

# **DEVELOPMENT ASSESSMENT REPORT – DA326/16 - PROPOSED SINGLE DWELLING, LOT 4 SECTION 5 DP416, 1 HUTCHINSON STREET LITHGOW NSW 2790**

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## **1. PROPOSAL**

Council is in receipt of a Development Application DA326/16 for a single dwelling on land known as Lot 4 Section 5 DP416, 1 Hutchinson Street, Lithgow.

The development is for the construction of a single storey dwelling on a property that retains an area of 499.6m<sup>2</sup> and that is currently vacant of building structures. The floor area of the dwelling is approximately 104.83m<sup>2</sup> and to be rectangular in shape.

The dwelling is proposed to have a setback of 4.697m from the rear, 0.9m from the southern boundary, 6.21m from the northern boundary and 14.9m from the front boundary, that being Hutchinson Street to the dwelling. The carport is located in front of the dwelling.

Access to the property is via Hutchinson Street. Due to the steepness of the site the driveway has purposely been designed to comply with Council's allowable grades from Hutchinson Street to the Garage. A retaining wall is proposed either side of the driveway.

The development is proposed to contain 3 bedrooms and be constructed of brick veneer with a metal roof.

The property is shown in the picture below:



## **2. SUMMARY**

To assess and recommend determination of DA326/16. The recommendation is for APPROVAL.

## **3. LOCATION OF THE PROPOSAL**

Legal Description: Lot 4 Sec 5 DP 416  
Property Address: 1 HUTCHINSON STREET LITHGOW NSW 2790

**4. ZONING:** The land is zoned R1 General Residential in accordance with Lithgow Local Environmental Plan 2014.

**5. PERMISSIBILITY:** The development being a 'dwelling house' (defined below) is considered permissible under Lithgow Local Environmental Plan 2014 R1 Zoning Table, subject to development consent.

*dwelling house means a building containing only one dwelling.*

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

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

### **Policy 7.1 Filling and Levelling of Land**

This Policy states:

*Unless otherwise provided by an Environmental Planning Instrument or Development Control Plan, a development application be required in the following circumstances:*

- 1. Where land is subject to inundation by floodwaters, or*
- 2. Where excavation or the depth of fill exceeds 900mm.*

*Separate development applications are not required where the cut and/or fill is identified in a development application for a structure on the land.*

A development Application was submitted to Council for the proposed earthworks due to the topography of the land and as it exceeds 900mm.

### **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.*

As the application is for a single dwelling it is exempt from Council's Policy however due to site constraints and design issues, the application was referred to adjoining neighbours and placed on display for a period of 14 days. The development complies with Council's Policy.

### **Policy 7.7 Calling in of Applications by Councillors**

This application has been called in pursuant to Policy 7.7 "Calling in of Applications by Councillors" Item 3 that states:

*3. Should written notice, signed by a minimum of one (1) Councillor, be received by the General Manager prior to determination of a development application or development application/construction certificate, the application shall not be determined under delegated authority but shall be:*

- *Reported to the next Ordinary Meeting for the information of Council that the development application or development application/construction certificate has been "called in"; and*
- *Reported to an Ordinary Meeting of Council for determination.*

The development 'call in' was reported at Council's Ordinary meeting held on 27 February 2017 (Minute Number 17-51). The 'call in' report was noted at the meeting.

An onsite meeting was held 12 April 2017 with the applicant, 1 adjoining neighbour, Councillors and Council staff. Concerns were raised by the adjoining neighbour relating to traffic, offstreet carparking and road impacts. These issues are addressed later in this report.

## **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 dwelling at an estimated cost of \$199,000, 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:

- *Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$995.00, 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**

### **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.

### **Mine Subsidence Compensation Act 1961**

The development is integrated under this Act (via Section 91 of the EP & A Act 1979). Accordingly the approval of the Mine Subsidence Board is required prior to Council being in a position to determine the application. Approval from the Mine Subsidence Board has been obtained and is discussed later in this report and therefore it is considered that the proposal will comply with the provisions of this Act.

## 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>Land Use table</b>	R1 General Residential	Yes
<b>7.1</b>	Earthworks	No
<b>7.3</b>	Stormwater management	Yes
<b>7.7</b>	Sensitive lands	No

**Comment:** The development complies with the objectives of the zone. The objectives are:

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

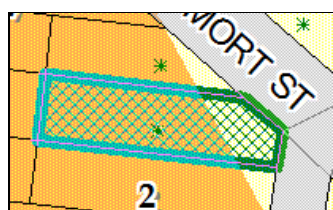
- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain or improve the water quality of receiving water catchments.*

The development is for the construction of a single dwelling on a vacant residential allotment. Services and facilities exist in the area as the surrounding land uses are for residential purposes. Water quality is not expected to be impacted upon by the development as a Norbe Assessment (see below) was undertaken and shows that the development would have a neutral or beneficial effect on water quality.

A stormwater tank is proposed to be located at the rear of the property and will be constructed in accordance with BASIX. This is considered suitable for the development.

An extensive amount of cut is required for the driveway from Hutchinson Street to the dwelling. For a safe driveway and to limit soil and erosion impacts, conditions will be imposed on the consent.

The property is identified as being sensitive land. The land has a steep slope. Although the land is subject to high erosion potential, conditions would be imposed on the consent including a new front retaining wall to minimise impacts to the environment. The sensitive land map is shown below:



The development therefore complies with Council's LEP 2014.

**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:** A Basix Certificate was submitted with the application and indicated that water, thermal comfort and energy is satisfactory for the development and complies with the SEPP.

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

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

**Comment:** The application is required to be assessed using 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	5 January 2017
DA Number	DA326/16
Assessing Officer	Lauren Stevens
Development Class	New Dwelling/ Dual Occupancy>sewered

**Assessment Summary:**

NorBE Status:	<b>Determined</b>	User Outcome:	<b>Satisfied</b>
System Outcome:	<b>Satisfied</b>	Determination date:	<b>5/1/17</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?	No
Concentration of flow of water?	No
Flow of water impeded?	No
Discharge of pollutants?	No
Any other matter?	Yes
Documentation is completed?	Yes
Does Water Cycle management Study meet SCA/Council requirements?	Yes

## **Conditions**

*Effective erosion and sediment controls shall be installed prior to any construction activity and shall prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain. The controls shall be regularly maintained and retained until works have been completed and groundcover established.*

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?

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

**Soils:** The proposed development has the potential to have significant impact on soils due to the extensive amount of cut proposed for the driveway. There is a potential for erosion and sedimentation impacts on the site. Conditions will be imposed on the consent to minimise these impacts.

**Access and Traffic:** The proposal will gain access from Hutchinson Street and has been assessed by Council's Engineers. In order to achieve a maximum driveway gradient of 22%, a retaining wall is proposed from the garage to the end of the driveway to Hutchinson Street.

Council's Engineering comments and conditions are found later in this report.

Hutchinson Street is shown in the picture below:



The development is for a private dwelling within an established residential area. Therefore it is considered that there would be no impact to traffic in the vicinity.

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

The dwelling is proposed to have a setback of 4.697m from the rear, 0.9m from the southern boundary, 6.21m from the northern boundary and 14.9m from the front boundary, that being Hutchinson Street to the dwelling.

The dwelling is not expected to have overshadowing, visual or privacy impacts to the adjoining properties due to it being single storey and its setback from the boundaries.

**Services:** The development will have connections to Council's reticulated water and reticulated sewer services. A Section 68 Application is to be submitted to Council showing how the dwelling will be connected to Council's services. The development was referred to Council's water and sewer officer for comment. These comments and conditions are found later in this report.

Additionally, there is access to electricity and telecommunication services nearby. Therefore, it is considered that the proposal will be adequately serviced.

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

**Heritage:** There is no known heritage item located on or adjoining the property.

**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.

**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.

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

**Natural Hazards:** The land is not bushfire or flood prone land.

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

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

#### 5.3.7 The Suitability of the site for the development

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

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

The proposal was sent to Council's Building Officer, Water & Wastewater Officer and Engineers for commenting with recommendations detailed below. The development was also referred to adjoining neighbours and placed on public display for a period of 14 days. During the notification period two submissions were received and are outlined below:

#### **NEIGHBOUR NOTIFICATION**

The main issues are summarised below:

1. Increase traffic specifically at the intersection of Hutchinson Street and Mort Street. Hutchinson Street is narrow and would not be able to handle an increase of traffic movements.
2. Traffic flow would be impacted upon due to the two proposed driveways (DA326/17 and DA327/16) being located within proximity to Mort Street. It would also be unsafe for vehicles to enter and exit Hutchinson Street.

This section of Mort Street already contains an extensive amount of traffic as it is one of the main thoroughfares between Lithgow and Hartley. A blind corner also exists near Hutchinson Street and creates visual constraints.



3. There is a footpath located along Mort Street and is regularly used by school children and other pedestrians. The location of the proposed driveways would impact the footpath and create safety concerns for pedestrians.
4. As Hutchinson Street is very narrow, there would be no room for parking on street. All vehicles would be required to be on the site and reverse onto Hutchinson Street.

**Applicant's Response:**

*Additional traffic flow to Mort Street caused by the two dwellings would be unnoticeable; especially considering the current speed limit is only 50km/h.*

*Although Hutchinson Street is narrow, there are only 4 current dwellings that utilise it regularly. The applicant was on the property on a weekday between 2pm to 5:50pm and undertook a traffic count. During this time period there was no traffic on Hutchinson Street. It is suggested that Hutchinson Street contains low traffic and that the increase in traffic movements caused by the new dwellings should not impact on the overall traffic flow.*

*Access to Mort Street is considered to be cleared to the right. Refer to the photo below:*



*There are trees and vegetation located to the left of Hutchinson Street that causes obstruction to views. This vegetation will be cleared from the property to improve the visual and safety impacts.*

**Council Officer's Response:** The development is for 1 dwelling with an additional dwelling on the adjoining allotment as per a separate DA327/16. It is not considered that 2 additional dwellings within Hutchinson Street would have an impact on traffic. There is adequate site distance at the intersection of Hutchinson Street and Mort Street.

The driveway plan has been amended since the notification period. The driveway will be directly from Hutchinson Street, approximately 2.6m from the Mort Street boundary.

The driveway would be able to accommodate additional vehicles so that they are not parked on Hutchinson Street.

## **COUNCIL'S ENGINEERS**

Council's Engineers have no objection to the application subject to the following conditions.

1. A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works.
2. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.
3. All soil erosion and sediment controls shall be in place prior to the commencement of construction works. All erosion controls must remain in place until all construction work is finalised and suitable vegetation has been established. The developer will be required to remove and dispose of the sedimentation and erosion devices at the conclusion of suitable vegetation establishment at his/her full cost.
4. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Hutchinson Street and Mort 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. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.
5. The driveway must be undertaken in accordance Lithgow City Council's "Specification for the Construction of Driveways, Footpath/Gutter Crossings and Footpaving" (Policy 10.21). A copy of Council's Policy is available on Council's website or on request from Council's Administration Building.
6. All development is 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.
7. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

**Note:** The stormwater can't be put onto Hutchinson Street. It needs to be directed into the stormwater line on Mort Street.

### ***Civil Construction***

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

## **COUNCIL'S BUILDING OFFICER**

Reference is made to the development application in regard to Council's Planner's referral dated 6 January 2017 and provide the following comments:

## **General**

The proposal provides for:

- a) The construction of a three (3) bedroom single storey dwelling of brick veneer construction having a floor area of 104.83m<sup>2</sup>.
- b) A vehicular access driveway off Hutchinson Street and vehicular hardstand space on the northern side of the allotment.

It is noted no Construction Certificate has been submitted to Council however a cursory review of the proposal has revealed that compliance with the provisions of the Building Code of Australia 2016 are readily achievable.

## **Recommendation**

No objections area raised to the proposal, subject to the following conditions being imposed on the Development Consent:

### General Requirements

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
2. 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 that Act:
    - i) has been informed in writing of the licensee's name and contractor Licence Number, and
    - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of that Act, or
  - b) in the case of work to be done by any other person:
    - i) has been informed in writing of the persons name and Owner-Builder Permit Number, or
    - ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
3. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.

4. 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.

5. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.

6. 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.

7. 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.

#### Requirements During Construction

8. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number 786975S as obtained on 20 December 2016 from the Department of Planning.

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

9. 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

10. The following survey reports (prepared by a practising registered Surveyor) are to be submitted to the Principal Certifying Authority to accurately demonstrate compliance with minimum boundary setbacks for external walls / eaves under Part 3.7 Building Code of Australia (Volume 2), approved Construction Certificate drawings and to demonstrate that the dwelling / structure has been erected clear of any easement affecting the land:

- a) A Set-out survey showing the location of slab formwork is to be submitted (prior to pouring of concrete);
- b) A Set-out survey showing the location of external walls erected on strip footings (prior to reaching floor level);
- c) An Identification Survey (upon completion of external walls/eaves construction and prior to any Completion inspection being carried out).

11. That rainwater drains are connected to the street gutter to the satisfaction of Council.

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

#### Requirements Prior to Occupation

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

#### Advisory Notes:

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) Trenches complete with reinforcing and prior to filling with concrete.
- c) Internal drainage carried out by licensed plumber prior to covering
- d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
- e) Slab base if no piers required and prior to placement of the membrane.
- f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- g) Framing when external wall and roof cladding is in place and prior to internal linings.
- h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- i) Wet area flashing prior to tiling or covering.
- j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- k) 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.**

## **COUNCIL'S WATER & WASTEWATER OFFICER**

Reference is made to the development application in regard to Council's Planner's referral dated 6 January 2017 and provide the following comments:

Please be advised of the following:

- NOTES OF ASSESSMENT

The above development has a sewer main running through the property; although the dwelling does not impede the sewer main it is in close proximity of it. There are also concerns of the proposed driveway for the allotment as there may be problems if ground levels are reduced. The sewer main may be damaged if excavations are in the immediate area

Therefore, there is no objection to the proposal given the following conditions of consent:

1. The developer must submit to Council for approval a written Section 68 application from Council, under *section 68, Local Government Act 1993*. Prior to the commencement of any works as described below;

- Undertaking of water supply works
- Undertaking of sewerage works
- Installation, alteration, disconnection or removal of a meter connected to a service pipe
- Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer

Approval will be required prior to the issue of the commencement of work. The Section 68 application requires the submission of all detailed engineering drawings/design, specifications and any applicable supporting information for the proposed works.

If your Section 68 application is approved, Council will issue you with a Section 68 approval containing conditions that must be complied with during construction.

2. The developer is to connect to separate water and sewer connections for Lot 4 Sec 5 DP416.

3. Council will provide a water property service and water meter (main to meter) and sewer point of connection to Councils Water and Sewer infrastructure.

4. The structure is to not impede access to boundary risers and/or maintenance holes that are located within the proximity of any proposed boundary retaining wall. Boundary risers and maintenance holes are brought to ground level and shall remain visible for access and maintenance of the sewerage system.

5. Any alterations to Council's sewer main and or construction within the zone of influence shall require detailed footing plans by a qualified engineer to be submitted to Council for approval.

#### 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/construction certificate DA 326/16 is Approval subject to conditions on the consent.

Report prepared by: Lauren Stevens

Group Manager of Environment and  
Development: Andrew Muir

Signed:.....

Signed:.....

Dated:.....

Dated:.....

**REASONS FOR CONDITIONS**

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

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure 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. 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 that Act:
    - i) has been informed in writing of the licensee's name and contractor Licence Number, and
    - ii) it is satisfied that the Licensee has complied with the requirements of Part 6 of that Act, or
  - b) in the case of work to be done by any other person:
    - i) has been informed in writing of the persons name and Owner-Builder Permit Number, or
    - ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.
3. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Act 1979 are to be complied with:
  - a) a Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act, and
  - b) a Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and Form 7 of the Regulations, and
  - c) Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
4. 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.

5. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.
6. 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.
7. 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.
8. The garage is to have a pitched roof with the angle to match the dwelling, that being 23%.
9. The existing retaining wall around the north and eastern boundary is to be extended to the corner of the driveway. This is marked in red on the plans.
10. The construction of the retaining wall along the southern boundary of the internal driveway is to start at the access splay at the property boundary to the dwelling and is to maintain the existing ground levels. This is marked in red on the plans.
11. The construction of the retaining wall on the northern side of the internal driveway is to start at the access splay at the property boundary to the dwelling.

Fill will be required between the driveway retaining wall and the existing boundary retaining wall. This is marked in red on the plans.
12. Stairs from the garage to the dwelling is required. This is marked in red on the plans.

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

### ***Section 94***

13. Prior to the issue of a Construction Certificate the applicant shall pay to Council a Section 94A contribution of \$995.00, 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.

## **DURING CONSTRUCTION**

14. The new works shall be constructed in accordance with, and comply with the undertakings given on BASIX Certificate Number 786975S as obtained on 20 December 2016 from the Department of Planning.

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

15. 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          |
16. The following survey reports (prepared by a practising registered Surveyor) are to be submitted to the Principal Certifying Authority to accurately demonstrate compliance with minimum boundary setbacks for external walls/eaves under Part 3.7 Building Code of Australia (Volume 2), approved Construction Certificate drawings and to demonstrate that the dwelling/structure has been erected clear of any easement affecting the land:
- A Set-out survey showing the location of slab formwork is to be submitted (prior to pouring of concrete);
  - A Set-out survey showing the location of external walls erected on strip footings (prior to reaching floor level);
  - An Identification Survey (upon completion of external walls/eaves construction and prior to any Completion inspection being carried out).
17. That rainwater drains are connected to the street gutter to the satisfaction of Council.
18. That all plumbing and drainage work be carried out by a licensed plumber and drainer and inspected by Council officers.

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

19. The developer must submit to Council for approval a written Section 68 application from Council, under *section 68, Local Government Act 1993*. Prior to the commencement of any works as described below;
- Undertaking of water supply works
  - Undertaking of sewerage works
  - Installation, alteration, disconnection or removal of a meter connected to a service pipe
  - Connect a private drain or sewer with a public drain or sewer under the control of a council or with a drain or sewer which connects with such a public drain or sewer
- Approval will be required prior to the issue of the commencement of work. The Section 68 application requires the submission of all detailed engineering drawings/design, specifications and any applicable supporting information for the proposed works.
- If your Section 68 application is approved, Council will issue you with a Section 68 approval containing conditions that must be complied with during construction.
20. The developer is to connect to separate water and sewer connections for Lot 4 Sec 5 DP416.
21. Council will provide a water property service and water meter (main to meter) and sewer point of connection to Councils Water and Sewer infrastructure.
22. The structure is to not impede access to boundary risers and/or maintenance holes that are located within the proximity of any proposed boundary retaining wall. Boundary risers and maintenance holes are brought to ground level and shall remain visible for access and maintenance of the sewerage system.

23. Any alterations to Council's sewer main and or construction within the zone of influence shall require detailed footing plans by a qualified engineer to be submitted to Council for approval.

### ***Engineering Requirements***

24. A construction certificate will be required to be lodged to Council prior to the commencement of any Civil Works.
25. The applicant shall ensure that during the construction works all measures are taken to eliminate/suppress any dust nuisance emanating from the site.
26. All soil erosion and sediment controls shall be in place prior to the commencement of construction works. All erosion controls must remain in place until all construction work is finalised and suitable vegetation has been established. The developer will be required to remove and dispose of the sedimentation and erosion devices at the conclusion of suitable vegetation establishment at his/her full cost.
27. A fully certified traffic control plan and road works signage will be required where machinery may obstruct traffic on Hutchinson Street and Mort 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. Failure to comply may result in Work Cover Intervention and may also include Council stopping all work immediately until such time the developer complies with suitable traffic management procedures.
28. The driveway must be undertaken in accordance Lithgow City Council's "Specification for the Construction of Driveways, Footpath/Gutter Crossings and Footpaving" (Policy 10.21). A copy of Council's Policy is available on Council's website or on request from Council's Administration Building.
29. All development is 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.
30. All stormwater drainage is the responsibility of the applicant and shall be satisfactorily disposed of into Council's stormwater infrastructure.

**Note:** The stormwater can't be put onto Hutchinson Street. It needs to be directed into the stormwater line on Mort Street.

### ***Civil Construction***

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

### **PRIOR TO OCCUPATION**

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

### **ADVISORY NOTES**

### ***Building Code of Australia Compliance***

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

### ***Construction Certificate***

AN2. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

AN3. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Trenches complete with reinforcing and prior to filling with concrete.
- c) Internal drainage carried out by licensed plumber prior to covering
- d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
- e) Slab base if no piers required and prior to placement of the membrane.
- f) Floor frame, dampcourse, antcapping, foundation walls before floor material is laid.
- g) Framing when external wall and roof cladding is in place and prior to internal linings.
- h) External drainage (including onsite waste disposal system) installed by a licensed plumber and prior to covering.
- i) Wet area flashing prior to tiling or covering.
- j) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- k) 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.**