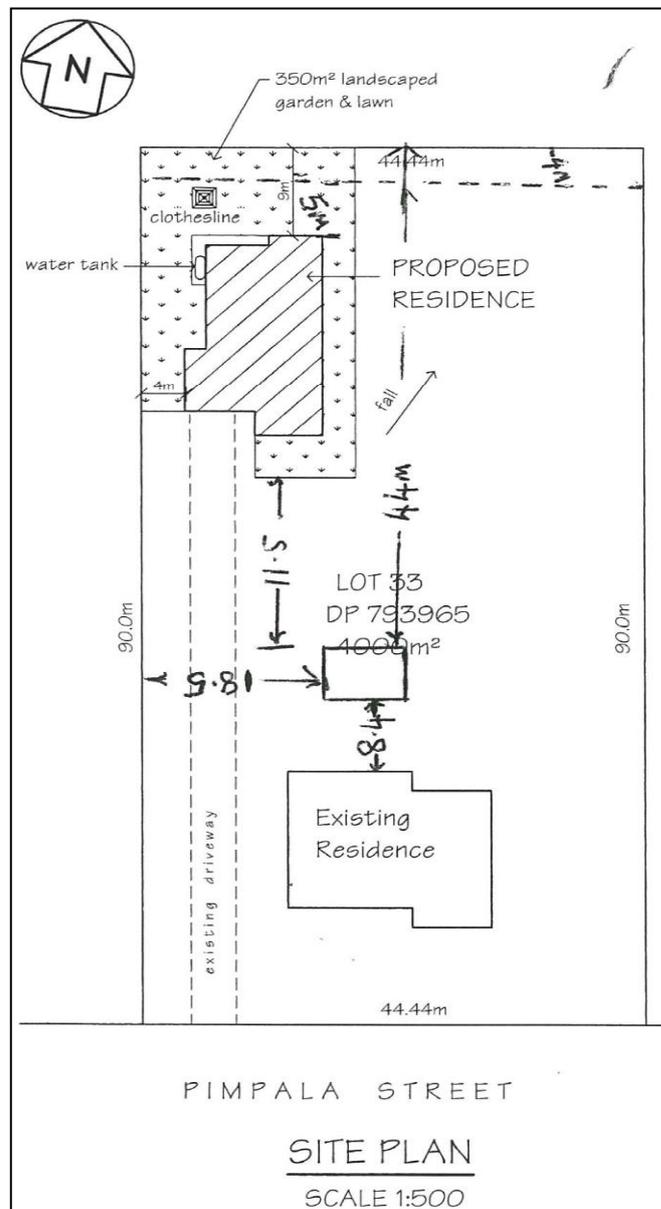


# DEVELOPMENT ASSESSMENT REPORT - DA238/16 - PROPOSED DETACHED DUAL OCCUPANCY, LOT 33 DP 793965, 25 PIMPALA STREET MARRANGAROO NSW 2790

## 1. PROPOSAL

Council is in receipt of a Development Application DA238/16 for a dual occupancy on land known as Lot 33 DP 793965, 25 Pimpala Street Marrangaroo NSW 2790.

The land currently retains a dwelling and shed on the 4000m<sup>2</sup> allotment. The land is relatively flat with maintained grass, some landscaping and driveway from Pimpala Street. The dual occupancy dwelling is proposed to include 2 bedrooms, bathroom, study, laundry, kitchen/dining/living, alfresco area and a 2 bay garage at a total of 207.8m<sup>2</sup>. Below is a site plan of the proposed dwelling which is proposed to be on bearers and joists with timber framing, face brickwork and colourbond roofing.



## 2. SUMMARY

To assess and recommend determination of DA238/16. The recommendation will be for approval subject to conditions.

## 3. LOCATION OF THE PROPOSAL

Legal Description : Lot 33 DP 793965  
Property Address : 25 Pimpala Street Marrangaroo NSW 2790



**4. ZONING:** The land is zoned R2 Low Density Residential in accordance with the Lithgow Local Environmental Plan 2014.

**5. PERMISSIBILITY:** The development being a dual occupancy (defined below) is permissible under the Lithgow Local Environmental Plan 2014 zone R2 Low density residential, subject to development consent.

**dual occupancy** means a dual occupancy (attached) or a dual occupancy (detached).

**Note.** Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

**dual occupancy (detached)** means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

**Note.** Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

Clause 4.1A below is also applicable to the proposal:

### **4.1A Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings**

(1) The objective of this clause is to achieve planned residential density in certain zones.

(2) Development consent may be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
Dual occupancy (detached)	Zone R2 Low Density Residential	1,000 square metres

The development is permissible under Clause 4.1A of the LEP2014 as the land is 4000m<sup>2</sup>.

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

### **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.*

The proposal was notified to surrounding landowners and placed on display for a period of 14 days in compliance with Council's Policy with no submissions received.

A second notification was undertaken for a 21 day period to landowners within the Marrangaroo Estate in relation to issues as discussed further in 5.3 for a variation to a covenant. No submissions were received as part of this notification process.

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

### **Section 94A Development Contributions Plan 2015**

The Section 94A plan applies to this development given it is for a dual occupancy at an estimated cost of \$257,300.00, using the below levies:

<b>Estimated cost of development</b>	<b>Levy applicable</b>
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%
\$200,001 and over	1%

Therefore, the following condition of consent should apply to the development is approved:

- Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$2,573.00, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.

## **5.3 LEGAL IMPLICATIONS**

## **Conveyancing Act 1919**

The land is subject to a number of covenants and easements restricting development of the land. These include an easement to drain sewer at the rear of the property being 4.5m wide and covenants imposed by Lithgow City Council as the subdivider of the land in 1990.

The development will be clear of the sewer easement and complies with all covenants imposed by Lithgow Council as the Developer except for the following:

8. (a) *That no more than one (1) main building shall be erected on the land hereby burdened.*

Council has the power to vary or modify the above covenant if requested for any land burdened.

It has been requested by the applicant that for this proposal Council considers the variation to the covenant to allow the dual occupancy on Lot 33 DP793965 which is otherwise permissible under LEP2014. The following Clause of the LEP2014 is relevant to the development:

### **1.9A Suspension of covenants, agreements and instruments**

- (1) *For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*
- (2) *This clause does not apply:*
- (a) *to a covenant imposed by the Council or that the Council requires to be imposed, or*
  - (b) *to any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or*
  - (c) *to any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or*
  - (d) *to any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or*
  - (e) *to any property vegetation plan within the meaning of the Native Vegetation Act 2003, or*
  - (f) *to any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or*
  - (g) *to any planning agreement within the meaning of Division 6 of Part 4 of the Act.*
- (3) *This clause does not affect the rights or interests of any public authority under any registered instrument.*
- (4) *Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).*

When assessing a Development Application, private covenants imposed on lots by a developer are not considered due to Clause 1.9A(1) above. However, in this instance, Council was the developer that imposed the covenant on the land as part of the subdivision in 1990 and therefore Clause 1.9A(2)(a) is applicable.

The decision to vary the covenant relates to Council's original role as a developer of the subdivision and not that of a regulatory authority. This variation is to be considered as a separate matter to the environmental assessment of this application under the *Environmental Planning & Assessment Act 1979*.

## **Water Management Act 2000**

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 Section 64 Contributions under Local Government Act 1993 for water and sewer will be required to be paid prior to the release of the Final Occupation Certificate.

Following condition would be included in the condition of consent:

- An application shall be submitted to Council for the supply of a Certificate of Compliance under Section 305 of the Water Management Act. A Final Occupation Certificate shall not be issued until such time as the contributions applicable to release the Certificate of Compliance are paid in full to Council. These contributions may be found in the current Lithgow Council Fees and Chargers or another applicable current document adopted by Council in relation to contributions under Section 64 of the *Local Government Act 1993*.

### **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 must be lodged and approved prior to commencement of any work on site and shall be at full cost to the applicant.

The Section 68 application requires the submission of all detailed engineering drawings/design, specifications and any applicably supporting information for the proposed works. All conditions of the Section 68 Approval must be complied with prior to the release of the Occupation Certificate.

### **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.

### **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
<b>1.9A</b>	Suspension of covenants, agreements and instruments	Yes
<b>Land Use table</b>	R2 Low Density Residential	Yes
<b>4.1A</b>	Minimum lot sizes for dual occupancies, multi dwelling housing and residential flat buildings	Yes
<b>7.1</b>	Earthworks	Yes
<b>7.3</b>	Stormwater management	Yes

<b>7.5</b>	Groundwater vulnerability	Yes
<b>7.10</b>	Essential Services	Yes

**Comment:** The proposed development requires a variation to a Council imposed covenant which restricts the use of the land to one main building. Council will be considering a variation to this covenant in consultation with the community given the development is otherwise permissible under the LEP as below.

The development is providing for housing needs of the community and will not impact on the receiving water catchments subject to conditions of consent. The allotment meets the minimum lot size requirement of 1000m<sup>2</sup> for dual occupancy development in zone R2 Low Density Residential.

There will be minimal earthworks proposed for the development given the lay of the land and proposed construction methods. All works will be controlled by erosion and sedimentation mitigation measures onsite.

The development will have adequate drainage with conditions of consent for dispersing of stormwater onsite and into existing drainage areas. The development is not expected to have an impact to groundwater systems given the minimal earthworks required and connections to existing Council reticulated sewer.

The proposed development will be connected to water, sewer, electricity and telecommunications with adequate access from Pimpala Street subject to conditions of consent. The development will have all essential services required.

***State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004***

SEPP (Building Sustainability Index: BASIX) 2004		
	Clause	Compliance
<b>6</b>	Buildings to which Policy applies	Yes

**Comment:** The developer supplied a BASIX Certificate No. 751146S and therefore complies with the requirements of the SEPP in relation to energy and water and thermal comfort.

***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
<b>11</b>	Development that needs concurrence of the Chief Executive	NA

**Comment:** The application is required to be assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool as below. Given the development satisfies this assessment the development complies with the SEPP.

NEUTRAL OR BENEFICIAL EFFECT ON WATER QUALITY ASSESSMENT TOOL

**General Information:**

Council Name	Lithgow City
Date	21/9/2016
DA Number	DA238/16
Assessing Officer	Jessica Ramsden
Development Class	New Dwelling/ Dual Occ sewerred

**Assessment Summary:**

NorBE Status:	<b>Determined</b>	User Outcome:	<b>Satisfied</b>
System Outcome:	<b>Satisfied</b>	Determination date:	<b>21/9/2016</b>
Determination outcome:	<b>Granted</b>		

**Pre- Assessment Checklist:**

Located within Sydney drinking water Catchment	Yes
Is development consistent with any existing SCA 88B Instruments on title?	N/A
Crown perpetual leasehold land?	No
Water quality impact identifies?	Yes
Concentration of flow of water?	Yes
Flow of water impeded?	Yes
Discharge of pollutants?	No
Any other matter?	No
Documentation is completed?	Yes
Does Water Cycle management Study meet SCA/Council requirements?	Yes

**Module 1**

**Development Risk**

Impervious Area(m <sup>2</sup> )	250
Construction Area (m <sup>2</sup> )	350

**Area to be disturbed**

Development site slope >20%	No
Development Site Flood	No
Other Site constraints	No

**Required NorBE condition of consent**

- The applicant is to submit, to the satisfaction of Council, an Erosion and Sediment Control plan in accordance with Chapter 2 of the NSW Landcoms Soils and Construction: Managing Urban Stormwater (2004) manual- the "Blue Book", outlining the controls that will be used to prevent sediment entering dams, drainage depressions and watercourses and/or street stormwater drainage systems.

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

**Marrangaroo DCP**

Marrangaroo DCP – Compliance Check	
Clause	Compliance
<b>2.0</b> Aims & Objectives	Yes
<b>3.0</b> Permitted land uses	NA

<b>4.0</b>	Preferred land uses	NA
<b>5.0</b>	Restrictions and development standards	No – see discussion below
<b>6.0</b>	Building design and general guidelines	Yes
<b>9.0</b>	Contribution to services and facilities (under the provisions of Section 94 of the Environmental Planning and Assessment Act)	Yes

**Comment:** The development will meet the aims and objectives of the plan which includes maintaining a rural atmosphere, complementary buildings and minimal impacts to adjoining amenity. The permitted land uses as detailed within Clause 3 and 4 of the DCP are no longer applicable as they refer to a previous planning instrument. The current planning instrument is LEP2014 in which a dual occupancy is permissible with consent and overrules the requirements of the DCP.

The proposal complies with Clause 5 restrictions and development standards except for the side setback requirement of 5m. The proposal has a setback of 4m from the eastern boundary, which is a variation of 20%. The reduced setback will not impact the adjoining land and allows room for landscaping and lawn between the boundaries. This variation is minor and is acceptable for the proposed development. The proposal for an additional single story dwelling constructed of brick at the rear of the property meets the requirements of building design and guidelines of the DCP. The development will not impact on visual privacy and maintains access to sunlight for all properties. The driveway can be landscaped to minimise impacts on adjoining neighbours.

Contributions will be sought for the development as per Section 94A Development Contribution Plan 2015 and complies with Clause 9 of the DCP. Changes to the Environmental Planning and Assessment Act in 2014 make it clear that DCP's are essentially guidance documents and that higher order plans (eg LEP's) carry more weight.

The development will generally comply with requirements of the DCP and as where amended by the LEP2014 as it outweighs requirements of the DCP.

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 development has been forwarded to Council's Building Officer for assessment under appropriate regulations. It is considered that as a result of this assessment the development will comply with the provisions of the Regulations subject to conditions of consent.

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 rear of the property shares a boundary with the established Lithgow Golf Course.

The proposal, although being an increased use of the land, will be appropriate given the larger lot size of 4000m<sup>2</sup>. There is not expected to be a land use conflict given the development is for increase in residential use on a large allotment.

**Services:** The development will have connections 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 new dwelling is proposed at the rear of the property separate to the existing dwelling. The proposal will access from Pimpala Street through an existing gate access to the land. The development has been designed to complement existing features of similar development in the area and will be constructed of brick materials to match surrounding buildings. The development has been situated on the allotment to allow for setbacks that minimise impact on the adjoining lands and allows for future landscaping areas if required.

**Access:** The proposal will gain access from Pimpala Street and has been assessed by Council's engineers. It is considered that subject to conditions of consent that the access will be adequate for the development and would not be an over development of the site given the access is used intermittently by the owners currently.

**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. The construction of the development will provide for short term employment in the area with the proposal providing additional housing types within the area.

**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 with minimal earthworks required.

**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.

**Noise and Vibration:** The proposal being for a residential development will have a similar noise output to the adjoining land uses. The proposal is within an area that may be affected by the Lithgow District go-kart Club track (400m away) off Oakey Forest Road, however this impact is intermittent in daylight hours and not considered to be intrusive noise impact. Further, blasting from the Marrangaroo Quarry is a source of noise and vibration, however is controlled by an Environmental protection Licence through the EPA and should not impact on adjoining residents.

### 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 Council's Building Officer, Water & Wastewater 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 and separately notified to landowners of Marrangaroo Estate for a period of 21 days for the variation to the covenant. No submissions were received as part of either notifications to landowners.

### **COUNCIL'S BUILDING OFFICER**

Reference is made to the abovementioned Development Application, site inspection carried out on 26 September 2016, completion of site assessment checklist, assessment of plans and details provided and additional information requested.

No objections are raised to the development subject to the following conditions of approval:

### **GENERAL REQUIREMENTS**

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.

4. No portion of the structure shall encroach onto the sewer easement. The applicant/owner is responsible for identifying the location of the main prior to work commencing.
5. The dwelling is to be located wholly within the confines of the property boundaries in accordance with the approved site plan.

***Access entry and internal driveway***

6. The concrete access and driveway (including the gradient) is to be constructed in accordance with Lithgow City Council's "Specification for the construction of Driveways, Footpath/Gutter Crossings and Footpaving".

***Water, Sewer, stormwater and surface water***

7. The applicant shall install a water meter and provide Council with the relevant serial number of the water meter upon installation by the applicant's licensed plumber.
8. The development shall be connected to the existing water meter and sewer junction/riser.
9. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.
10. Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.
11. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of Council. Care is to be taken to ensure that no nuisance is created to adjoining properties.
12. That the rainwater drains are connected to the water storage tank.  
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 onsite wastewater disposal area and building and should not create a nuisance to adjoining properties
13. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council prior to the issue of the Occupation Certificate. Any excavated and filled areas are graded and drained and all constructed batters are to be top soiled, and turfed. Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stone flagging 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.**
14. Fill material used must be virgin excavated natural material within the meaning of the Protection of Environmental Operations Act 1997 (PEEO) or any other waste- derived material the subject of a resource recovery exemption under

cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.

Note: Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

15. 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.

## **REQUIREMENTS PRIOR TO COMMENCEMENT OF WORK**

### ***Construction certificate – Building***

16. 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***

17. 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.
18. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
  - a. In the case of work to be done by a Licensee under the Act:
    - i) has been informed in writing of the licensee's name and contractor Licensee Number, and
    - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of the Act, or
  - b. In the case of work to be done by any other person:
    - i) has been informed in writing of persons name and Owner-Builder Permit Number, or
    - ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of dated any information or declaration previously given under either of those paragraphs.
19. 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.

- 20. 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.
- 21. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
- 22. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.
- 23. Prior to any building works commencing a suitable Waste Container for the deposit of all building rubbish and litter must be provided and emptied as soon as full. Building rubbish and litter must be contained on the building site.

## **REQUIREMENTS DURING CONSTRUCTION**

### ***Survey Report***

- 24. That the dwelling is set out by a Registered Surveyor and the dwelling (including eaves) is to be located clear of the easement. The set out survey and survey of completed dwelling showing compliance of the setback of the walls and eaves from the allotment boundaries complying with Part 3.7 Building Code of Australia, Volume 2 and dwelling clear of easements, are to be submitted to the Principal certifying authority prior to the footing/slab inspection and final inspection respectively.
- 25. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number 751146S as obtained on 10 August 2016 from the Department of Infrastructure, Planning and Natural Resources.

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

26. 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          |
27. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – “Soils and Construction” (2004) (Bluebook).
28. 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.

**PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

29. 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**

***Building Inspection schedule***

1. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
  - a) Pier holes/pad footings before filling with concrete.
  - b) Internal drainage carried out by licensed plumber prior to covering
  - c) Reinforcing steel in position and before concrete is poured (slab, footings, lintels, beams, columns, floors, walls and the like).
  - d) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
  - e) Framing when external wall and roof cladding is in place and prior to

- internal linings.
- f) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- g) Wet area flashing prior to tiling or covering.
- h) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- i) 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.**

### **Requirements during Construction**

2. Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.  
Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer. Alternatively, all footings/piers are to be taken through filled ground to foundation material of uniform adequate bearing pressure in accordance with Structural Engineers requirements.

3. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:
  - (i) the method of protection and
  - (ii) the date of installation of the system and
  - (iii) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

**Note: Certification is to be provided for the installed termite management systems including areas where suspended slabs/ramp adjoin the dwelling.**

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

Details shall include:

- (i) job address and builder's name;
- (ii) **design wind velocity and ground snow load**
- (iii) terrain category;
- (iv) truss spacing;
- (v) roof pitch;
- (vi) material of roof;
- (vii) roof batten/purlin spacing;
- (viii) material of ceiling;
- (ix) job number

This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with the requirements of the Practising Structural Engineer.

5. The property is located in an area subject to snow falls and manufactured frames and trusses are to be designed to withstand the site specific ground snow loading (approximate elevation 962m). Manufacturer's frame and truss details are to be provided prior to the frame inspection being undertaken by Council. Details are to include bracing and tie details and treatment certificate for termites.
6. 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 for the site. Certification is to be provided to Council at frame stage.
7. The installation of **linked** hard wired smoke alarm/s is required to be carried out in accordance with AS3786 and the Building Code of Australia. The licensed electrical contractor is required to submit to the Principal certifying authority a certificate certifying compliance with AS 3000 and AS 3786.
8. Masonry walls, piers, associated tie downs and connections are to comply with AS3700 – 2011.
9. That a minimum clearance of 400 mm shall be provided between the underside of bearer level and the finished ground level.
10. That subfloor ventilation incorporating cross ventilation shall be provided to the sub-floor space in accordance with Part 3.4.1 Building Code of Australia, Housing Provisions.
11. Ant capping is to be provided and installed in accordance with AS 1694 and AS 3660.1.

***Stairs, landings and balustrades***

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

like; and the space between the balusters or the width of any opening in balustrades (including any openable window or panel) is not more than 125mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia is required prior to inspection.

13. Stairway treads must have a surface or nosing strip with a slip resistance classification not less than listed in Table 3.9.1.1. Certification/details are to be submitted to the Principle Certifying Authority prior to installation.

***Requirements prior to Occupation***

14. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.
15. Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.

***Reference to Building Code of Australia***

16. 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.

**COUNCIL'S WATER & WASTEWATER OFFICER**

There is no objection to the proposal given the following conditions of consent:

1. Connect to existing sanitary drainage line or Vertical shaft for independent sanitary drainage.
2. New water connections servicing dual occupancy developments shall be either:

Option 1: Linked to Council's water main by a single property service pipe, with dwellings separately metered by the installation of a private water meter within the development

or

Option 2: Serviced by an additional water connection linking each dwelling to Council's water main by an individual property service pipe. A 20mm positive displacement meter shall be used for each water service connection at owner's costs

or

Option 3: A single property service with two water meters off a tee. Using 2 water meters off a tee may help the landlord work out usage charges for tenants more accurately. This arrangement is subject to the size of the existing property service and may require upgrading at the owner's expense.

## **COUNCIL'S ENGINEERS**

The following comments in relation to the development are provided:

- 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.
- 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.
- 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.
- Works as Executed (WAE) Plans detailing all services and infrastructure are to be prepared by a registered surveyor or professional engineer, and submitted to Council. The WAE plans shall be lodged prior to the release of the linen plan. The applicant is required to submit three complete sets of hard copy plans (one A1-sized, two A3-sized) and one set of electronic plans in AUTOCAD format.
- All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.
- 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.

### **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 DA238/16 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 there is no unacceptable impact on the water quality.
- 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. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
3. Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property controlled by Council which adjoins the site including kerbs, gutters, footpaths, walkways, reserves and the like. Failure to identify existing damage will result in all damage detected after completion of the building work being repaired at the applicant's expense.
4. No portion of the structure shall encroach onto the sewer easement. The applicant/owner is responsible for identifying the location of the main prior to work commencing.
5. The dwelling is to be located wholly within the confines of the property boundaries in accordance with the approved site plan.

#### ***Access entry and internal driveway***

6. 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.
7. 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.
8. 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.
9. Works as Executed (WAE) Plans detailing all services and infrastructure are to be prepared by a registered surveyor or professional engineer, and submitted to Council. The WAE plans shall be lodged prior to the release of the linen plan. The applicant is required to submit three complete sets of hard copy plans (one A1-sized, two A3-sized) and one set of electronic plans in AUTOCAD format.
10. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

#### ***Water, Sewer, stormwater and surface water***

11. That the applicant connects to existing sanitary drainage line or Vertical shaft for independent sanitary drainage.

12. New water connections servicing the dual occupancy development shall be by using one of the following options:
- Option 1: Linked to Council's water main by a single property service pipe, with dwellings separately metered by the installation of a private water meter within the development
- or
- Option 2: Serviced by an additional water connection linking each dwelling to Council's water main by an individual property service pipe. A 20mm positive displacement meter shall be used for each water service connection at owner's costs.
- or
- Option 3: A single property service with two water meters off a tee. Using 2 water meters off a tee may help the landlord work out usage charges for tenants more accurately. This arrangement is subject to the size of the existing property service and may require upgrading at the owner's expense.
13. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.
14. Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.
15. That seepage and surface waters are collected and diverted clear of the dwelling site by a drainage system to the satisfaction of Council. Care is to be taken to ensure that no nuisance is created to adjoining properties.
16. That the rainwater drains are connected to the water storage tank.  
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 onsite wastewater disposal area and building and should not create a nuisance to adjoining properties
17. That minimal disturbance is caused to the site during construction works and any disturbed areas are to be generally made good and revegetated to the satisfaction of Council prior to the issue of the Occupation Certificate. Any excavated and filled areas are graded and drained and all constructed batters are to be top soiled, and turfed. Batters exceeding a ratio of 3 horizontal to 1 vertical must be retained with retaining walls, stone flagging 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.**
18. Fill material used must be virgin excavated natural material within the meaning of the Protection of Environmental Operations Act 1997 (PEEO) or any other waste- derived material the subject of a resource recovery exemption under cl.51A of the Protection of the Environment Operations (Waste) Regulation 2005 that is permitted to be used as fill material.  
Note: Any waste-derived material the subject of resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifying Authority.

19. 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.

## **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

### ***Section 94***

20. Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$2573.00, in accordance with the Lithgow City Council Section 94A Development Contribution Plan 2015. It is advised that the level of contribution in this plan may be adjusted at the time of actual payment, in accordance with the provisions of the Lithgow City Council Section 94A Development Contribution Plan 2015.

## **PRIOR COMMENCEMENT OF WORKS**

### ***Construction certificate – Building***

21. 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***

22. 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.
23. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:
- a. In the case of work to be done by a Licensee under the Act:
    - i) has been informed in writing of the licensee's name and contractor Licensee Number, and
    - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of the Act, or
  - b. In the case of work to be done by any other person:
    - i) has been informed in writing of persons name and Owner-Builder Permit Number, or
    - ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of dated any information or declaration previously given under either of those paragraphs.
24. 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.

25. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
- 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.
  - Stating that unauthorised entry to the work site is prohibited and
  - 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.
26. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
27. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.
28. Prior to any building works commencing a suitable Waste Container for the deposit of all building rubbish and litter must be provided and emptied as soon as full. Building rubbish and litter must be contained on the building site.

### ***Environmental Protection***

29. The applicant is to submit, to the satisfaction of Council, an Erosion and Sediment Control plan in accordance with Chapter 2 of the NSW Landcoms Soils and Construction: Managing Urban Stormwater (2004) manual- the "Blue Book", outlining the controls that will be used to prevent sediment entering dams, drainage depressions and watercourses and/or street stormwater drainage systems.

### **DURING CONSTRUCTION**

30. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number 751146S as obtained on 10 August 2016 from the Department of Infrastructure, Planning and Natural Resources. **Appropriate certification is to be submitted to Council prior to issue of the occupation certificate indicating that all BASIX requirements have been undertaken.**
31. 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          |
32. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – "Soils and Construction" (2004) (Bluebook).
33. 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.

### ***Survey Report***

34. That the dwelling is set out by a Registered Surveyor and the dwelling (including eaves) is to be located clear of the easement. The set out survey and survey of completed dwelling showing compliance of the setback of the walls and eaves from the allotment boundaries complying with Part 3.7 Building Code of Australia, Volume 2 and dwelling clear of easements, are to be submitted to the Principal certifying authority prior to the footing/slab inspection and final inspection respectively.

## **PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

### ***Landscaping***

35. That landscaping plan indicating a vegetation to soften the driveway from the eastern side, be provided to Council for approval and implementation prior to the release of an Occupation Certificate.

### ***Conditions of consent***

36. 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.

### ***Section 64 Contributions***

37. An application shall be submitted to Council for the supply of a Certificate of Compliance under Section 305 of the Water Management Act. A Final Occupation Certificate shall not be issued until such time as the contributions applicable to release the Certificate of Compliance are paid in full to Council. These contributions may be found in the current Lithgow Council Fees and Chargers or another applicable current document adopted by Council in relation to contributions under Section 64 of the *Local Government Act 1993*.

## ADVISORY NOTES

### ***Building Inspection schedule***

- AN1. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a) Pier holes/pad footings before filling with concrete.
  - b) Internal drainage carried out by licensed plumber prior to covering
  - c) Reinforcing steel in position and before concrete is poured (slab, footings, lintels, beams, columns, floors, walls and the like).
  - d) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
  - e) Framing when external wall and roof cladding is in place and prior to internal linings.
  - f) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
  - g) Wet area flashing prior to tiling or covering.
  - h) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
  - i) 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.**

### ***Requirements during Construction***

- AN2. Any filling carried out in accordance with this consent shall maintain a minimum requirement of 98% standard compaction.
- Any lot filling operations carried out in accordance with this consent shall be tested to establish the field dry density every 300mm rise in vertical height. Test sites shall be located randomly across the fill site with 1 test per 500m<sup>2</sup> (minimum 1 test per 300mm layer) certified by a qualified geotechnical engineer. Alternatively, all footings/piers are to be taken through filled ground to foundation material of uniform adequate bearing pressure in accordance with Structural Engineers requirements.

- AN3. That the building is to be protected from the attack of subterranean termites by employing construction methods conforming with Australian Standard 3660.1. A durable notice must be permanently fixed to the building in a prominent location (such as the meter box) indicating:
- (i) the method of protection and
  - (ii) the date of installation of the system and
  - (iii) the installer's or manufacturers recommendations for the scope and frequency of future inspections for termite activity.

**Note: Certification is to be provided for the installed termite management systems including areas where suspended slabs/ramp adjoin the dwelling.**

- AN4. That truss validation details supplied by the truss manufacturer shall be provided to Council or the accredited certifier at or prior to the time of frame inspection (**alternatively, full design details are to be submitted prior to commencement of construction**).
- Details shall include:

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

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

This includes design wind speed of the site incorporating tie-down details and bracing details in accordance with the requirements of the Practising Structural Engineer.

- AN5. The property is located in an area subject to snow falls and manufactured frames and trusses are to be designed to withstand the site specific ground snow loading (approximate elevation 962m). Manufacturer's frame and truss details are to be provided prior to the frame inspection being undertaken by Council. Details are to include bracing and tie details and treatment certificate for termites.
- AN6. 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 for the site. Certification is to be provided to Council at frame stage.
- AN7. The installation of **linked** hard wired smoke alarm/s is required to be carried out in accordance with AS3786 and the Building Code of Australia. The licensed electrical contractor is required to submit to the Principal certifying authority a certificate certifying compliance with AS 3000 and AS 3786.
- AN8. Masonry walls, piers, associated tie downs and connections are to comply with AS3700 – 2011.
- AN9. That a minimum clearance of 400 mm shall be provided between the underside of bearer level and the finished ground level.
- AN10. That subfloor ventilation incorporating cross ventilation shall be provided to the sub-floor space in accordance with Part 3.4.1 Building Code of Australia, Housing Provisions.
- AN11. Ant capping is to be provided and installed in accordance with AS 1694 and AS 3660.1.

### ***Stairs, landings and balustrades***

- AN12. That stairways and balustrades comply with the following requirements:
- That the stairway and construction (including flight, landings, goings, risers and the like) shall comply with the requirements of Part 3.9.1 of the Building Code of Australia, Housing Provisions.
  - That the balustrades to balconies, more than one metre above the ground, are to comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions. The space between balusters or the width of any opening in the balustrade or the width of any opening in the balustrade is not more than 125 mm except where the space between rails or the height of the opening is not more than 125 mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia is required prior to inspection.
  - That the height of balustrades to stairways, must comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions following. The balustrade has a height of not less than 865 mm above the nosing of the stair treads and the floor of the landing, access bridge or the like; and the space between the balusters or the width of any opening in balustrades (including any openable window or panel) is not more than 125mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia is required prior to inspection.

AN13. Stairway treads must have a surface or nosing strip with a slip resistance classification not less than listed in Table 3.9.1.1. Certification/details are to be submitted to the Principle Certifying Authority prior to installation.

***Requirements prior to Occupation***

AN14. Prior to the use/occupation of the structure an Occupation Certificate must be issued by the Principal Certifying Authority.

AN15. Prior to issuing the Certificate of Compliance for all sanitary plumbing and drainage, the plumbing and drainage works are to be inspected and approved by Council as the delegated regulatory authority for plumbing and drainage work within the Lithgow City Council area.

***Reference to Building Code of Australia***

AN16. 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.