with headwalls attached on each side of the piped culvert in order to drain stormwater. The pipes are to be of a reinforced concrete standard with precast headwalls, with a minimum cover of 300mm (class 4). The pipes and headwalls are to be formed in such a way as to not obstruct the flow of water through the existing table drain.

- A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Cartwright Street whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on Cartwright Street. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.
- The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.
- Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions and watercourses, and shall be regularly maintained and retained until works have been completed and groundcover established.
- The access driveway shall have a minimum 81m sight distance in both directions along intersecting public road.

ENVIRONMENTAL OFFICER

The property currently has existing effluent disposal systems that have been inspected and will ensure that approval to operate are issued for the each of these systems.

Planning comment: To ensure that all effluent disposal systems are adequately operating the following condition of consent will be imposed on the development:

- That an approval to operate as per Section 68 of the Local Government Act 1993 for each onsite wastewater management system be obtained by Council prior to the release of the Subdivision Certificate.

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 DA125/16 is approved subject to conditions set out in Schedule A.

Report prepared by:

Supervisor:

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. That the a Subdivision Certificate Application, 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.
3. Prior to the release of the Subdivision Certificate, final Occupation Certificates or equivalent to the satisfaction of Council's Building inspectors be arranged for the following applications:
 - DA92/98i
 - BA128/98
 - DACC141/11

Utilities

4. The applicant shall consult with an Authorised telecommunications, Electricity and Gas Authorities for the provision of telephone, electricity and gas to each allotment. Confirmation of connection to each allotment or a 'Notification of Arrangement' shall be lodged from each authority, with Council prior to the issue of a Subdivision Certificate.

Environmental Protection

5. Prior to the issue of the Subdivision Certificate, Council is to be provided with a report from Upper Macquarie County Council indicating:
 - Noxious plants are under adequate management; or
 - Noxious plant management has been undertaken and adequate control measures are in place; or
 - Noxious plants are not a concern for the property.
6. That a restrictive covenant under 88B & 88E if the Conveyancing Act 1919 be imposed on Lot 1 that restricts any additional dwellings being development on the allotment prior to release of the Subdivision Certificate. This ensures that the allotment is not over developed in the future in relation to residential type accommodation. This authority authorised to vary, modify or release this restriction will be vested in Lithgow City Council.

7. That an approval to operate as per Section 68 of the Local Government Act 1993 for each onsite wastewater management system be obtained by Council prior to the release of the Subdivision Certificate.

Engineering Requirements

8. The existing access driveway off Martins Road is to provide a minimum entry splay of 6.0 metres in width, tapering back into a minimum 4.0 metre wide internal access road. The access driveway shall have a minimum of 150mm of DGB-20 road base applied and compacted providing a smooth transitional surface from the edge of Martins Road to the Property boundary.
 9. A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works.
 10. All road and right of carriageway construction is to be to the standard specified in Council's "Guidelines for Civil Engineering Design and Construction for Development". This document is available on Council's website or upon request from Council's administration desk.
 11. If a pipe is required a minimum 450mm diameter pipe is to be installed at the new access, with headwalls attached on each side of the piped culvert in order to drain stormwater. The pipes are to be of a reinforced concrete standard with precast headwalls, with a minimum cover of 300mm (class 4). The pipes and headwalls are to be formed in such a way as to not obstruct the flow of water through the existing table drain.
 12. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Cartwright Street whilst construction work is being undertaken. A traffic control plan and certification of fully qualified contractors/persons will be required to be submitted to Council prior to any work commencing on Cartwright Street. Failure to comply may result in Work Cover intervention and may also include Stop Work orders from Council until such time the developer complies with suitable traffic management procedures.
 13. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.
 14. Effective erosion and sediment controls shall be installed prior to any construction activity including dwelling site access. The controls must prevent sediment entering drainage depressions and watercourses, and shall be regularly maintained and retained until works have been completed and groundcover established.
 15. The access driveway shall have a minimum 81m sight distance in both directions along intersecting public road.
- ### ***Heritage Conservation***
16. Prior to the application for a Subdivision Certificate the applicant shall submit a timeline outlining a schedule of works to be carried out in accordance with the Conservation

Management Plan for the site. The Subdivision Certificate shall not be released until the final timeline/schedule of works is agreed to by Council. The final timeline/schedule of works is then to be carried out in accordance with the agreed timeline.