

STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Multi Dwelling Housing, Community Facilities and Associated works

Lot 2 in DP 1229039, 33 Magpie Hollow Road, South
Bowenfels 2790

MAAS Group Properties Veravista Pty Limited

January 2026



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1 INTRODUCTION

1.1 Overview

This Statement of Environmental Effects (SEE) has been prepared for Maas Group Properties Veravista Pty Limited and forms part of a Development Application (DA) to Lithgow City Council (Council) for a Multi-dwelling housing development over land described as Lot 2 in DP 1229039 at 33 Magpie Hollow Road, South Bowenfels. The development would consist of moveable dwellings within the meaning of the *Local Government Act 1993* (LG Act). In addition to the current proposal for multi-dwelling housing, approvals under section 68 of the LG Act to install moveable dwellings and operate a manufactured home estate (MHE) would be sought via separate application under the LG Act; this is further reiterated under section 1.2 below. The intended use as an MHE would be established and operated as a Land Lease Community (LLC).

The proposal features a gated community with two hundred and one (201) dwelling sites, community facilities, recreational areas, visitor and facility car parking, and landscaping. A detailed proposal description is provided under Section 2.1.

The proposal would provide a quality estate and a commensurate standard of community facilities for all residents of the MHE to enjoy. The estate would positively contribute to its immediate surroundings and the broader landscape and built environment of South Bowenfels.

1.2 Planning Pathway

The DA seek consent for the development described in Section 2.1 and summarised above under Part 4, Section 4.12 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

In accordance with Section 4.46 of the EP&A Act, the proposal would trigger integrated development as it requires an approval under section 138 of the *Roads Act 1993*, section 100B of the *Rural Fires Act 1997* and section 91 of the *Water Management Act 2000*. It will therefore require concurrence from other agencies, where applicable.

Under the provisions of Section 2.19(1) and Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 the proposal would be declared regionally significant development, as the estimated development cost exceeds \$30 million, and therefore subject to the Planning Panel's assessment and decision; a cost estimate report is provided in accordance with Planning Circular PS 24-002.

An application for approval to operate the MHE under section 68 of the Local Government Act 1993 (LG Act) does not form part of this application. Similarly, approval for home installation would also be sought via future section 68.

1.2.1 Strategic Foundation

The Central West & Orana Regional Plan 2041 (Regional Plan) is a strategic planning framework for twenty years from 2021 with the aim to protect and enhance the region's assets and plan for a sustainable future. The Regional Plan sets out requirements for various planning aspects to accommodate the anticipated development and population growth

across the region and provides guidance in the planning and decision making to different levels of government, the private sector and the community.

The proposed development would be undertaken in close proximity to the Lithgow Central Business District (CBD). The proposed development responds to the Regional Plan and Council's Local Strategic Planning Statement (LSPS) and would contribute to a number of objectives at a local and regional level to support the growth of the housing market while contributing to the local economy, employment and achieving environmental outcomes.

1.3 Scope of the Report

The DA has been prepared pursuant to provisions of the EP&A Act and Section 24 of the *Environmental Planning and Assessment Regulation 2021*. To ensure the consent authority is fully informed, this report addresses the heads of consideration listed under Section 4.15 of the EP&A Act as relevant to the proposed development. A detailed description of the proposed works is included in Section 2 and an associated assessment under the relevant planning controls (Section 5) are provided in this report in the following format:

- **Section 2** provides a description of the proposed development.
- **Section 3** of this report provides a site analysis of the subject site and its suitability.
- **Section 4** details the strategic planning direction applicable to the subject site and proposed development.
- **Section 5** details the statutory planning framework applicable to the subject site and proposed development as well as the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE.

1.4 Documentation

This SEE should be read in conjunction with all documentation listed below:

Document	Consultant/Author	Date
Aboriginal Cultural Heritage Assessment Report and Archaeological Test Excavation Report	AREA Environmental & Heritage Consultants	July 2025
Architectural Plan Set	ELK Architecture	November 2025
Biodiversity Development Assessment Report	AREA Environmental & Heritage Consultants	November 2025
Bushfire Threat Assessment	Firebird Ecosolutions	August 2025
Civil Engineering Plans, including Erosion and Sediment Control Plan	Groundswell Engineers	August 2025
Concept Engineering Design Report	Groundswell Engineers	August 2025
Geotechnical Report	Macquarie Geotech	January 2023
Landscape Masterplan	Terras Landscape Architects	August 2025
Odour Impact Assessment	Northstar	November 2025
Pre-DA response 2024 (refer to Section 2.2)	Lithgow City Council	May 2024
Preliminary Contamination Investigation	Envirowest	May 2021
Quantity Surveyors Report	CSQS	July 2025
Site Plan	Groundswell Engineers	August 2025
Traffic Impact Assessment	Stantec	August 2025

2 THE DEVELOPMENT

2.1 Proposed Development

The current application seeks approval for a Multi-dwelling housing and community facilities over land described as Lot 2 in DP 1229039 at 33 Magpie Hollow Road, South Bowenfels, with a proposal area of approximately 12.5ha.

The proposal features a gated community with two (2) community facility areas, two hundred and one (201) residential dwelling sites, an expansive recreational area, gated entry, one (1) emergency egress point, forty-one (41) visitor car parking spaces (including two (2) disabled) and landscaping.

The DA seeks development consent for Multi-dwelling housing and community facilities based on the indicative master plan layout and the following proposed works:

External works
• Provide formal access to the proposal, including an intersection on Magpie Hollow Road, at the property entrance. • Provide a second fire emergency egress to Magpie Hollow Road.
Internal site works
Community facilities, in primary and secondary locations:
Primary • Visitor car parking spaces • Bike parking • BBQ Areas • Indoor gymnasium • Tennis court • Lawn bowls green • Ancillary administration and offices • Dining areas • Function spaces • Outdoor recreational areas • Landscaping • Signage
Secondary • Five visitor car parking spaces • Landscaping • Benches and tables • BBQ area • Cinema
Landscaping works • Open space areas • Perimeter buffer landscaping • Street tree planting

- Individual dwelling site planting

It is acknowledged that a minimum area of approximately 15,000m² out of (circa 15% of the proposal footprint) is proposed to be utilised for recreation, communal activities, walking trails and open space/landscaped embellishment. A significant offering and contribution to encourage both active and passive recreation for residents.

Dwelling construction

- Multi-dwelling housing, comprising 201 moveable dwellings, designed in accordance with the LG Regs.

Civil works including, but not limited to:

- Removal of vegetation
- Bulk earthworks and site regrading
- Retaining walls
- Fencing
- Footpaths
- Internal road network and parking areas
- Additional visitor car parking throughout estate
- Essential services, inclusive of water supply, sewerage and electricity/telecommunication
- Stormwater management, inter-allotment drainage, basins, water quality
- Sewerage pump station (SPS) to service a proportion of the site

The site is well positioned with regards to proximity to the Lithgow CBD and is a continuation of residential growth and development in the locality. The proposal would supply an affordable option to the market, along with the provision of essential services and infrastructure to facilitate future housing opportunities. The proposed layout is identified in Figure 1 below.



Figure 1 Site Plan

Source: Landscape Masterplan, Terras (August 2025)

2.1.1 Built form

2.1.1.1 Community and Recreational Facilities

The proposed community facilities will consist of two community areas as outlined in Figure 1 and Figure 2 below. The variety of communal offerings are substantial and are adequately located throughout the proposal to encourage accessibility and convenience.

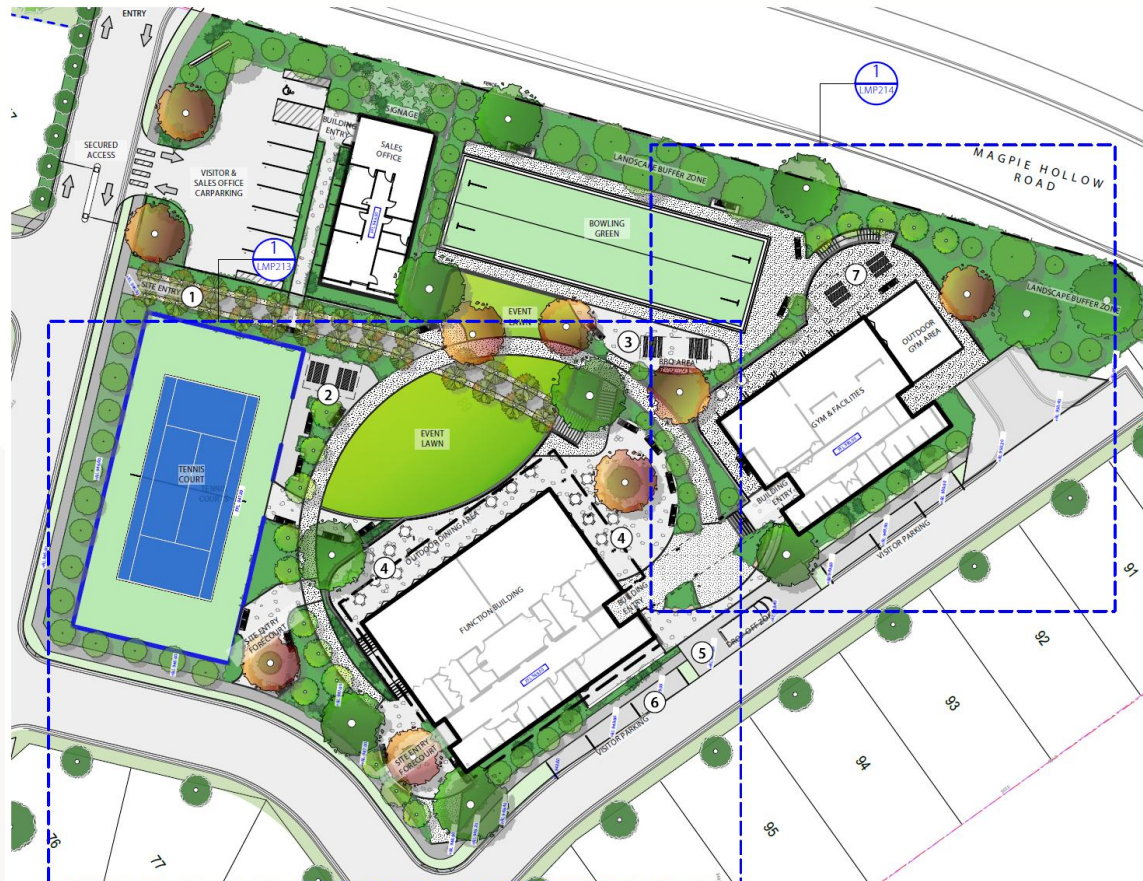


Figure 1 Primary Community Facilities

Source: Landscape Masterplan, Terras (August 2025)



Figure 2 Secondary Community Facilities

Source: Landscape Masterplan, Terras (August 2025)

The design of the community facilities and activated recreational spaces is aimed at providing the ability to maximise health and wellbeing benefits for all residents; through encouraging the use of outdoor recreation, playgrounds, and social sporting facilities.

For inclement weather, the community facility building accommodates a number of social uses to support the residents, such as community activities and events, owners committee meetings, functions and casual activities such as cinema, general areas of leisure (reading, coffee) while enjoying the outlook.

The primary community facilities will be provided on the northern side of the site near the main entrance (adjacent to Magpie Hollow Road). See Figure 1 for the exact location. Figures 4-11 below show the proposed elevation plans of the Primary Community Buildings.



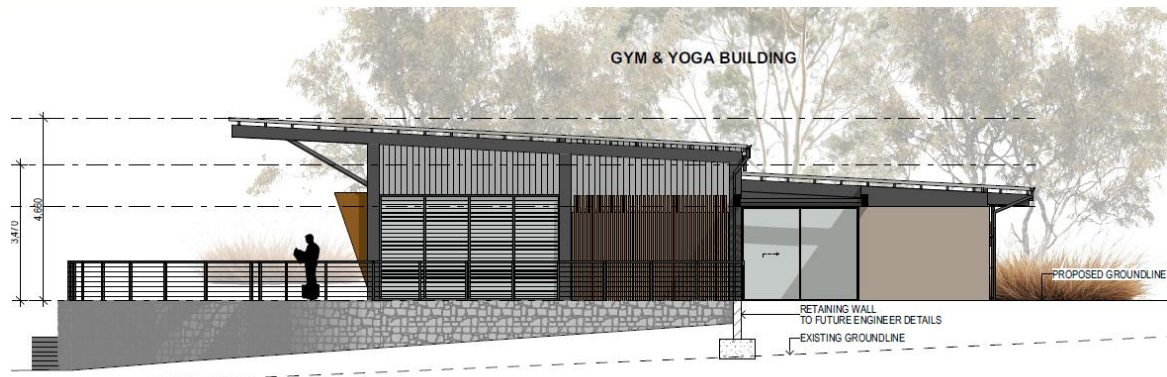


Figure 6 Primary Community Facility (Gym) Elevation Plan – Southwest
Source: Architectural Plans, ELK Architecture (November 2025)

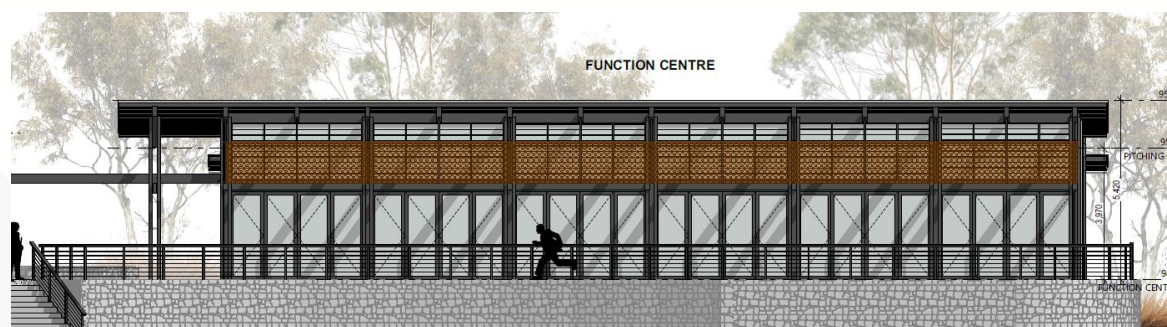


Figure 7 Primary Community Facility (Function) Elevation Plan – Northwest
Source: Architectural Plans, ELK Architecture (November 2025)

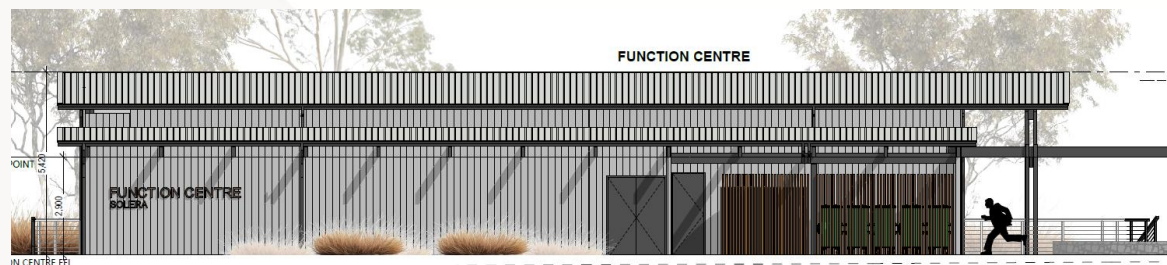


Figure 8 Primary Community Facility (Function) Elevation Plan – Southeast
Source: Architectural Plans, ELK Architecture (November 2025)

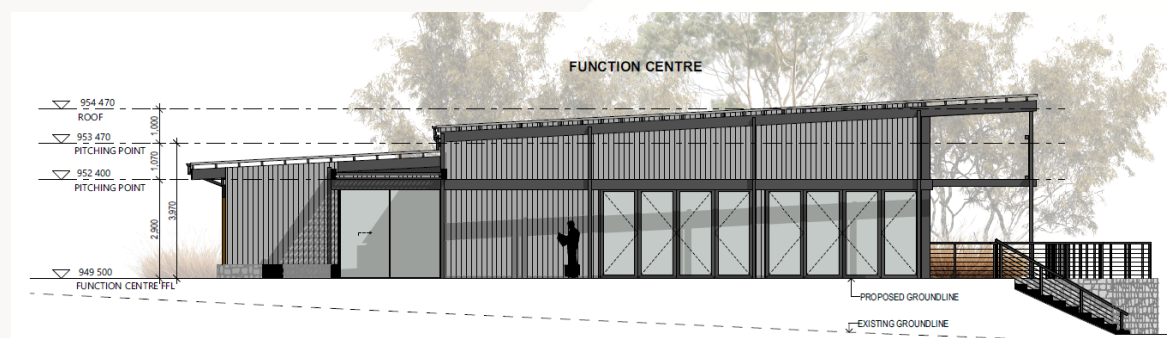


Figure 9 Primary Community Facility (Function) Elevation Plan – Northeast
Source: Architectural Plans, ELK Architecture (November 2025)

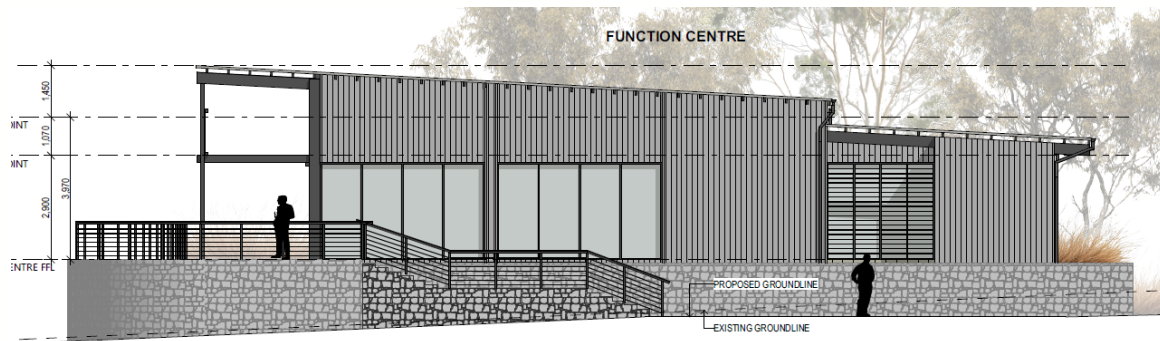


Figure 10 Primary Community Facility (Function) Elevation Plan – Southwest
Source: Architectural Plans, ELK Architecture (November 2025)

In addition to the primary community facility area, the proposal includes a secondary location, with outdoor recreational facilities, refer Figure 2 above. The proposed location also accommodates visitor parking, landscaping and directly overlooks to an onsite detention basin and the gully beyond (refer to accompanying landscape masterplan). Figures 4-11 below show the proposed elevation plans of the Secondary Community Building.



Figure 11 Secondary Community Building Elevation Plan – Northwest
Source: Architectural Plans, ELK Architecture (November 2025)



Figure 12 Secondary Community Building Elevation Plan – Southeast
Source: Architectural Plans, ELK Architecture (August 2025)



Figure 13 Secondary Community Building Elevation Plan – Northeast

Source: Architectural Plans, ELK Architecture (August 2025)



Figure 14 Secondary Community Building Elevation Plan – Southwest

Source: Architectural Plans, ELK Architecture (November 2025)

These facilities will be of exclusive use by the residents, and guests. The future MHE and its community facilities would increase opportunities for social interaction and opportunities for an active lifestyle that leads to improved mental health and wellbeing outcomes.

2.1.1.2 Residential

The residential component of the proposal provides manufactured homes, which would be designed in a manner having regard to the Lithgow Development Control Plan (DCP) 2021. Although it is acknowledged that relevant provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* (MHE Regulations) are sought as substitute standards to several provisions set out under Council's DCP.

Subsequent approvals would be sought pursuant to section 68 of the LG Act to operate the MHE and install the homes.

ELK has supplied comprehensive architectural design plans which include a variety of house designs and layouts in the Architectural Plans (see Figures 16-17 below). All lot boundaries have been considered when developing these conceptual plans to ensure there are enough variations in options to allow for varied lot sizes and shapes.



Figure 15 Residential Street Elevation 1

Source: Architectural Plans, ELK Architecture (November 2025)



Figure 16 Residential Street Elevation 2
Source: Architectural Plans, ELK Architecture (November 2025)



Figure 17 Residential Street Elevation 3
Source: Architectural Plans, ELK Architecture (November 2025)

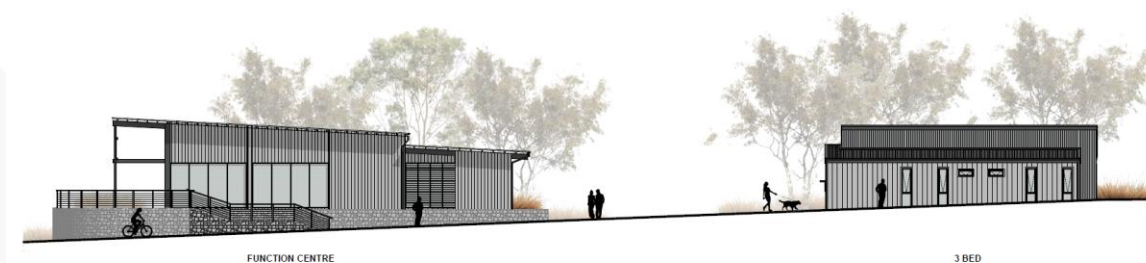


Figure 18 Street Section View on Main Street
Source: Architectural Plans, ELK Architecture (November 2025)

2.1.2 Staging

The proponent would provide (subject to market conditions) the relevant extent of civil works and the construction of manufactured homes to be constructed and/or developed in a staged sequence and where appropriate, the termination of roads, temporary turning heads, capping of services, and temporary stockpile of material, for example.

2.2 Pre-DA Comments 2024 Response

This section will provide a brief response to Council's Pre-DA comments supplied 27 May 2024 with references to appropriate sections of the SEE for further detail. These comments were made in reference to a previously supplied layout. The proposed layout discussed in this DA addresses each of the below comments.

Table 1 – Response to Council's Pre-DA Comments	
Council's Comment	Response
1. Proposal It is understood that the proposed development is for Torrens title subdivision (west of the	Noted.

existing gully) and a manufactured home estate (east of the existing gully).	
2. Lithgow Local Environmental Plan (LEP) 2014 Any development application lodged will need to demonstrate permissibility including consistency with the objectives of the zone. All relevant provisions of Lithgow LEP 2014 must be addressed in the Statement of Environmental Effects and submitted with the Development Application.	Satisfaction of land permissibility and objectives of the zone and all relevant LEP provisions being addressed are demonstrated in the Statement of Environmental Effects (this document).
Consider and comply with the following planning instruments and controls: Planning for Bush Fire Protection 2019 • Environmental Planning and Assessment Act 1979 • Environmental Planning and Assessment Regulations 2021 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Biodiversity and Conversation) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • Local Government Act 1993 • Local Government (Manufactured Home Estates, Caravan Park, Camping Grounds and Moveable Dwellings) Regulation 2021 • Biodiversity Conservation Act 2016 (PREVAILS SEPP) • Water Management Act 2000 • Lithgow Local Environmental Plan (LEP) 2014 • Lithgow Development Control Plan (DCP) 2021	Complies. Consideration has been given to all relevant instruments and controls. The proposal has been designed having regard to Council's DCP. In addition, provisions specified under other planning instruments have contributed to informing the proposal layout and site constraints.
The proposal may be identified as Integrated Development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, as concurrence is required from NSW Rural Fire Service, pursuant to 100B of the Rural Fires Act. As such, a Bush Fire Report prepared by a suitably qualified and experienced consultant will be required to accompany the Development Application. In addition, it is recommended that the Applicant liaise with NSW Rural Fire Service prior to the lodgement of the Development Application.	A qualified suitably bushfire consultant was engaged for the preparation of a Bushfire Report to address Rural Fire Service's requirements, in accordance with the Rural Fires Act 1997. The scope of the proposed development has an extent of disturbance which impacts land within 40m of mapped watercourses,

The proposal may be identified as Integrated Development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, as concurrent is required from Department of Planning and Environmental Water (previously NRAR), pursuant to the Water Management Act 2000.	therefore the Water Management Act 2000 applies.
Please be advised that a detailed assessment of the proposed development against all relevant controls stipulated within the Lithgow DCP 2021 has not been undertaken as part of the Pre-Lodgement Meeting. It is the Applicant's responsibility to ensure that the proposed development complies with all relevant DCP controls. The following volumes of the Lithgow DCP 2021 are applicable to the development: • Chapter 1 – Introduction • Chapter 2 – Site Requirements • Chapter 3 – Environment & Hazards • Chapter 5 – Subdivision • Chapter 6 – Residential It is recommended that a suitably qualified and experienced consultant be engaged to assist in the preparation and lodgement of the Development Application.	A detailed assessment against Chapters 1, 2, 3, 5 and 6 is provided as part of the SEE. Refer to 5.3.2.2.
Further Matters for Consideration 1. The lodgement of any Development Application for the subject site shall demonstrate full compliance with the abovementioned Environmental Planning Instruments and Controls, including, but not limited to, the Lithgow Local Environmental Plan (LEP) 2014 and Lithgow Development Control Plan (DCP) 2021.	The SEE has demonstrated full compliance with the LEP, and broad compliance with the DCP and LG Regulation for MHE in relevant instruments and controls. Justification has been provided to each requirement not fully complied with, in order to provide a basis for a departure to prescribed controls.
2. As discussed in the meeting, the proposed manufactured home estate shall demonstrate compliance with the Lithgow DCP 2021, Chapter 6, Part 6.5 Medium to Higher Density Housing. Any variations sought shall be requested in written form in accordance with the requirements of the Lithgow DCP 2021, Chapter 1, Part 1.6 Variations to DCP Controls.	The SEE has demonstrated broad compliance with the Lithgow DCP 2021, Chapter 6, Part 6.5 Medium to Higher Density Housing. REFER 5.3.2.2 Variations sought to Council's DCP controls have been listed in the relevant section of the SEE, with justification provided.

3. The proposal is considered to be traffic generating development pursuant to subdivision 2.122 of State Environmental Planning Policy (Transport and Infrastructure) 2021. A detailed Traffic Impact Assessment shall be prepared for the development and must take into account future development proposed along Magpie Hollow Road. The Development Application and supporting documentation will be referred to Transport for NSW (TfNSW).	A Traffic Impact Assessment prepared by Stantec is submitted under separate cover.
4. The subject site is located within the Sydney Drinking Water Catchment and as such the development must achieve a neutral or beneficial effect of water quality (NorBE). Part 6.5 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 sets out the planning and assessment requirements for all new developments in the Sydney Drinking Water Catchment.	The Stormwater Design has been prepared as part of the Engineering Plan Set submitted under separate cover.
5. Controlled activities refer to work, or action done on waterfront land, as defined by the Water Management Act 2000. A controlled activity approval is required before undertaking any work or development on waterfront land. Based on the information provided, it is understood that works are proposed within the watercourse and as such, the Development Application will be referred to the Department of Planning and Environmental Water (previously Natural Resources Access Regulator, NRAR).	Noted. A Controlled Activity Approval would be applied for from Department of Planning and Environmental Water as a post approval matter.
6. A Preliminary Site Investigation is to be carried out in accordance with the provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021. If the investigation identifies the presence of contaminants or recommends further testing to determine the presence of contaminants, then a Formal Site Investigation is to be undertaken by an experienced Contaminated Land Consultant. The Preliminary Site Investigation should be undertaken having regard to: a) NSW Environmental Protection Authority (EPA 2020) Consultants Reporting on Contaminated Land – Contaminated Land Guidelines.	A Preliminary Contamination Investigation was conducted in May 2021 by Envirowest Consulting, and is submitted under separate cover.

b) National Environmental Protection Council (NEPC 2013) National Environmental Protection (Assessment of Site Contamination) Measure 1999. c) State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4 Remediation of Land.	
7. A Biodiversity Assessment Report is to be prepared by a suitably qualified and experienced consultant. The Report shall ensure full compliance with the requirements of the Biodiversity Conservation Act 2016 and State Environmental Planning Policy (Biodiversity and Conservation) 2021. As discussed in the meeting, the Biodiversity Assessment Report must take into account any requirements or recommendations of the Bush Fire Report.	A Biodiversity Assessment Report prepared by AREA is submitted under separate cover.
8. Subdivision on land with a slope 20% or greater is to be supported by a Survey Plan and Geotechnical Report prepared by a suitably qualified and experienced consultant verifying the suitability of the proposed lot sizes considering future likely development.	A Geotechnical Investigation prepared by Macquarie Geotech is submitted under separate cover. The proposal does not propose dwelling sites on land with significant variation in slope (i.e. 20% or greater).
9. It is recommended that a suitably qualified and experienced consultant be engaged to assist in the preparation and collation of all appropriate drawings, plans and documents.	Noted. All submitted documents have been prepared and collated by experienced and qualified consultants.
12. It is the responsibility of the Applicant to conduct a Property Title Search through Land Registry Services for any restrictions affecting the property and annotate these on the plans. Any proposed easements or encumbrances must be clearly indicated on the plans submitted with the Development Application.	Noted.
<u>Engineering Comments</u> 13. Please be advised that Council's Development Engineering Branch are available to provide feedback at such time that concept plans have been prepared. Council's Guidelines for Civil Engineering is available on Council's website - Civil Engineering - Lithgow City Council for your review and consideration.	Noted.
<u>Water & Wastewater Comments</u>	Noted.

14. At this stage, Council does not know the final yields for the site / development so the information provided may change. Works have occurred on the sewer with an infrastructure plan created for the development. It will require at least one (1) new SPS to jump to South Bowenfels and remove the existing one that’s there. Council already has easements where the sewer rising main is for the current SPS. The replacement could occur in this location.	A new SPS is proposed by the development and is located on the south corner of the development site. Refer to the submitted Engineering Plans for details. Consultation with Council has occurred throughout the preparation of this application.																												
15. Water will require a new trunk main brought down from Magpie Hollow Road Reservoir. However, it is noted that there is a tee off already in place that could be connected to. The reservoir information is provided below: <table><tr><th>Easting</th><th>Northing</th><th>R.L.</th><th>Notes</th></tr><tr><td>231655</td><td>6288842</td><td>1013.78</td><td>Ground level</td></tr><tr><td></td><td></td><td>1013.81</td><td>Ground level</td></tr><tr><td></td><td></td><td>1013.71</td><td>Ground level</td></tr><tr><td></td><td></td><td>1025.44</td><td>Top level</td></tr><tr><td></td><td></td><td>1025.42</td><td>Top level</td></tr><tr><td></td><td></td><td>1025.34</td><td>Top level</td></tr></table>	Easting	Northing	R.L.	Notes	231655	6288842	1013.78	Ground level			1013.81	Ground level			1013.71	Ground level			1025.44	Top level			1025.42	Top level			1025.34	Top level	Noted. Connection to water main will be through the existing tee off in accordance with the information provided.
Easting	Northing	R.L.	Notes																										
231655	6288842	1013.78	Ground level																										
		1013.81	Ground level																										
		1013.71	Ground level																										
		1025.44	Top level																										
		1025.42	Top level																										
		1025.34	Top level																										
Final Advice To speed the acceptance of your application when lodged through the NSW Planning Portal, it would be appreciated if a copy of this advice is proposed with the submission of your development application.	A copy is submitted with the DA application.																												

3 SITE ANALYSIS

3.1 Subject Land and Locality

The proposed development site is described as part of Lot 2 in DP 1229039 at 33 Magpie Hollow Road, South Bowenfels. The subject land (Lot 2) is identified underneath (see **Error! Reference source not found.** below) The site is located approximately 3 kilometres south of Lithgow CBD.

The subject site is bounded to the south by rural residential development, to the west and east by agricultural use, and to the north by Magpie Hollow Road and beyond by existing low density residential development.

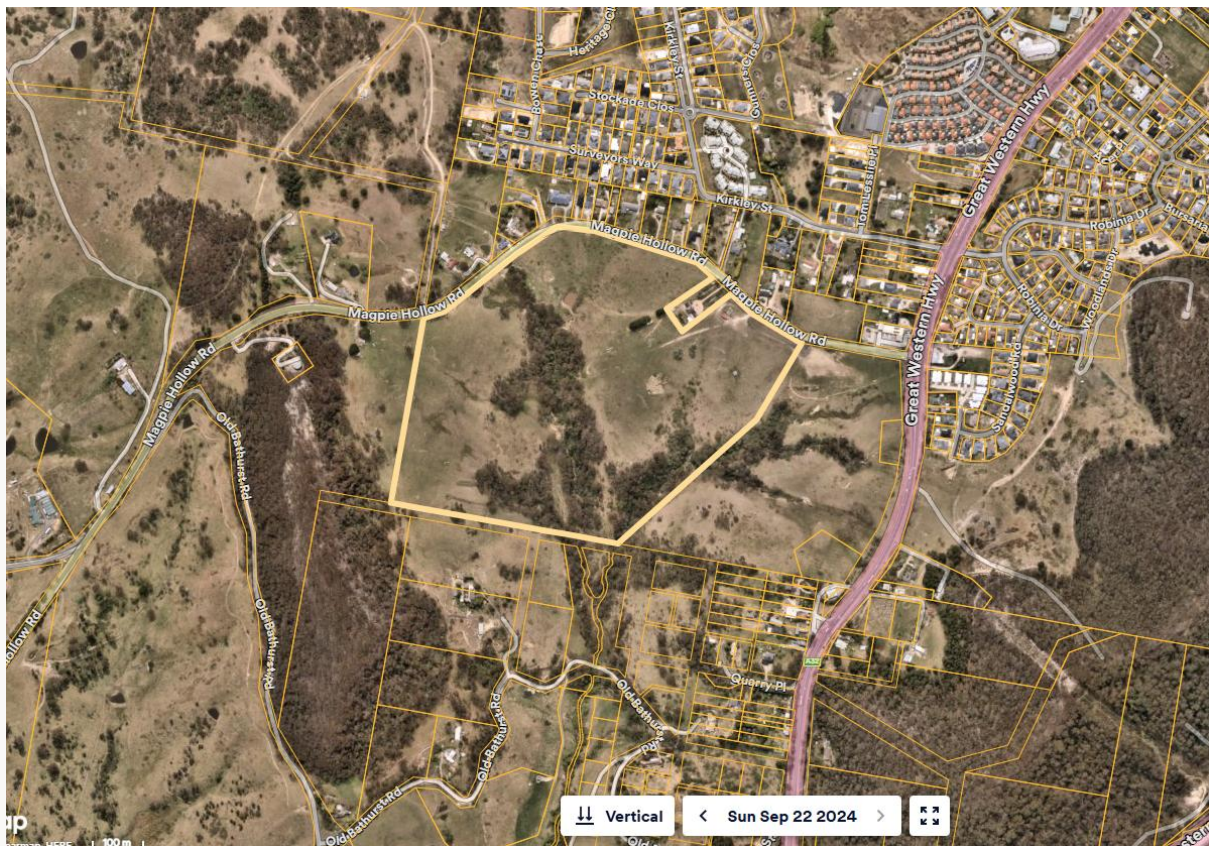


Figure 19 Aerial View of the Subject Site and Locality

Source: Near Map (May 2025)

3.2 Site Characteristics

Review of aerial imagery indicates that the site is predominantly cleared of significant vegetation and is currently used as pasture for cows, with vegetation sparsely scattered across the site. The site features an existing watercourse running along the west and south of the perimeter of the proposal. The site contains no existing buildings or structures. A residential dwelling is located on Lot 1 DP1229039 at 41 Magpie Hollow Road, South Bowenfels, adjacent to the subject land. The existing dwelling situated on Lot 1 achieves generous setbacks from the subject land and proposal interface.

Topographically, the lot generally falls from the northeast of the site towards the southwest. See **Error! Reference source not found.** for Elevation Contours. Stormwater currently falls naturally on the site into separate catchments present, generally towards the gully to the southwest of the site.



Figure 20 Subject Site Elevation Contours (mAHD)

Source: Mecone, MOSAIC (August 2025)

3.3 Previous Approvals

Application #	Description	Determination
DA022/18	Subdivision into 79 residential lots	Approved
MODDA034/24	Revised lot layout to remove road access over the vegetated gully, introduction of two emergency egress points, relocation of pump station and minor amendments.	Approved

3.4 Environmental Considerations

3.4.1 Flooding

The subject site is not currently identified by Council's LEP mapping as being flood prone land or Council's floodplain plan or study. Flooding is not considered a major issue to the subject development once stormwater management infrastructure has been adequately provided to the site.

3.4.2 Bushfire

The subject site is identified by Council's mapping as being bushfire prone land categories 1, 3 and Vegetation Buffer. A Bushfire Threat Assessment has been undertaken to the proposed development area. The Assessment aims to ensure that the proposal complies with the requirements of Section 6 of the NSW Rural Fire Service's (NSW RFS) guideline Planning for Bushfire Protection 2019 (PBP), where appropriate bushfire protection measures are incorporated into the proposal. Further detail has been provided in the Bushfire Risk Assessment report.

The site is fully compatible with the recommendations made in the report which includes:

- Proposed Asset Protection Zone (APZ) to provide space and reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and to prevent direct flame contact.
- Access standards provide for emergency evacuation and firefighting operations.
- Construction standards seeking to increase the protection of the habitable buildings from bushfire.
- A water supply provided for firefighting operations.
- A Bushfire Emergency Management and Evacuation Plan prepared to comply with the NSW RFS document.

The APZ is proposed in accordance with the Planning for Bushfire Protection 2019 (PBP) Guidelines and incorporates various separation based on vegetation and slope data near the dwellings. Figure 21 shows indicative area of the proposed APZ:

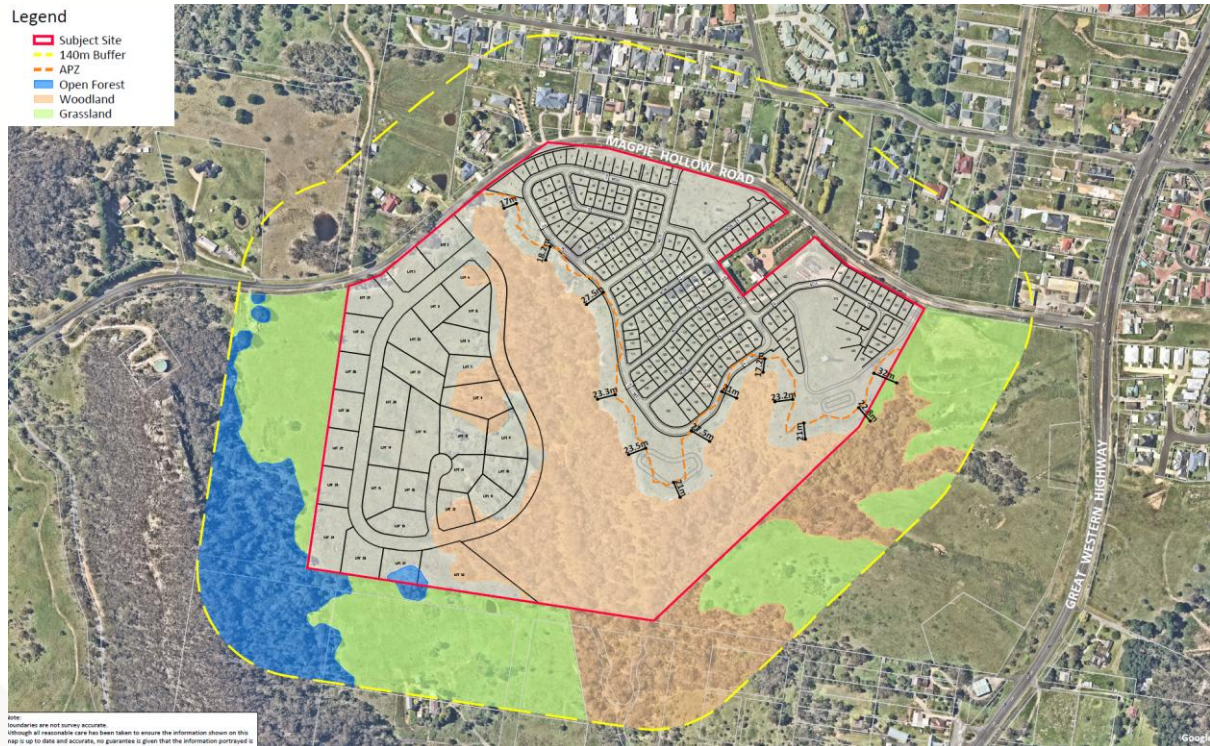


Figure 21 Asset Protection Zones

Source: Bushfire Threat Assessment, Firebird ecoSultants (August 2025)

The APZ is established a distance to the existing vegetation to the southwest of the development footprint, ranging from 17.2m to 32m. The APZ would provide a safer outcome for the locality through full site management, the introduction of access roads, a fire hydrant system and maintained landscaping.

3.4.3 Contamination

Previous land contamination including stockpile is to be cleared as per the Preliminary Contamination Investigation prepared on 27 May 2021. The stockpiles are located in the central eastern and central southern section of the site, and comprise an estimated volume of approximately 1,000m³.

The accompanying Preliminary Contamination Investigation has undertaken site walkover across the entire proposal footprint.

The EPA contaminated land record shows no notifications of known contamination.

3.4.4 Odour Emissions

The proposed development incorporates a new private sewer pump station (SPS) located towards the south-western corner of the site to service the gated community. An existing SPS is located at the northern boundary of the development site and is anticipated to be upgraded by Lithgow City Council. Both SPSs need assessment on whether odour emissions resulting from the operation, specifically the emissions of odour through the ventilation stacks, will give rise to potential unacceptable amenity impacts at residential dwellings within the site.

A Sewer Pump Station – Odour Impact Assessment is prepared by Northstar and submitted under separate cover. The results and calculated parameters from the assessment indicate that no exceedances of the relevant criteria are predicted. No additional odour control is considered to be required. Additionally, given the very minor odour and H₂S concentrations predicted at the Proposal site from the proposed SPS, no contour plots have been presented.

3.5 Considerations

3.5.1 Aboriginal Cultural Heritage

An AHIMS search was undertaken on 12 April 2023 and did not identify Aboriginal heritage sites within a 1000m radius of the study site. The site is not known to contain any Aboriginal heritage items.

An Archaeological Test Excavation and Aboriginal Cultural Heritage Assessment Report has outlined survey to the site and its findings. A survey of the development footprint was conducted on 7 October 2021 by AREA and representatives from LALC and recorded one Aboriginal site and three potential archaeological deposits (PADs). A small stone artefact scatter, Magpie Hollow AS1 (MHAS1), was recorded nearby to one of the waterways within the assessment area. The site has an associated PAD. Two other PADs were recorded, neither having an associated Aboriginal site. Recommendations are made including continued consultation with the Aboriginal Cultural Heritage Consultation Requirements, application for an AHIP and measures to handle the heritage objects in accordance with Code of Practice.

3.5.2 European Cultural Heritage

The site (nor the surrounding properties) is known to contain any European heritage items as per Schedule 5 of the Lithgow LEP 2014, and the State Heritage Register.

3.6 Infrastructure and Service Provisions

3.6.1 Site Accessibility

The subject site is accessed from Magpie Hollow Road to the north, a public road with a single lane in each direction and are of sealed bitumen formation. Main site access is to be provided off the existing road with an upgraded intersection to be T-shaped intersection.

An additional emergency egress point will be located at the eastern end of the subject lot, with access to Magpie Hollow Road.

Currently there is no pedestrian access through the site as it is private land with agricultural style fencing. Pedestrian access throughout the proposed development is supported through pavement on the verge of the internal perimeter road, and the spine road.

Additionally, the landscaped buffer area located adjacent to the Magpie Hollow Road will be activated for a proportion of its length, with a shared pathway, which links with the internal pedestrian network and recreational areas to provide full connectivity. Site accessibility will complement the primary and secondary community facilities as well as variety of recreational areas provided, to ensure areas are within a reasonable distance from all

proposed dwelling sites. See **Error! Reference source not found.** for an indicative plan of site accessibility.



Figure 22 Site Circulation Plan
Source: Landscape Masterplan, Terras (August 2025)

3.6.2 Traffic Generation

The land is currently vacant and therefore there are minor traffic movements limited to its agricultural land use (occasional machinery and/or truck movements).

A Traffic Impact Assessment has been prepared to accompany this application. As part of the access for the overall site, a T-shaped intersection is considered appropriate, providing access to the subject site. The assessment shows that this intersection would have adequate capacity to cater for the development of the proposal. The intersection was assessed allowing for 1% per annum traffic growth for all traffic movements.

Internal roads and circulation through the site as well as parking are able to be provided in accordance with the MHE Regulations.

3.6.3 Infrastructure and Servicing

3.6.3.1 Sewerage

The site is currently not connected to a sewer main. However, sewer infrastructure exists within Magpie Hollow Road and would provide a primary connection and servicing point for the proposed development. Sewerage would be provided internally as per the servicing strategy prepared by Groundwell, which accompanies the DA.

The steep topography of the site necessitates the construction of a Sewer Pumped Station at the southern edge of the development site served to convey sanitary drain up to the existing sewer drain system. The Pump Station will be entirely located within the R2 zoned land part of the land.

3.6.3.2 Water

The site is currently not connected to a water main. However, water infrastructure exists within Magpie Hollow Road and would provide a primary connection and servicing point for the proposed development. Per Council's advice, the proposed development will be connected to the 300mm water main on the south of Magpie Hollow Road. Water reticulation would be provided internally as per the servicing strategy prepared by Groundswell, which accompanies the DA.

3.6.3.3 Electricity

The existing overhead power lines and easement would be retained. Existing electrical lines which run within Magpie Hollow Road would be utilised to provide a service connection to the subject land. Beyond the initial connection, high-voltage (substations) and accompanying low-voltage internal reticulation connections for each dwelling site and community facilities will be constructed during the construction stage. The proponent would seek approval from Endeavour Energy to enable the extension and supply of electricity.

Under the Section 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021, works within the proximity of existing electricity infrastructure must be referred to the electricity supply authority for consideration. The SEPP applies to the development as the works are immediately adjacent to the power easement. External referral to the supply authority for advice and comments will be considered by Council.

3.6.3.4 Telecommunication

The proponent would seek approval from NBN Co. to enable the supply of telecommunication infrastructure to each proposed lot and community facilities.

3.6.3.5 Stormwater Management

Currently, the subject site is agricultural land and naturally drains from the northeast towards the gully to the southwest. The proposal would direct stormwater throughout the development via a number of distinct catchment areas, through pit and gutter stormwater system and overland runoff. A Stormwater Management Strategy has been prepared to accompany this application.

The development includes a stormwater management system consisting of pits and pipes, inter-allotment drainage, detention basins, filtering and discharge to the creek lines. The system has designed in quality control systems to ensure the discharge water quality is up to standard. Whilst the majority of the works of the proposed construction of stormwater facilities are located within the R2 zoned land in the site, a small portion of the stormwater works are within the C3 zoned land. The proposed stormwater infrastructure falls under the definition of 'stormwater management system' in Section 2.136 of the Transport and Infrastructure SEPP, and development of such may be carried out with consent in pursuance of Section 2.138 of the SEPP.

3.6.4 Social and Community Infrastructure

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- their culture (shared beliefs, customs and values); or
- their community (its cohesion, stability, character, services and facilities).

The proposed development would not have an adverse impact upon people's way of life, their culture, or their community as the proposal would occupy existing disturbed residential development land.

3.6.5 Crime Prevention Through Environmental Design

Crime Prevention through Environmental Design (CPTED) principles outlined below have been considered to ensure that adequate measures to minimise the opportunity for crime can be implemented.

Recommendations from the CPTED report include the:

- restriction of lighting in day-use-only areas.
- the sufficiency of lighting to allow surveillance.
- access control to deter unauthorised entry.
- directional signage to expected usage of spaces, and
- establishing a community or operational plan to confirm expectations and maintenance.

These recommendations have been considered throughout the design and will be further explored through the detailed design phase.

3.7 Suitability of the Site

The subject site is considered suitable for the proposed development for the following reasons:

- The development would provide for a variety of housing types and densities, with the security of a gated estate. The MHE and its standalone approval to operate (separate application), would support and facilitate the operational matters of the MHE and the current proposal.
- The development will operate as a land lease community, where residents purchase the dwelling but not the land upon which it is erected, it will provide a considerably cheaper, alternative form of housing tenure compared to traditional greenfield residential subdivision.
- Located within reasonably short distance to the city centre.
- The development would provide residential land use in proximity to other land uses that provide facilities and services to meet the day-to-day needs of the residents.
- The subject site would be sufficiently serviced by water, sewer, stormwater, electricity and telecommunications infrastructure upon completion.
- The proposed development would have legal road access to Magpie Hollow Road, with an additional emergency egress point.
- Existing land contamination would be remediated as required.

- The land is not subject floodplain flood impacts and the drainage gully on the west and south of the site would be appropriately managed.
- Visual impacts can be mitigated through substantial landscaping.
- The proposal is unlikely to conflict with existing surrounding land uses.
- The site is free of significant environmental constraints.
- The proposed development would not have an adverse negative environmental, social, or economic impact upon the surrounding locality.

4 STRATEGIC DIRECTION

4.1 Central West and Orana Regional Plan 2041

The *Central West and Orana Regional Plan 2041* (Regional Plan) is a strategic planning framework for twenty years from 2021, with the aim to protect and enhance the region's assets and plan for a sustainable future. The Regional Plan sets out requirements for various planning aspects to accommodate the anticipated development and population growth across the region and guides the planning and decision-making to different levels of government, the private sector and the community.

The proposed development takes into consideration the below objectives outlined in the Regional Plan.

Table 3 –Regional Plan Assessment	
Part 1 Region-shaping investment	
Objective	Response
Objective 4: Leverage inter-regional transport connections	Improved commuter connectivity between the Central West and Orana Region to Greater Sydney and beyond will influence metropolitan-to-regional migration for people seeking to live in more affordable regional areas, or in areas with a preferable lifestyle. The Regional Moves Index Quarterly Report indicates that Australia's pandemic-spurred 'love affair' with regional Australia show no signs of abating, as population flow from capital cities to regional areas is tracking around levels reported during the height of COVID. With this increase would come an increase in housing demand.
Part 2 A sustainable and resilient place	
Objective	Response
Objective 6: Support connected and healthy communities	The proposed development includes high quality and diverse community facilities and open space to service residents of the future MHE, with a layout that promotes a green infrastructure network and ensures all dwellings will have sufficient access within walkable/cycling distance.

	Active transport (walking and cycling) infrastructure will be provided within the future MHE and connected to external transport infrastructure, including cycling routes and future public bus stops located around the site. The extent of green infrastructure and tree canopy to be delivered to the streetscape (public domain) and within the future MHE (private domain) benefits the area more broadly to the locality of a green treed environment, even though it is within the private realm.
Objective 8: Secure and resilient regional water resources	The proposed development has a layout that promotes a water sensitive urban design through additional green spaces, bioretention/basin requirements, a selection of low water maintenance native vegetation that is locally endemic and tolerant of local climate and conditions.
Objective 9: Ensure site selection and design embraces and respects the region's landscapes, character and cultural heritage	The proposed development has considered local built form, heritage, and character. Through the operational and delivery of the proposal, further consideration of character could be identified through built form design refinement, colour schemes, estate name, endemic landscaping and wayfinding references, for example.
Part 3 People, centres, housing and communities	
Objective 11: Strengthen Bathurst, Dubbo and Orange as innovative and progressive regional cities	Housing supply and demand will be shaped by the older population, an increase in single person households and a decrease in average household size. The Regional Plan indicates that existing housing stock in the region is mostly large, detached housing with three or more bedrooms. Predictions indicate that by 2041 approximately 60% of families will be singles or couples without children, whilst the number of couples with children and single parent households is projected to decrease. The proposal will provide much needed diversity of dwelling size, typology and residential tenure to Lithgow. The range of lot sizes and housing typologies proposed in the future MHE to meet the changing needs of the population, will likely service the demand of older populations and single person households. Land lease communities are also inherently more affordable than traditional residential development, making them more attractive to lower-income households. Although the lots are variable in size and a majority accommodating an area 195.15m² to 920.74m² which are smaller than Lithgow LGA standards provided under Council's LEP, the sites proposed are far greater than the 130m² minimum prescribed by the MHE Regulations, and are considered larger than

	traditional manufactured home lots. The proposed lot sizes would facilitate a variety of housing typologies.
Objective 13: Provide well located housing options to meet demand	The site is located on Magpie Hollow Road, 3km or 8 minute drive southwest of Lithgow CBD, where the development can provide a greater mix of housing in an area where existing surrounding infrastructure capacity can be utilised. Surrounding infrastructure includes cycling routes, bus routes, business hubs, existing and future retail, and more.
Objective 14: Plan for diverse, affordable, resilient and inclusive housing	The Regional Plan recognises growing evidence of housing stress in the Region. The proposed development will deliver a diverse mix of more affordable housing options and lot sizes that serves to improve housing affordability in the LGA, such as: • Lower upfront costs –no land cost involved which significantly reduces the cost of home ownership. • Less Fees – No stamp duty, body corporate fees or council rates. • Affordable – Residents of land lease communities do not pay for the value of the land upon which their home has been erected. Further, smaller lot housing is cheaper than family homes on large blocks that accounts for majority of the Housing stock in Lithgow and will serve to increase overall housing affordability in the LGA.
Objective 16: Provide accommodation options for seasonal, temporary and key workers	The Regional Plan recognises the role of MHEs in providing accommodation options for seasonal, temporary and key workers. In this regard, the proposed development is suitable to relieve the demand for accommodation in Lithgow driven by temporary workers and ‘free up’ existing housing stock for families or other long-term residents of the region.

4.2 Lithgow 2040 Local Strategic Planning Statement

The *Lithgow 2040 Local Strategic Planning Statement* (LSPS) is a strategic plan for Lithgow City Council leading the character of its centres and neighbourhoods into the future by setting out key themes and planning priorities to outline what should be considered from a land use perspective to preserve and enhance the lifestyle of the community.

The proposed development focuses on the below planning priorities outlined in the LSPS.

Table 4 – Lithgow LSPS Assessment		
Planning Priorities		Response
1	Establish a Framework for Sustainable Growth	The development is closely located to the established services and infrastructure within Lithgow CBD.
2	Plan for a Diversity of Housing	The proposed greenfield development will provide 201 new homes in a range of sizes, designs and price points to the southwest of Lithgow CBD.
4	Recognise, Preserve, Promote and Activate our Heritage	During an Aboriginal Heritage investigation, the site has been found to be home to one heritage site and three heritage items. Appropriate handling of the discovered cultural items will be carefully conducted under consultation with the local heritage associations and groups.
5	Align Development with Essential Infrastructure	The development will deliver the relevant infrastructure to cater for the future MHE population and will not place additional burden on Council. Additionally, the adjacent road will improve through an upgrade to the existing Magpie Hollow Road intersection to a T-shaped intersection.
6	Provide the Community with Access to Attractive, Healthy and Green Public Spaces and Places	The proposed gated development will provide adequate open space and community facilities exclusively shared by the community residents. The proposed loop road and associated walk tracks along the perimeter of the proposed residential footprint will provide visual access to the attractive drainage gully downhill towards the south and west of the subject site.
9	Attract Investment and Grow Local Jobs	The proposed land lease community will contribute to part of the anticipated population growth in Lithgow, providing large demand in the goods and services of the local area which will in turn attract investment and boost local employment.

10	Manage Natural Waterways and Water Resources	The proposed land lease community will continuously help manage the existing drainage gully located to the south and west of the site without causing significant disturbance to the established natural environment. Effluent and solid waste will be well managed and kept within the footprint of the residential development.
12	Adapt to Natural Hazards and Climate Change	The subject site contains bushfire prone land subject to bushfire attack according to NSW RFS. Adequate measures have been taken to minimise the impact of bushfire and prevent losses in life and property. The measures include setting back of residential developments from source of fire located to the south and west and a proposed perimeter road to serve as barrier to fire spreading as well as access for fire trucks to support extinguishment in the event of a bushfire. An emergency egress point is proposed to access Magpie Hollow Road in case of fire emergency.

5 STATUTORY PLANNING FRAMEWORK

5.1 Relevant Legislation

The EP&A Act facilitates the preparation of relevant legislation, consisting of Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs), and Development Control Plans (DCP).

In relation to the proposed development, the relevant legislation is identified in **Table 5** below.

Table 5 – Planning Framework	
NSW Planning Considerations	Planning Instrument
NSW State Legislation	Environmental Planning & Assessment Act 1979
	Local Government Act 1993
	Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021
	Residential (Land Lease) Communities Act 2013
	Rural Fires Act 1997
	Water Management Act 2000
State Environmental Planning Policies	State Environment Planning Policy (Resilience and Hazards) 2021
	State Environment Planning Policy (Planning Systems) 2021
	State Environment Planning Policy (Transport and Infrastructure) 2021
	State Environmental Planning Policy (Industry and Employment) 2021
	State Environmental Planning Policy (Biodiversity and Conservation) 2021
Local Environmental Plan	Lithgow Local Environmental Plan 2014
	Lithgow Development Control Plan 2021

An assessment against each of the above planning documents has been undertaken and demonstrates the proposed development is generally consistent with the relevant aims, objectives and controls of each planning policy.

5.2 Acts

5.2.1 Environmental Planning & Assessment Act

Section 1.3 Objects of the Act

In New South Wales (NSW), the relevant planning legislation is the Environmental Planning and Assessment Act 1979 (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW.

The objectives of the EP&A Act are:

- a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- c) *to promote the orderly and economic use and development of land,*
- d) *to promote the delivery and maintenance of affordable housing,*
- e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- g) *to promote good design and amenity of the built environment,*
- h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The construction of community facilities and future residential dwellings would facilitate the orderly and economic development of the land and promote the delivery and maintenance of affordable housing through the delivery of a variety of dwellings in a functional layout. The land would not impact upon the ability for service infrastructure and essential utilities to be provided to the site. The proposal site does not include major constraints and can support the proposed land use.

Section 1.7

Section 1.7 of the EP&A Act requires consideration of whether there is likely to be a significant effect on threatened species, populations or ecological communities, or their habitats as a result of the proposed development, within the meanings of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994*. The proposed development would be located within a cleared area which has been previously disturbed by agricultural activity and surrounding industrial development. The proposed development is unlikely to have an adverse impact on threatened species, populations or ecological communities, or their habitats.

Section 4.15 Assessment

This section provides an assessment of the proposal against all provisions under Section 4.15 of the EP&A Act.

Table 6 – Section 4.15 (1) Assessment Summary			
Clause			Assessment
(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—		
(a)	(i)	The provisions of: Any environmental planning instruments, and	The proposed DA has been shown to be compliant with the provisions of the below instruments: • Lithgow Local Environmental Plan 2014Lithgow Development Control Plan 2021 •
	(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	N/A
	(iii)	Any development control plan, and	An assessment against the provisions of the Lithgow Development Control Plan 2021 has been provided as part of this proposed development, where it has been shown that the application largely meets the key controls and the relevant objectives.
	(iiia)	Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	N/A
	(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,	The proposed multi dwelling housing development is generally compliant with the following regulations: Rural Fires Act 1997 Biodiversity Conservation Act 2016

			Residential (Land Lease) Communities Act 2013 Local Government Act 1993 Water Management Act 2000 Roads Act 1993 (NSW)
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,		Any potential impacts have been considered and discussed in Section 5.4. The proposed development has been shown to be acceptable in these fields.
(c)	The suitability of the site for the development,		The proposal is suitable for the site given the sites zoning and minimal adverse environmental impacts. See Section 3.7 for further detail.
(d)	Any submissions made in accordance with this Act or the regulations,		This matter is to be addressed following the notification of the application.
(e)	The public interest.		The proposal is in the public interest as: • The development is permissible in the zone and meets the zone objectives; • The environmental impacts have been considered and can be appropriately mitigated; • At least two hundred and one (201) residential dwelling sites would be added to the Lithgow housing market, placing downward pressure on the cost of housing; • The proposal provides good amenity and recreational areas for future residents; and • A range of lot sizes and typologies are available to cater for social mix.

Integrated Development

Section 4.46 of the EP&A Act states that development requiring consent and another activity approval is defined as Integrated Development. An assessment of Integrated Development triggers is outlined in **Table 7** below.

Table 7 – Integrated Development Considerations			
Act	Provision	Approval	Relevant
Coal Mine Subsidence Compensation Act 2017 (NSW)	s 22	Approval to alter or erect improvements, or to subdivide land within a mine subsidence district.	No
Fisheries Management Act 1994 (NSW)	s 144	Aquaculture permit.	No
	s 201	Permit to carry out dredging or reclamation work.	No
	s 205	Permit to cut, remove, damage, or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease.	No
	s 219	Permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway, or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river, or creek, or across or around a flat.	No
Heritage Act 1977 (NSW)	s 58	Approval to carry out work that may affect an interim heritage order or listing on the State Heritage Register, referred to in s 57 (1) of that Act.	No
Mining Act 1992 (NSW)	ss 63, 64	Grant of mining lease.	No
National Parks and Wildlife Act 1974 (NSW)	s 90	Grant of Aboriginal Heritage Impact Permit.	Yes
Petroleum (Onshore) Act 1991 (NSW)	s 16	Grant of production lease.	No
Protection of the Environment Operations Act 1997 (NSW)	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	No
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	No

Table 7 – Integrated Development Considerations			
Act	Provision	Approval	Relevant
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	No
Roads Act 1993 (NSW)	s 138	Consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work, or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	Yes. It is proposed that a T-shaped intersection is proposed to facilitate the entry and exit to the community coming off Magpie Hollow Road, therefore an S138 approval is needed See Section Error! Reference source not found..
Rural Fires Act 1997 (NSW)	s 100B	Authorisation under Section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes.	No See Section 5.2.2.
Water Management Act 2000 (NSW)	ss 89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3.	Yes, a controlled activity approval is required under s 91.

5.2.2 Rural Fires Act 1997

The proposed development is a multi dwelling housing estate and proposes no land subdivision, therefore it is not classed as special fire protection purpose development (SFPP) under Section 100B of the Rural Fires Act 1997 (RF Act). However, as the proposal intends to be utilised as an MHE, it is anticipated that Council may refer the application to the NSW RFS and request their concurrence and/or general terms of approval.

The subject site is identified by Council's mapping as being bushfire prone land categories 1, 3 and Vegetation Buffer. A Bushfire Threat Assessment has been undertaken to the proposed development area. The Assessment aims to ensure that the proposal complies with the requirements of Section 6 of the NSW Rural Fire Service's (NSW RFS) guideline Planning for Bushfire Protection 2019 (PBP), where appropriate

bushfire protection measures are incorporated into the proposal. Further detail has been provided in the Bushfire Risk Assessment report.

The site is fully compatible with the recommendations made in the report which includes:

- Proposed Asset Protection Zone (APZ) to provide space and reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and to prevent direct flame contact.
- Access standards provide for emergency evacuation and firefighting operations.
- Construction standards seeking to increase the protection of the habitable buildings from bushfire.
- A water supply provided for firefighting operations.
- A Bushfire Emergency Management and Evacuation Plan prepared to comply with the NSW RFS document.

The APZ is proposed in accordance with the Planning for Bushfire Protection 2019 (PBP) Guidelines and incorporates various separation based on vegetation and slope data near the dwellings. Figure 20 above shows indicative area of the proposed APZ.

The APZ is established a distance to the existing vegetation to the southwest of the development footprint, ranging from 17.2m to 32m. The APZ would provide a safer outcome for the locality through full site management, the introduction of access roads, a fire hydrant system and maintained landscaping.

5.2.3 Biodiversity Conservation Act 2016

Under the Biodiversity Conservation Act 2016, development that is on land with a minimum lot size prescribed under an environmental planning instrument of less than 1 hectare and involves the clearing of native vegetation in excess of 0.25ha triggers an entry into the Biodiversity Offset Scheme and a Biodiversity Development Assessment Report (BDAR) is required to address the impact.

The proposed development will be carried out on land that has a minimum lot size under the LEP of 2,000 square metres and proposes to impact approximately 12.56 hectares of native vegetation across the site which is greater than the 0.25ha threshold, therefore a BDAR has been prepared to accompany the development.

5.2.4 Residential (Land Lease) Communities Act 2013

The proposed development intends to be established as a Land Lease Community (LLC) development under the Residential (Land Lease) Communities Act 2013.

Although the details of this Act are not relevant from a development assessment perspective, it is relevant for the consent authority to note the different forms of housing tenure that an LLC provides and the housing diversity and affordability advantages inherent in this type of development.

5.2.5 Local Government Act 1993

The proposed multi dwelling housing has been designed having regard to Local Government Act 1993 and specifically Part 2 Division 3 of the MHE Regulations.

A separate/future application would be lodged with Council seeking approval to operate an MHE under Section 68 of the LG Act. Nevertheless, an assessment against the provisions of Part 2 Divisions 2 and 3 of the MHE Regulations has been discussed briefly below, to identify that the MHE has considered the relevant requirements required to facilitate LG Act approval.

Similarly, subsequent approvals to install the proposed homes would also follow the section 68 LG Act assessment pathway. The relevant provisions of Part 2 Division 4 of the MHE Regulations have been considered in developing the layout of the proposal.

5.2.6 Water Management Act 2000

Controlled activities carried out in, on or under waterfront land are regulated by the Water Management Act 2000 (WM Act). 'Waterfront land' is defined as the bed of any river, lake or estuary, and the land within 40m of the riverbanks, lake shore or estuary mean high water mark.

The proposed development footprint would be located within 40 metres of defined waterfront land and requires a controlled activity approval under Section 91(2) of the WM Act, therefore the development would require referral to NRAR under Section 4.46 of the EP&A Act. below shows the distance from the proposed stormwater works to the watercourse to the south:

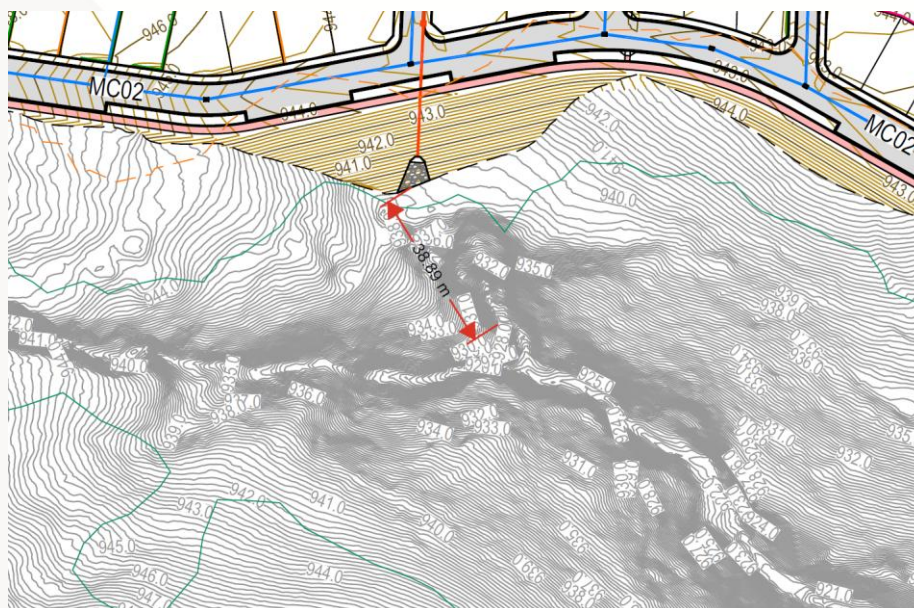


Figure 23 Works in Waterfront Land

Source: Civil Engineering Plans, Groundswell (August 2025)

5.2.7 Roads Act 1993 (NSW)

The Act requires an S138 Consent for:

- (a) erect a structure or carry out a work in, on or over a public road, or
- (b) dig up or disturb the surface of a public road, or
- (c) remove or interfere with a structure, work, or tree on a public road, or
- (d) pump water into a public road from any land adjoining the road, or
- (e) connect a road (whether public or private) to a classified road

It is proposed that a T-shaped intersection is proposed to facilitate the entry and exit to the community coming off Magpie Hollow Road, therefore an S138 approval is needed. All daily vehicular traffic and services will be through this intersection. Magpie Hollow Road is a public road and is owned by Lithgow City Council. The road upgrade works will be conducted by the proponent. Figure 24 and Figure 25 below are extracted from the Civil Design Plans prepared by Groundswell.

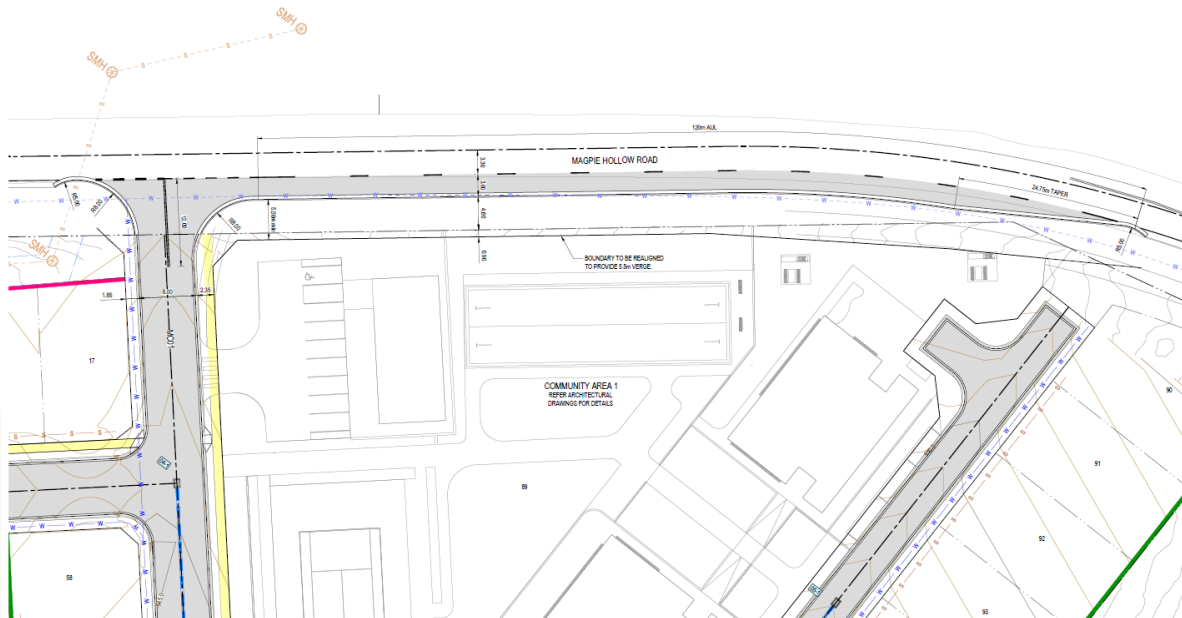


Figure 24 Proposed T-intersection and Road Upgrade Works

Source: Civil Engineering Plans, Groundswell (November 2025)

East to the intersection will be an emergency access on Magpie Hollow Road proposed for entry and exit to the site in case of a fire emergency. See below for location of emergency access:



Figure 25 Fire Emergency Access off Magpie Hollow Road

Source: Civil Engineering Plans, Groundswell (November 2025)

5.2.8 Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

The object of this Regulation is to provide opportunities for affordable alternatives in short-term and long-term accommodation by setting standards—

- (a) for the design of manufactured home estates, caravan parks and camping grounds, and
- (b) for the design and construction of manufactured homes and other moveable dwellings, and
- (c) for the siting of manufactured homes and other moveable dwellings, and
- (d) to promote the health, safety and amenity of the occupiers of manufactured homes and other moveable dwellings.

In this instance, the intent of the application is not to pursue S68 approval under the LG Act. However, considerations are taken in regards to the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. Error! Reference source not found. provides an assessment of the application against the relevant standards in the LG Act, which was previously discussed with Council. Therefore, throughout the assessment of DCP provisions, there will be a number of locations where substitute requirements are referenced (i.e. the LG Regs) in place of ordinary DCP provisions.

Table 8, outlines the scope of design substitution between the Lithgow DCP and the LG Regulation 2021.

Table 8

Item	DCP – Section	LG Regs, Clause.
1	Section 6.5.6A(2) - Setbacks: - Front: 6m - Side: 4.5m - Rear: 1.5m	Cl. 44 - Setbacks: - Front: min. 1m from road boundary. - Side: 1m from the boundary. - Rear – not specified - Other: min. 2m from the boundary of MHE.
2	Section 6.5.6C – Landscaping - 30% landscaped area – please confirm this is assessed/based on the parent lot size?	Landscaping - No % or minimum area (m²) specification. - Landscaping in each dwelling site would apply – i.e. building setbacks and POS.
3	Section 6.5.6C - Tree planting - Front – 1 tree (mature height of 5m) if road setbacks greater than 3m - Rear – 1 tree (mature height of 8m)	Tree planting - No requirement. A detailed landscape design (including trees in the front setback or within road corridors), with tree selection having regard to proximity to services, buildings, hardstand areas, roads etc.

4	Section 6.5.6G(7) – Building separation - 3m between buildings on the same lot.	Cl. 44 – setbacks: - As above, min. 1m side setbacks.
5	Section 6.5.6L – Principal Private Open Space - POS – min area of 45m² (incl. 8m² covered)	Cl. 46 - Open Space (dwelling sites) - Min. 30m² - At least 1 area with a minimum dimension of 3m.
6	Section 6.5.6N – Parking - 1 space per 1- & 2-bedroom dwellings - 2 spaces per 3 or more bedroom dwellings.	Cl. 48 – Garages - No specifications for minimum number per bedroom (minimum of 1 per site). - Can be built on the boundary - Where shared (double garage, servicing two dwellings), may extend over the boundary.
7	Section 6.5.6N - Visitor Parking - 1 space per 5 dwellings.	Cl. 23 – Visitor Parking - MHE containing 105 or more sites – 20 spaces, plus 1 space per 7 site above 140 sites.

5.3 Environmental Planning Instruments

5.3.1 State Environmental Planning Policies

5.3.1.1 State Environmental Planning Policy (Planning Systems) 2021

Under the provisions of Section 2.19(1) and Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 the proposal is regionally significant development as the estimated development cost exceeds \$30 million. Therefore, the DA is required to be determined by the Western Regional Planning Panel.

5.3.1.2 State Environmental Planning Policy (Biodiversity and Conversation) 2021

Under the Biodiversity Conservation Act 2016, development that is on land with a minimum lot size prescribed under an environmental planning instrument of less than 1 hectare and involves the clearing of native vegetation in excess of 0.25ha triggers an entry into the Biodiversity Offset Scheme and a Biodiversity Development Assessment Report (BDAR) is required to address the impact.

The proposed development will be carried out on land that has a minimum lot size under the LEP of 2,000 square metres and proposes to impact approximately 12.56 hectares of native vegetation across the site which is greater than the 0.25ha threshold, therefore a BDAR has been prepared to accompany the development. As per BAM Subsection 9.2.1(3), no ecosystem credits are required for offsetting impacts to native vegetation where the VI score for the zone assessed is less than 15. All native vegetation on the subject land is within one vegetation zone with a VI score of 3.3 so no ecosystem credits are required for offsetting impacts from this proposal. Two threatened reptile species are assumed to be present so require species credits for offsetting as per BAM Subsection 9.2.2(2) totalling 46 Credits required.

Part 6.2 & 6.5 of the SEPP applies as the site is located within the Sydney Water Catchment and is therefore subject to provisions and water quality measures. In assessing the development, Council and Water NSW must consider multiple matters on whether water quality in a waterway would be negatively impacted or any other issue would be caused.

The consent authorities should be satisfied that the quality of water entering the creek lines on the south of the site will largely be maintained as the development proposes a residential community that will not generate a significant amount of contaminants. No significant change to the existing drainage discharge is to be caused by the proposed development. Water NSW should be consulted throughout the assessment of the application.

5.3.1.3 State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 of the State Environmental Planning Policy (Industry and Employment) 2021 relates to advertising and signage. The SEPP generally aims to ensure that signage is compatible with the desired amenity and visual character of an area, provides effective communications in suitable locations, and is of high-quality design and finish.

In accordance with **Section 2.1**, building identification signage and estate entry signage would be provided at the primary entrance the future MHE and also sited on buildings within the primary community facilities. The size and type of signage is relatively modest

compared to the overall mass and scale of the community facilities building. A summary of the proposed development against the assessment criteria in Schedule 5 of the SEPP is in **Table 8** below.

Table 8 – Project Compliance – SEPP Industry and Employment 2021	
Schedule 5 Provisions	Complies / Comments
Character of the Area • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with the scale, design, and materials utilised for the estate.
Special Areas • Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	Not applicable.
Views and Vistas • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not obscure or compromise important views or reduce the quality of vistas, given its position and setbacks achieved from major roads. It is also acknowledged that landscape screening is provided in conjunction with the proposal, which further screens and mitigates the location of signage, when viewed from the external domain.
Streetscape, setting or Landscape • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising? • Does the proposal screen unsightliness?	The size and type of signage is relatively modest compared to the overall mass and scale of the community facilities building and estate entry features, noting landscape embellishment will assist in blending the proposed buildings and fixed external signage.

• Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management?	
Site and building • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The size and type of signage is compatible with the scale of the site since it is relatively modest compared to the overall mass and scale of the community facilities building.
Associated devices and logos with advertisements and advertising structures • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable.
Illumination • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew?	Illumination of signage is not proposed.
Safety	The proposed Sales Office signage would be outside the reserve area of a public road or the private network of the site. The signage is located a distance to the footpaths and

• Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	bicycle lanes to avoid encroaching. The signage is to be built without reducing safety for the nearby public road, pedestrians or bicyclists by obscuring sightlines from public areas.
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Figure 26 below shows rendering of the proposed Sales Office signage:



Figure 26 Site Signage

Source: Civil Engineering Plans, Groundswell (August 2025)

5.3.1.4 State Environmental Planning Policy (Transport and Infrastructure) 2021

2.48 Development Likely to Affect an Electricity Transmission or Distribution Network

Under the Section 2.48 of the SEPP, works within the proximity of existing electricity infrastructure must be referred to the electricity supply authority for consideration. The SEPP applies to the development as the works are immediately adjacent to the power easement. External referral to the supply authority for advice and comments will be considered by Council.

2.122 Traffic-generating development

Under the provision of Clause 2.122 & Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021, traffic generating development must be referred to Transport for NSW for consideration.

The proposal is not traffic generating development because it involves the development of new residential accommodation of less than 300 dwellings and does not involve the opening of a public road. Magpie Hollow Road is not a classified road. The Great Western Highway is

a classified road, however, the proposed connection point is sited greater than 100 metres away from the intersection.

2.136 – 2.138 Stormwater management systems

The development includes a stormwater management system consisting of pits and pipes, inter-allotment drainage, detention basins, filtering and discharge to the creek lines. The system has designed in quality control systems to ensure the discharge water quality is up to standard. Whilst the majority of the works of the proposed construction of stormwater facilities are located within the R2 zoned land in the site, a small portion of the stormwater works are within the C3 zoned land. The proposed stormwater infrastructure falls under the definition of 'stormwater management system' in Section 2.136 of the Transport and Infrastructure SEPP, and development of such may be carried out with consent in pursuance of Section 2.138 of the SEPP.

5.3.1.5 State Environmental Planning Policy (Resilience and Hazards) 2021

Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021 states that the issue of contamination and remediation needs to be considered in the assessment of a Development Application. The site has been previously assessed for contamination through a Preliminary Contamination Investigation prepared by Envirowest for Council's assessment under DA022/18. The Report recommended that the site was suitable for the proposed residential land subdivision and recreational land use.

An updated Preliminary Contamination Investigation has been prepared by Envirowest Consulting to determine potential changes in the contamination status on Parcel 2 since the 2017 assessment and suitability for residential land use. The new site investigation recommends that the site has been predominately cleared of native tree species with remnant native trees present along the drainage line. No obvious changes were identified during the site investigation compared to the findings in 2017, therefore it can be concluded that the site conditions remain suitable for residential and recreational land use.

5.3.1.6 State Environmental Planning Policy (Sustainable Buildings) 2022

The SEPP Sustainable Buildings is not applicable to the proposed moveable dwellings.

5.3.2 Local Environmental Plan

5.3.2.1 Lithgow Local Environmental Plan 2014

Under the Lithgow LEP 2014, the subject site encompasses land zoned for R2 – Low Density Residential and C3 – Environmental Management (see Figure 13 below).

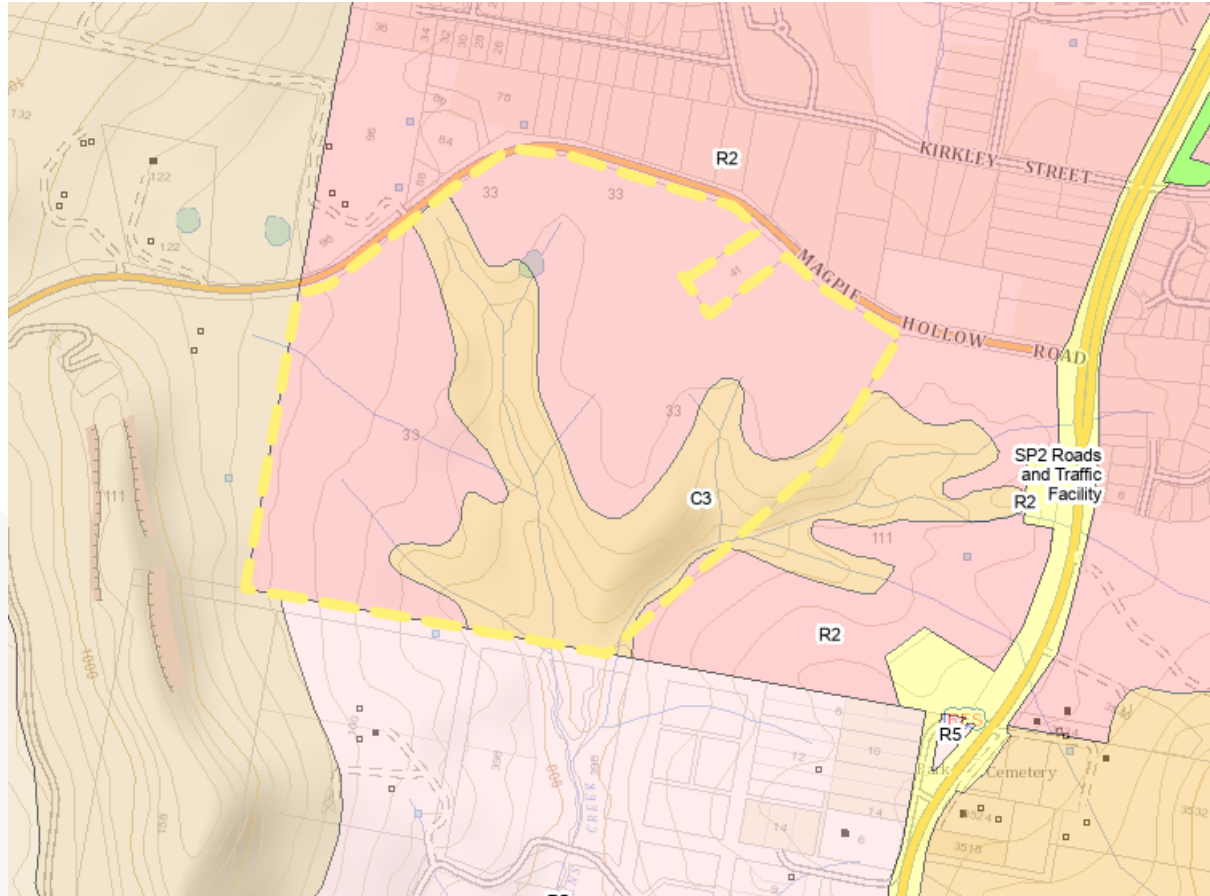


Figure 27 Land Zoning Map

Source: NSW Planning Portal Spatial Viewer (August 2025)

Multi dwelling housing is permitted with consent in the R2 Zone. Multi dwelling housing is prohibited in the C3 Zone. The proposed dwellings are located within the R2 zoned land whereas limited works including roads and stormwater facilities are located within the C3 zone.

Source: Civil Engineering Plans, Groundswell (August 2025)

Item	Provision	Assessment
Land Use Table Zone R2 Low Density Residential	The land subject to the proposed is located in: Zone R2 – Low Density Residential The objectives of the R2 zone are as follows: 1. To provide for the housing needs of the community within a low density residential environment. 2. To enable other land uses that provide facilities or services to meet the day to day needs of residents. 3. To maintain or improve the water quality of receiving water catchments.	Permitted with consent. 1. The development provides an alternative form of affordable residential stock to the market. 2. The development proposes residential dwellings that will feed into the catchment of local facilities and services. 3. Limited works are proposed within the proximity of the water course which is the construction of stormwater outlets. Adequate civil and servicing facilities are proposed across the site to protect and retain the water quality of the watercourse west and south of the subject site.

Table 9 – Lithgow LEP 2014 Compliance Table

Item	Provision	Assessment
C3 Environmental Management	C3 Environmental Management The objectives of the C3 zone are as follows: 1. To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values. 2. To provide for a limited range of development that does not have an adverse effect on those values. 3. To facilitate the management of environmentally sensitive lands and riparian areas. 4. To protect and conserve the vegetation and escarpment landscape surrounding Lithgow. 5. To maintain or improve the water quality of receiving water catchments.	Prohibited. 1. The creek line south and west to the site will be retained with no development works proposed to the area, hence ecological and aesthetic values are protected. 2. The C3 zoned parcel of land will be retained with no significant works proposed within the area. 3. The proposed residential development will keep the Environmental Management in good condition to appropriate management plans. 4. No significant works are proposed within the creek line, hence vegetation and escarpment landscape are retained. 5. No significant works are proposed within the proximity of the water course. Adequate civil and servicing facilities are proposed across the site to protect and retain the water quality of the watercourse west and south of the subject site.
Part 4 – Principal Development Standards		
4.1 Minimum Lot Size		2,000 square metres The subject land exceeds the minimum prescribed lot size shown on the <i>Lot Size Map</i>.
4.1A Minimum Lot Size for Dual Occupancies, Multi Dwelling housing and Residential Flat Buildings		1,200 square metres. The subject land exceeds the minimum prescribed lot size to enable multi-dwelling housing in the R2 zone. The proposal would not create lots smaller than 1,200 square metres.
4.3 Height of Buildings		N/A
4.4 Floor Space Ratio		N/A

Table 9 – Lithgow LEP 2014 Compliance Table		
Item	Provision	Assessment
Part 5 Miscellaneous Provisions		
5.10 Heritage Conservation	The objectives of this clause are as follows— (a) to conserve the environmental heritage of Lithgow, (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.	N/A The subject site is not identified as being of local or state heritage significance. The proposal will impact Aboriginal objects. The potential harm from construction activities from the proposal will include the construction of a residential subdivision, major earthworks, construction of roads, installation of utilities and services, landscaping, and construction of drainage basins.
5.21 Flood Planning	(1) The objectives of this clause are as follows— (a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.	Complies. An upstream catchment (approximately 13.5ha) located on the northern side of Magpie Hollow Road currently drains towards the proposed development site. The existing drain outlet will be extended and redirected through the site via a piped network before discharging into the existing tributary. The pit and pipe network is designed to accommodate 20% AEP flow rates, and Major storm events exceeding the capacity of the pit and pipe system will be conveyed via an overland flow path within the road reserve to maintain safe passage of floodwaters through the site. Watercourse flood impacts are not applicable due to siting of proposal footprint and changes in topography.
Part 7 Additional Local Provisions		
7.1 Earthworks	(1) The objective of this clause is to ensure that earthworks for	Complies

Table 9 – Lithgow LEP 2014 Compliance Table

Item	Provision	Assessment
	which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. (2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to other development for which development consent has been given. (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters— (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the	The site is clear of significant vegetation and generally contains grasses as the predominant groundcover. The required earthworks and site regrading strategy would not result in detrimental impact on environmental functions and processes, neighbouring land uses and heritage considerations. No import of external fill would be required over the duration of the proposal. Only existing soil currently on site is to be used which incorporates retaining wall and batters as appropriate, along with compaction requirements to civil design parameters and geotechnical requirements. Any locations of fill would be required to achieve Level 1 compaction requirements before future residential use occurs. Soil stability would be managed through appropriate design parameters, compaction and geotechnical requirements to ensure stability is appropriately managed. Drainage patterns would continue to meet pre/post development flows, however, in a controlled release outcome at designated locations. Earthworks are required to establish the proposal; construction works are to be managed by a Construction Environmental Management Plan (CEMP) to manage on-site works and potential for impacts to adjacent properties/uses. The risk of disturbing a relic is low. Stop work procedures would be incorporated into the CEMP. Suitable erosion and sediment controls would be implemented to ensure adjoining properties are not impacted,

Table 9 – Lithgow LEP 2014 Compliance Table

Item	Provision	Assessment
	destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area, (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development, (i) the proximity to, and potential for adverse impacts on, any heritage item, archaeological site or heritage conservation area.	and where practical dust, noise suppression.
7.3 Stormwater Management	The objective of this clause is to minimise the impacts of urban stormwater on land to which the development applies and on adjoining properties, native bushland and receiving waters.	Stormwater for the property is to be collected, using site grading, stormwater infrastructure within access roads, and inter-allotment drainage, and directed to 2 on-site detention basins. Water quality measures are also incorporated into the overarching drainage network. Excess volumes would be released in a controlled manner to nominated discharge points. Pre and post-development flows would be achieved. A stormwater plan and report has been provided alongside this SEE.
7.4 Terrestrial Biodiversity	The objective of this clause is to maintain terrestrial biodiversity by— (a) protecting native fauna and flora, and (b) protecting the ecological processes necessary for their continued existence, and (c) encouraging the conservation and recovery	The site is mapped as Biodiversity on the Environmentally Sensitive Areas - Biodiversity Overlay Map BIO_002. The development proposes minimal works to the terrestrial biodiversity mapped land and will not have any adverse impact on the fauna and flora, habitat and biodiversity structure, function and composition of the land.

Table 9 – Lithgow LEP 2014 Compliance Table

Item	Provision	Assessment
	of native fauna and flora and their habitats.	The works are limited to stormwater outlet requirements, to control release of excess stormwater.
7.5 Groundwater vulnerability	(1) The objectives of this clause are as follows— (a) to maintain the hydrological functions of key groundwater systems, (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.	Complies The site is mapped as Groundwater Vulnerable on the Environmentally Sensitive – Water Overlay Map CL1_002. The proposed residential impact on groundwater vulnerability is considered minor. The development proposes limited excavation to the existing ground levels predominantly cutting levels below 3m. The limited cut to the site is considered unlikely to interact with the existing water table on site. The Preliminary Contamination Investigation report supplied under separate cover suggests that existing stockpiles identified in the central eastern and central southern sections of the site consist of concrete and bricks which are unlikely to contaminate the groundwater.
7.6 Riparian Land and Watercourses	The objective of this clause is to protect and maintain the following— (a) water quality within watercourses, (b) the stability of the bed and banks of watercourses, (c) aquatic riparian habitats, (d) ecological processes within watercourses and riparian areas.	Complies. The site is not identified as ‘Sensitive Waterway’ but located within 40m of the top of the bank of ‘Watercourse’ land. Council can be satisfied that the development is designed, sited and will be managed to minimise any significant adverse environmental impact.
7.7 Sensitive lands	(1) The objective of this clause is to protect, maintain and improve the diversity and stability of landscapes including the restriction of— (a) development on land generally unsuitable for development due to steep slopes or shallow soils, and	Complies. The south-western portion of the subject lot is mapped as Sensitive Land Areas on the Environmentally Sensitive Areas – Land Overlay Map NRL_002. The proposed works will be outside the scope of the Sensitive Areas to avoid

Table 9 – Lithgow LEP 2014 Compliance Table		
Item	Provision	Assessment
	(b) development on land subject to salinity, and (c) the removal of native vegetation, and (d) development on land that is subject to regular or permanent inundation, and (e) development on land that is within significant karst environments.	significant adverse environmental impact. 
7.10 Essential Services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) storm water drainage or on-site conservation, (e) suitable road access.	Complies. The site has access to existing (essential services) infrastructure which would be augmented and extended into the proposal as required. It is also acknowledged that the need to provide essential services is prescribed under the MHE Regulations.

5.3.2.2 Lithgow Development Control Plan 2021

The *Lithgow Development Control Plan 2021* applies to the proposed development as the proposed development is for multi dwelling housing. In accordance with Council's pre-lodgement advice dated 9 May 2022, Chapters 2 & 6.5 Medium to Higher Density Housing has outlined the relevant Objectives and Controls that the development needs to be in line with. A detailed assessment against the Chapters are listed in **Table 11** and **Table 12**.

Table 10 – Lithgow DCP 2021 Compliance Table		
Item	Provision	Assessment
Chapter 2 Site Requirements		
2.2 Site Analysis, Local Character & Context		
2.2.1 Site Selection	Development needs to demonstrate that the chosen site is suitable for the proposed	The proposal is consistent with the land use zone of

Table 10 – Lithgow DCP 2021 Compliance Table

Item	Provision	Assessment
	development and that the layout and design will avoid, or minimise/mitigate any significant impacts on the environment and on other land uses in the vicinity of the site.	low density residential by providing the housing needs of the local community while maintaining the water quality of the receiving water catchment on the south of the site. The proposal would provide potential employment population and create demand in goods and services to the locality. The proposed residential development would cause no detrimental impact to the existing woodland and water catchment on the site, or to the existing residential development along Magpie Hollow Road, providing a high degree of site maintenance and control of activity.
2.2.2 Site Analysis & Development Response	Any new development shall demonstrate that the design of the proposed development has responded to an analysis of the Site and its relevant context.	Complies. A full site analysis has been provided in this report, and the proposed design has responded to the site unique topography, location, natural hazards and surrounding land use.
	Council may require an applicant to lodge a number of supporting studies/plans in accordance with Council's DA Guide.	Noted.
2.2.3 Local Character & Context	1) Character: All applications demonstrate that the proposed development has considered the local existing and desired future character of the area and that the proposed development is consistent with and/or integrates with this character.	Complies. Refer to 3.2.
	2) Heritage: Where a development site is in a Heritage Conservation Area in Chapter 4 – Heritage & Cultural Conservation then the	N/A

Table 10 – Lithgow DCP 2021 Compliance Table		
Item	Provision	Assessment
	application addresses the relevant character statement(s) for that site.	
	3) Site-Specific: Where a site is covered in Chapter 9 – Location Specific Controls of this DCP – any character and form controls in that Chapter are addressed (where relevant).	N/A
2.2.4 Visually Prominent Sites	Development on a visually prominent site is sited and designed to minimise visual and environmental impact.	N/A The site is not considered a visually prominent site.
2.3 Slope Response, Earthworks & Retaining Walls		
2.3.1 Earthworks	1) All development that involves any significant earthworks provides a plan and/or description of the location, extent and depth of earthworks that forms part of the application.	Complies. Refer to the Civil Engineering Plans submitted under separate cover. A bulk earthworks, site regarding and retaining wall plan accompanies the application.
	2) LLEP2014: All development that involves any significant earthworks addresses Clause 7.1 - Earthworks of LLEP2014.	Complies. Refer to assessment against the LLEP in Section Error! Reference source not found.
	3) Design: Developments on sloping sites are sited, designed and use construction techniques that respond to the topographical (slope) & hydrological (water) features of the site. Alternatives to slab on ground construction should be utilised where, due to gradient and characteristics of the site, such form of construction is inappropriate.	Complies. Refer to Engineering Design Plan submitted under separate cover.
	4) Impact: Depending on the likelihood and significance of impact of any proposed earthworks on the matters raised in the objectives of this Section, Council may require justification for the need for those earthworks AND additional plans/reports/certification to demonstrate that the impacts can be avoided, mitigated or minimised (for examples, see table below).	Noted.
	5) Drainage: Disturbance to natural drainage patterns is minimised and addresses Section 2.5 Stormwater Management of this DCP.	Complies.

Table 10 – Lithgow DCP 2021 Compliance Table		
Item	Provision	Assessment
		Refer to Engineering Design Plan submitted under separate cover.
	6) Batters: a) Cut and fill batters do not exceed a slope of 1V:2H (vertical to horizontal) depending on soil classification or Council is satisfied of sufficient site stability by a Geo-technical and/or Structural Report; and b) All batters are to be provided with both short and long-term stabilisation to prevent soil erosion and do not extend onto public or adjoining land without permission.	Complies. Refer to Engineering Design Plan submitted under separate cover.
2.3.2 Retaining Walls	1) Application: Where new or altered retaining wall(s) are proposed (excluding exempt development), the application provides details of retaining wall location, height & materials including Site Plan(s) and relevant Section(s)/Elevation(s).	Complies. Refer to Engineering Design Plan submitted under separate cover.
	2) Impacts: All retaining wall(s) associated with residential uses address the objectives in this Section and address any potential impact(s).	Complies. Refer to Engineering Design Plan submitted under separate cover.
	3) Structural Design: Retaining walls (that are not exempt development) are designed by a suitably qualified structural engineer and/or installed in accordance with the manufacturer's specifications.	Complies. Refer to Engineering Design Plan submitted under separate cover.
2.4 Stormwater Management		
1)	Development applications (in accordance with Council's DA Guide) may need to provide a Stormwater Drainage (Concept) Plan (SDCP) and/or Soil and Water Management Plan (SWMP) addressing stormwater management on the Site.	Complies. A Stormwater Drainage Concept Plan is incorporated in the Engineering Design Plan submitted under separate cover.
2)	Guidelines: All Stormwater drainage is designed to comply with Council's Engineering Guidelines – Section 3 – Stormwater Drainage.	Complies. Refer to Engineering Design Plan submitted under separate cover.

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3)	Drinking Catchment: Unless there is 'no identifiable potential impact', all development within the Sydney Drinking Water Catchment demonstrates a neutral or beneficial effect upon water quality in accordance with the requirements of SEPP (Sydney Water Drinking Catchment) 2011.	Complies. The development would not have a negative effect upon quality of the water catchment. Appropriate controls would be incorporated at detailed design stage.
4)	Water tanks: BASIX, Council, RFS or Water NSW may require water tanks to be provided that capture roof water, reduce stormwater quantities, and allow for limited re-use on-site in accordance with the stormwater plan(s).	Complies. The development is capable of providing water tanks to maximise rainwater reuse.
5)	5) On-Site Detention (OSD): Council may require a development to incorporate OSD on the site for larger developments or subdivisions where (guided by the stormwater assessment): a) There is a significant modification between pre-and post-development flows; and/or b) The downstream hydraulic capacity of one or more components in a drainage system is inadequate for the design flow.	Noted. Please refer to the stormwater management report, accompanying the application.
6)	Discharge: Stormwater runoff is designed to flow to Council's stormwater system, inter-allotment drainage easement, or other legal point of discharge.	Complies. Onsite stormwater runoff will be discharged into the drainage gully in the south of the site.
7)	Inter-Allotment Drainage: Where site topography prevents the discharge of stormwater directly to the street gutter of a Council controlled pipe system (predominantly in an urban area), then: a) Inter-allotment drainage is to be provided to accept runoff from all existing or future impervious areas that are likely to be directly connected; b) Details of proposed stormwater management infrastructure and overland flow paths as well as permission from any adjoining lots for the proposed easement will be required with the application; and	Complies. Inter-allotment drainage is provided to sites where stormwater would not drain naturally to the street, and is linked to onsite drainage basins and discharge points proposed as part of the development.

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	c) Appropriate easements are to be acquired over any affected property prior to the issue of either the subdivision or construction certificate (as relevant).	
2.5 Vehicle Access & Parking		
2.5.1 Guidelines & Standards	All development is e.g., designed to be consistent with Council's Guidelines, RTA Guide, Australian Standards, Austroads Guidelines and Relevant Council Policies.	Complies. Refer to Engineering Design Plan submitted under separate cover.
2.5.2 Vehicle Access & Driveways	1) Any proposed site vehicle access location and design must consider the site opportunities and constraints as well as public safety.	Complies. Refer to Engineering Design Plan submitted under separate cover.
	2) All works comply with Council Policy No.10.18 – Specification for the Construction of Driveways, Footpath/Gutter Crossings and Foot-paving	Complies. Refer to Engineering Design Plan submitted under separate cover.
	3) All Weather Access: All weather access is required to all development to ensure that emergency services are able to access them at all times.	Complies. Refer to Engineering Design Plan submitted under separate cover.
	4) Has a minimum separation of 6m from the kerb return of a street corner/intersection in an urban area and Complies with AS2890.1.	Complies. Refer to Engineering Design Plan submitted under separate cover.
	5) Vehicle access and egress to/from a lot occurs in a forward direction except the applicant has demonstrated there are specific site constraints, exceptional circumstances, and safety has been addressed.	Complies. Vehicular access in and out of each residential lot and community facilities would be carried out within the gated community and low speed locality which would be generally safe. Refer to Engineering Design Plan submitted under separate cover.
	6) Vehicle access is designed to	Complies.

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	a) Meet the requirements of Council's Engineering Guidelines in Section 2.3.8 - Driveway Construction; b) Cross the footpath or footway at right angles to the centreline of the road; c) Be clear of obstructions, which may prevent drivers having a timely view of pedestrians or vehicles; d) Be 0.5m clear of drainage structures at the kerb or gutter and not impact other utility infrastructure (or relocation is at the cost of the developer); e) Be properly signposted, where there are separate access and exit points; f) Take into consideration any requirements in the former RTA (2002) Guidelines for Traffic Generating Development (as amended or replaced) – Section 6.2 Access requirements.	Refer to Engineering Design Plan submitted under separate cover.
	7) Slope: Driveways and car parking areas in urban areas does not exceed a maximum grade of 25% with suitable transitions at the boundary and garages to prevent scraping for the standard design vehicle.	Complies. Refer to Engineering Design Plan submitted under separate cover.
	8) Driveway Width: a) Driveways serving one (1) to two (2) dwellings or in rural areas are a minimum width of 3.5m. b) Shared driveways serving three (3) or more dwellings (up to eight (8) dwellings) have a minimum width of 4.5m (3.5m carriageway plus landscaping) increasing to 5.5m forward of the front building line or provide for passing bays (in accordance with AS 2890.1) based on the size of the development/length of the driveway. c) Driveways servicing commercial or industrial development (or residential development not covered in (a) or (b) above) have sufficient width to enable safe either two-way or separated one-way vehicle movement in and out of the Site without blocking sight-lines.	Complies. Refer to Engineering Design Plan submitted under separate cover.

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	d) Driveways do not dominate the street and provide the minimum width to achieve safety whilst being integrated with the landscape design for the site.	
	9) Setbacks/Gates (Rural Areas)	N/A
2.5.3 Loading/Unloading, Delivery & Servicing Facilities	1) Numbers/Spaces: All new development (except in accordance with Section 2.5.6 - Exemptions to Off-Street Car Parking Requirements of this DCP) provides sufficient numbers and size of spaces on-site for service vehicles based on: a) The expected frequency of servicing; and b) The likely vehicle size/type of delivery vehicle (see Section 5 of the former RTA (2002) Guidelines for Traffic Generating Development (as amended or replaced) relating to courier, delivery and service vehicles), unless otherwise agreed with Council;	Complies. Refer to Engineering Design Plan submitted under separate cover.
	2) Street Servicing: Servicing from the street frontage is not permitted unless there are site constraints that would prevent off-street servicing from occurring (exemption generally limited to Zone B2 Local Centre in LLEP2014 but justification still required).	Complies. Loading areas are provided to the primary and secondary community areas to allow for off-street servicing.
	3) Design: Layout and dimensions are to comply with AS2890.2 Off street commercial vehicle facilities (where applicable).	Complies. Refer to Engineering Design Plan submitted under separate cover.
	4) Residential Impacts: In mixed use developments (or adjacent to residential zones or residential accommodation) servicing facilities for non-residential uses are located and designed to protect the amenity of residents.	N/A
	5) Loading / Unloading Design: Servicing area(s) are located and designed so: a) They can be accessed in a safe and efficient manner; b) They do not result in any service vehicles extending over public roads or footpaths during loading and unloading operations;	Complies. Refer to Architectural Plans submitted under separate cover.

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	c) They do not utilise or crossover vehicle circulation, parking spaces or pedestrian paths unless all loading/unloading occurs outside the normal business hours of the premises; d) They are located behind the building line to any street; e) They are suitably screened from public spaces, especially where there may be open (outdoor) storage of goods.	
2.5.4 Parking Location, Design & Circulation	1) Parking Location: Parking location considers and addresses (where relevant): a) Providing consistent front building setbacks to the street; b) Minimising visual impact of off-street parking areas/garages/garage doors/driveways on street activity and character; c) Providing screening that can minimise this impact (where appropriate) in urban areas; d) Proximity of customer parking to customer entrances and staff parking to staff entrances including accessible parking and access; e) Minimising impacts of traffic movements and parking on any neighbouring dwellings/residential areas; f) Addressing site conditions such as slope and drainage; g) Ease of access to and from the street and navigation to parking areas; h) Separation of customer parking from courier and service delivery vehicle parking and/or loading and unloading facilities for safety and accessibility;	Complies.
	2) Parking Design: Parking spaces, manoeuvring areas, and driveways are designed in accordance with Section 2.5.1 - Guidelines & Standards of this DCP above.	Complies.
	3) Accessible Parking: a) All development provides accessible car parking as set out in the National Construction	Complies.

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	Code and the relevant Australian Standard(s) (AS). b) The dimensions for accessible car spaces (including headroom & access) comply with AS 2890.6 - Off-street parking for people with disabilities.	
	4) Safety: The design of all internal vehicle manoeuvring areas demonstrates consideration of the safety and access for all users (private vehicles, service vehicles, pedestrians, bicycles etc.) and minimise potential conflicts.	Complies.
	5) Sealed Vehicle Areas: a) All vehicle manoeuvring areas on-site in urban areas are sealed. b) Gravel surfacing is not permissible except where there are no conflicts (noise and dust) with adjacent lots and suitable drainage is provided.	Complies.
	6) Stormwater: Parking areas and driveways are designed, surfaced and graded to reduce runoff and allow stormwater to be controlled on site in accordance with Section 2.4 – Stormwater Management of this DCP.	Complies.
	7) Vehicle Sizes: Internal vehicle manoeuvring and parking areas is designed to accommodate the size, turning radii and the pavement loading of the largest vehicle that is likely to be used by the proposed development/activity.	Complies.
	8) Operation Hours: Free and uninterrupted access to car parking areas is maintained at all times during the hours of operation of the proposed development. Any restrictions or over lapping uses should be addressed in the application.	Complies.
	9) Basement Parking: Basement car parking is not to protrude more than 1m above finished ground level except at the entrance to the car park.	N/A
	10) Stacked Parking: Stacked (or' tandem') car parking is not acceptable for medium to high density housing, commercial or industrial uses,	N/A

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	or visitor/customer parking unless justified in a relevant report (see Section 2.5.2 - Traffic Assessments, Studies & Plans of this DCP) based on special site considerations and parking management arrangements.	
	11) Circulation: Larger car parking areas provide rational circulation patterns with ease-of navigation and minimise the use of dead-end aisles.	N/A No large parking lots are proposed.
	12) Parking Navigation: Signage addresses/takes into consideration the following: a) Parking areas are well sign-posted to indicate the location of off-street parking, exit and entry points, and the circulation spaces on the site, with directional signposting from the building entrance/exit (where necessary); b) Pavement arrows clearly indicate the direction of traffic circulation (if one-way); c) Parking areas are clearly delineated as well as parking spaces for specific users (e.g., disabled spaces/staff/visitors).	Complies.
	13) Lighting: Lighting of car parking areas is to be in accordance with AS1158.3 Pedestrian Area (Category P) Lighting whilst avoiding impacts on neighbouring properties (see AS4282 Control of Obtrusive Effects of Outdoor Lighting).	Noted.
	14) Visual Impact: Design should integrate parking areas including garages and carports to minimise the visual dominance and impact of parking areas and structures, particularly when viewed from the street/public domain.	Complies.
2.5.5 On-Site Parking Numbers	On-Site Parking Numbers: Residents: Minimum one (1) off-street enclosed car parking space for one and two-bedroom units; and Minimum two (2) off-street spaces (one enclosed) for units with three (3) or more bedrooms.	Complies. At least one garage and one stacked parking are provided for each proposed dwelling. A total of 41 parking spaces are proposed and located across the site.

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	Visitor Parking: Minimum one (1) space per five (5) units or part thereof.	
2.5.6 Exemptions to Off-Street Car Parking Requirements	The applicant may be able to see a variation to the Car Parking Requirements under a list of exemptions.	N/A
2.5.7 Bicycle Parking	1) All development set out below is to provide on-site bike parking: Residents: 1 space per 4 units (or rooms for boarding houses) Visitor: 1 space per 20 units/rooms	Complies. Adequate bicycle parking is provided within each dwelling lot and the community areas.
	2) The location, design and construction of bicycle facilities is to comply with AS2890.3 – Parking facilities – Bicycle parking.	Complies.
	3) Bicycle parking for residents and/or staff is located close to building entry/exits and lifts and be given priority over other parking uses to ensure they are well located, designed and ultimately used.	N/A
	4) Bicycle parking spaces are clearly marked and easily accessible, have good surveillance and provide a means of securely locking bicycle frames and wheels.	N/A
	5) Minimum locker provisions for work places are in accordance with the NSW Planning Guidelines for Walking and Cycling.	N/A
2.6 Pedestrian Access, Mobility & Safety		
2.6.1 Accessibility	Development complies with the relevant accessibility legislation & standards including, but not limited to: 1) Access to Premises Standards: Disability (Access to Premises — Buildings) Standards 2010 (as amended or replaced) under the Disability Discrimination Act 1992; 2) National Construction Code (NCC); and 3) Australian Standards (including AS1428 – Design for Access and Mobility).	Complies.

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2.6.2 Pedestrians	1) Separation: Pedestrian and vehicle access for all larger developments (e.g., > 10 dwellings or for commercial/industrial development) is separated and clearly marked/defined. All other development can provide shared movements with reduced vehicle speeds and appropriate signage and markings.	Complies.
	2) Entrances: Entrances to buildings are clearly visible from primary street frontages and enhanced as appropriate to improve legibility and accessibility.	Complies.
	3) Mixed-Use Buildings: Mixed-use buildings, particularly those with residential uses, have separate residential and commercial entrances to the street.	N/A
	4) Access ramps: Access ramps (to meet accessibility standards above) are integrated into building design and located outside the road reserve/public footpath to minimise visual impact and impact on footpath safety and flows.	Complies.
	5) Lighting: Lighting of pedestrian areas is to be in accordance with AS1158.3 Pedestrian Area (Category P) Lighting whilst avoiding impacts on neighbouring properties (see AS4282 Control of Obtrusive Effects of Outdoor Lighting).	Complies.
2.6.3 Street Numbering & Letterboxes	1) Identification: a) Each new lot has an appropriate street number that is clearly visible from the street (as determined by Council in accordance with Council Policy No.10.10 – Addressing, Road Naming & Locality Naming); b) Each new building has a letterbox (in areas with mail delivery).	Can comply. Final siting of mailbox location and/or operational mechanism would be determined at detailed design stage.
	2) Number of Letterboxes: Separate letterboxes are provided for each dwelling/tenant with an additional letterbox for the Owners' Corporation for Strata/Community Title/multiple-tenancies (where applicable).	Can comply. As above.
	3) Letterboxes are:	Can comply.

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	a) Located where it is easily visible from the road frontage and near major pedestrian entrances; b) Accessible for Australia Post employees (in accordance with their requirements); c) Clearly marked with the correct building/unit number; d) For medium density residential, commercial and mixed-use developments - are shown on the relevant plan(s) and integrated with the building and/or landscape design.	As above.
2.7 Designing for Crime Prevention		
2.7.1 Crime Risk Assessment	1) A Crime Risk Assessment is submitted in support of the development unless, in the opinion of Council, it is considered unwarranted.	Complies. Refer to 3.6.5.
	2) A Crime Risk Assessment provides: a) A detailed site analysis of the physical surrounds of the proposed development and the potential opportunity/relative risk of crime and known evidence of criminal behaviour; and b) How the proposed design (built form and landscape) has addressed the site analysis and relative risk in sub-section (a) using the principles as set out in the table below in accordance with the NSW Guidelines for Safer by Design / Crime Prevention Through Environmental Design ('CPTED') (see the NSW Police website).	Complies. Refer to 3.6.5.
2.8 Utilities, Easements & Infrastructure		
2.8.1 Connection to Utilities	1) Reticulated Sewer/Water: Where reticulated sewer/water is available within reasonable proximity to the lot (or as required by the relevant authority), any new development is connected to those utilities in accordance with Council's: a) Engineering Guidelines; b) Policy 3.1 – Water service and meter installation;	Complies. The proposed development will be connected to Council's existing sewer and water services. Each proposed dwelling site and community facilities will be connected to the internal servicing networks.

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	c) Policy 3.4 – Backflow Prevention – Containment; d) Policy 3.5 – Sewer connection, unless the applicant can demonstrate why that connection would not be appropriate and/or propose an alternative system that is acceptable to Council.	
	2) Electricity: New development is connected to grid-electricity unless the applicant can demonstrate a sufficiently sized and appropriate alternative (off-grid) system will be constructed prior to occupation to meet the reasonable needs of that type of development.	Complies. The development will be connected to the existing electrical grid.
2.8.2 Building Near Utilities/Easements/Drainage Lines	1) Building near Easements: Permanent buildings, structures or works are not to be located over an easement unless there is express written authorisation from the relevant authority benefited by the easement in accordance with Council Policy 5.1 – Building Over Easements.	Complies. No buildings or structures would be located over an existing easement.
	2) Setbacks from Utilities: Where an easement does not exist, the structure is located: a) A minimum distance equivalent to the invert depth of the pipeline plus one (1) metre; and/or b) Outside the 'zone of influence' from the known utility location; or c) In accordance with the relevant utility authority requirements.	Complies. Adequate setback will be provided to service facilities. It is acknowledged that internal private infrastructure would differ to Council's mains and be subject to separate design requirements.
	3) Drainage: Development does not compromise the integrity of a drainage or stormwater line originating from outside the development site.	Complies. The development would not compromise existing drainage.
2.8.3 On-Site Sewage Management	1) Requirements: a) An on-site sewage management system is required where a development proposal includes the discharge of wastewater and a connection to a reticulated sewage system is not reasonably available.	N/A The development will be connected to Council's existing sewer network and would require the provision of a pump station on site

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	b) An on-site sewage management system requires separate approval under Section 68 of the Local Government Act 1993.	and accompanying rising main
	2) Lodgement: Any application for an on-site sewage management system is supported by a Geotechnical (Effluent) Report) (prepared by a suitably qualified geo-technical engineer) that supports the location, sizing, design and discharge of any on-site system in accordance with Council's DA Guide, any relevant Australian Standards (e.g., Australian Standard AS1547), relevant NSW Government policy, and this DCP. This includes existing systems that require enhancement or replacement.	N/A The development will be connected to Council's existing sewer network.
	3) Environment: Any on-site effluent system: a) Is capable of being supported within the lot area on the subject soils; and b) Does not impact significantly on any existing or likely future development on the subject lot, neighbouring lots, or surface or ground water systems, or result in excessive vegetation removal.	N/A The proposed SPS and rising main will comprise a sealed system and will result in a connection to Council's existing sewer network.
	4) Buffers: Any proposed lots or on-site effluent disposal systems is located to provide appropriate buffers to watercourses and buildings in accordance with: a) The Environmental Health Protection Guidelines – On-Site Sewage Management for Single Households (1998 - as amended); b) Australian Standard 1547 – On-site domestic wastewater management (as amended); or the Geotechnical (Effluent) Report provides justification (to the satisfaction of Council) for a reduction of those buffers and the means to minimise or mitigate any potential impact.	N/A The proposal has been sited to provide appropriate buffers to nearby watercourses and proposed dwellings. An Odour Assessment accompanies the application.
	5) Flooding: On-site sewage management facilities are either: a) Located on land at or above the Flood Planning Level (FPL); or b) Sited and designed (demonstrated in a Geotechnical (Effluent) Report) to withstand known or likely flooding conditions (including	N/A The development will be connected to Council's existing sewer network.

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	consideration of structural adequacy, avoidance of inundation and flushing/leaking of effluent into flowing flood waters).	
	6) Reserve Area: On lots with an area less than 2,000m², the nominated effluent disposal area(s) allows for: a) Suitable areas for primary buildings and outbuildings, vehicle and pedestrian access, open space, and buffers to adjoining lots and watercourses; and b) An 'alternative future disposal' or 'reserve area' at least equivalent in size to the nominated effluent disposal area that is recommended for disposal in the supporting Geo-technical (Effluent) Report.	N/A The development will be connected to Council's existing sewer network.
2.8.4 Liquid Trade Waste	Approval: Development activities that generate and discharge liquid trade waste (this does not include domestic waste from a hand basin, shower, bath or toilet): 1) To a reticulated sewerage system need to obtain the relevant Liquid Trade Waste approval(s) from Council in accordance with Council Policy No.11.3 – Discharge of Liquid Trade Waste to the Sewerage System; 2) Where there is no reticulated sewerage system, the application demonstrates suitable methods for disposal that protect the environment and groundwater systems.	N/A The proposed residential development would not discharge liquid trade waste to the sewerage system.
2.8.5 Re-Use of Waste-Water	1) Guidelines: Re-use of water (for irrigation or other non-potable water requirements) is encouraged but is to be treated in accordance with the relevant NSW Health Guidelines and any other relevant Australian Standards using certified systems.	N/A
	2) Application: Council will require re-use and any relevant guidelines to be addressed in a report prepared by a suitably qualified consultant or using a product that addresses the standards, maintenance and technical requirements.	N/A
2.8.6 Water Supply	1) Dwelling Tank Size: Each dwelling that does not have access to a reticulated potable water	N/A

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	supply has a minimum tank capacity of 20,000L per bedroom or the requirements set out in the BASIX Certificate (whichever is greater). Additional capacity may be required for garden watering and other purposes.	
	2) Bushfire: On bushfire prone land (or where Council conditions this requirement), the draw-off-point for water for domestic purposes is located to ensure a sufficient volume of stored water remains in the tank(s) at all times and there is a connection point to access this water for use in fire-fighting in accordance with the RFS (2019) Planning for Bushfire Protection Guidelines (as amended).	N/A A hydrant system would be provided to support the proposal.
	3) Other Uses: Where there is no reticulated water supply, land uses other than residential accommodation provide a calculation of their estimated (conservative) monthly water consumption and nominate a source and storage that provides a minimum of three (3) months' supply on-site.	N/A
	4) Health: Uses that either utilise water in the production of food or provide water to the public (e.g., Tourist & Visitor Accommodation) address water quality and treatment in accordance with relevant NSW Department of Health Guidelines.	N/A
2.9 Solid Waste Management		
2.9.1 Hazardous Materials & Asbestos	1) Application: It is the applicant's responsibility to identify in the application where there is a likelihood that hazardous materials (including asbestos) may have been used in the building construction (building material produced prior to 1987).	Noted.
	2) Demolition: Where there is a reasonable likelihood of hazardous materials (including asbestos) being disturbed by demolition or site works, the applicant demonstrates the development can comply with the requirements of Council Policy No.7.9 Asbestos Management including the associated Asbestos Management Plan (as amended) as well as Work Health & Safety Guidelines by the NSW Government. Council may require a Demolition	Noted.

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	Management Plan (in accordance with Council's DA Guide).	
	3) Re-Sited Homes: Buildings with hazardous materials (including asbestos) used in their construction cannot be relocated or re-sited unless all the hazardous materials (particularly asbestos) are removed prior to relocation (see DCP Section 6.8.2 Re-Sited (Second Hand/Relocatable) Homes).	N/A
2.9.2 Solid Waste Management Plan – Larger Developments	Any development that (in Council's opinion): a) Is larger than a single dwelling, dual occupancy, secondary dwelling, semi-detached dwelling or use of these buildings for tourist or visitor accommodation; b) Generates significant volumes of waste; or c) Significantly modifies existing approved waste management systems; or d) Require private waste contractors during the demolition, construction and/or operation of the development (excluding those uses in the control above),	Complies. Contractors would be responsible for management of various waste streams, including principles of re-use and recycle principles.
2.9.3 Waste Storage & Collection – Larger Developments	1) Access: Where waste storage is provided in a communal area, access to this waste area is to be provided for all residents/tenants without crossing a private lot.	N/A
	2) Ramp Gradient: Where waste storage is provided in a basement car park, a maximum ramp gradient of 1:6 is to be provided to the waste collection point.	Complies.
	3) Rear Lane: Where a rear lane has provision for waste collection trucks used by Council, the collection point is to be from the rear lane.	N/A
	4) Communal Waste Collection Point: Where waste vehicles are unable to access a site, a communal on-site collection point is to be provided that: a) Is less than 10m from the street boundary; b) Is located on a surface with a gradient less than 1:20;	N/A

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	c) Does not require access through a security door or gate; d) Has a path that connects the collection area to the street boundary with a gradient less than 1:8 and is free of steps for the transfer of bins to the collection vehicle.	
	5) Screening: If a waste collection point is used for permanent storage of bins: a) It is to be screened from view from the public domain (e.g., within garages, basement car parking, or screened enclosures); and b) Any waste storage structure forward of the building line is to have a height no greater than 1.3m.	N/A
	6) Amenity: Communal waste areas are to be located at least 3m from any bedroom or living room window.	N/A
2.10 Amenity / Buffers for Sensitive Uses		N/A
2.11 Water & Energy Efficiency		
1)	Energy Efficiency: Where applicable, buildings may need to comply with the requirements of: a) The National Construction Code – Section J relating to energy efficiency for commercial buildings; or b) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (though submission of a BASIX Certificate for BASIX affected development).	Complies.
2)	Energy Efficiency: Council encourages all development to review ways to consume less energy, install energy-saving appliances & devices and look at ways of using renewable energy and storage (where possible).	Noted.
3)	Water Efficiency: Council encourages all development to review ways to consume less water, install water-saving devices and look at ways of capturing and retaining rainwater for re-use for non-potable and irrigation requirements.	Noted.
Chapter 3 Natural Environment & Hazards		

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3.2 Bush Fire Prone Land		
1)	Rural Fire Act 1997 (NSW) & the associated Rural Fires Regulation 2013 (as amended); and	Applicable.
2)	NSW Rural Fire Service (2019) Planning for Bush Fire Protection (Bush Fire Guidelines).	Applicable.
3)	Any development application involving the erection of a dwelling house or alterations and additions to an existing dwelling house on bush fire prone land addresses the requirements contained in: a) The NSW Rural Fire Service (RFS) publication titled “Building in Bush Fire Prone Areas Single Dwelling Applicants Kit” found on the RFS website (www.rfs.nsw.gov.au); and b) Australian Standard AS3959 – 2009 Construction of Buildings in Bush Fire Prone Areas (for any Construction Certificate application). A suitably qualified person may need to provide a schedule of compliance with the applicable construction standards. This schedule will form part of the approval documentation and the applicant will be required to comply with it during the course of construction; and	Complies. A Bushfire Threat Assessment is submitted under separate cover.
4)	National Construction Code (NCC) may specify additional controls for the construction of buildings on bush fire prone lands.	Noted.
3.3 Vegetation Management & Biodiversity		
3.3.1 Vegetation Clearing for Development Requiring Consent	If vegetation clearing is associated with a development then the test is 'whether the proposed development is likely to have any biodiversity impacts (clearing and/or prescribed) on threatened species and/or threatened ecological communities' through a Biodiversity Development Assessment Report (BDAR).	Complies. A BDAR prepared by AREA is submitted under separate cover. The BDAR comprehensively considers matters such as impacts to key habitat, threatened species, and accompanies the application. It is acknowledged that vegetation located within the proposal footprint scored a low vegetation

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		integrity score, and did not generate a credit obligation.
3.3.2 Threatened/ Endangered Species/ Ecological Communities	1) Council may require additional information, such as a Flora and/or Fauna Survey and/or Vegetation Management Plan.	Noted.
	2) A Flora and/or Fauna Survey is an ecological study of a specific area of land that may be incorporated in a Statement of Environmental Effects, biodiversity assessment, species impact statement or environmental impact statement but should be prepared by a suitably qualified consultant.	Noted.
	Notwithstanding any element of this Chapter, if the clearing of vegetation will cause damage to habitat of a threatened species or ecological community or cause harm to an animal that is threatened, part of a threatened ecological community or a protected plant or animal, a Biodiversity Conservation Licence is required under the Biodiversity Conservation Act 2016.	Noted.
3.3.3 LLEP2014 – Terrestrial Biodiversity	Lodgement Requirements: For all development (excluding single dwellings, alterations and additions, or other minor development) where any native trees (with a height greater than 6m and/or breadth of trunk greater than 600mm at 1m from ground level) are proposed for removal then Council may require: a) For vegetation clearance of 1-10 native trees – an assessment in the Statement of Environmental Effects of the likely impact of the vegetation removal on biodiversity; threatened species and ecological communities; and ecological corridors possibly supported by an Arborist Report addressing the species and condition of the trees; or b) For any greater clearance of native trees - a Flora and/or Fauna Assessment or Vegetation Management Plan prepared by a suitably qualified ecologist or flora/fauna specialist to	Noted.

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	demonstrate that the proposed development will address the requirements of LLEP2014.	
	2) Disputing Mapping: Where the applicant wishes to dispute the mapping, it is demonstrated (including photographic and aerial photo evidence) either that: a) The mapping is incorrect in that the identified area does not have any significant native vegetation or likely biodiversity (e.g., it is worked agricultural land/ buildings/ water storage - with photographic evidence clearly showing the location) or is not native vegetation (this may require species listing); or b) That the proposed development (and any impacts from that development on the site) will not be in close proximity to or impact significantly on any sensitive area highlighted by the proposed mapping.	Noted.
	3) Site Investigation: Where: a) It is unclear whether there is any significant native vegetation from the photographic evidence; or b) It is unclear whether the development will be in proximity to sensitive biodiversity and/or significant vegetation on recent aerial images; or c) There is other relevant evidence requiring further investigation, then Council may conduct a preliminary site investigation (site visit) to assess the potential for impact from the proposed development. It is advisable to seek this advice from Council prior to lodgement of your application to reduce any delays. At this point Council may advise that no additional justification is required if there is minimal impact or the vegetation removal is unlikely to significantly impact the specific biodiversity issue that is mapped OR they may request additional consultant studies to address this matter.	Noted.

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	Council and the applicant may have regard to any recent aerial photos of the site in making this decision as well as the other controls in this Section.	
3.3.4 Clearing NOT Associated with Development (Non-Rural Zones)		N/A
3.3.5 Clearing NOT Associated with Development (Rural Zones)		N/A
3.3.6 Declared Vegetation in this DCP	At the time of preparing this DCP, Council does not have a Tree Protection Orders (TPOs). Areas contained within the areas identified as moderate or high ecological constraint in the map below (Figure 10 of Chapter 9) is declared vegetation for the purposes of Part 3 of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.	N/A
3.3.7 Tree Removal Criteria	1) Regardless of Section 3.3.6 Declared Vegetation in this DCP, Council may take into consideration any or all of the following criteria when assessing an application involving clearing of vegetation (including native and non-native vegetation) whether it is associated with a development or not: a) Description: The application includes: i) Site Plan(s) showing the location of the vegetation to be cleared supported by a Survey Plan; ii) A description of the vegetation to be cleared (type & condition) (possibly supported by an Arborist Report) with photos of the relevant trees and justification addressing the points below. b) Condition: Condition of the tree/vegetation (may need to be justified by an Arborist Report) including:	N/A The site area for the proposed development is generally clear of significant trees. Trees existing within the drainage corridor on site will be retained.

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	i) Potential life of the tree and whether it is deteriorating or declining; ii) Whether the tree is severely stressed, diseased or is suffering insect damage without the opportunity for remediation/mitigation; iii) Whether the growth habit or mature size of a tree is undesirable; iv) Whether the tree shows poor form, shape and/or vigour typical to the species; v) The significance and rarity of the tree/vegetation species (local/regional/national); c) Ecology/Amenity: Whether the removal of the vegetation has the potential: i) To directly or indirectly affect a threatened species, population, ecological community or their habitats; ii) To have an adverse impact on the amenity or scenic environmental quality of the locality; d) Assets: Protection of Assets (may need to be justified by a suitably qualified person) including: i) Whether the removal of the vegetation is necessary to create an Asset Protection Zone (APZ); ii) Whether the vegetation is causing structural damage to a building, structure, pipe or sewer; iii) Whether the branches are dangerous and extend over a building or adjoining property and cannot be resolved by reasonable pruning to retain the vegetation; e) Medical: Whether the applicant has provided a medical certificate from a clinical immunologist/allergy specialist that states that the pruning or removal of the vegetation is necessary for maintaining quality of life; f) Approvals: Whether any previous condition of development consent required the retention of the vegetation;	

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	g) Replacement: Whether the proposal involves the planting or replacement of suitably mature vegetation.	
	2) Exemptions: Council is satisfied (based on evidence provided by the applicant) that: a) The clearance satisfies the exemptions in the Vegetation SEPP (where applicable); b) The vegetation is dead or dying and is not required as the habitat of native animals; c) The species is a weed or non-native invasive species; d) The vegetation is a risk to human life or property; e) Clearance is authorised under other legislation; f) The vegetation is within 3m of a lawful dwelling; g) Clearance is in accordance with an approved vegetation plan or conservation agreement.	N/A
	3) Unacceptable Reasons: The following reasons are generally not acceptable to justify tree/vegetation removal: a) Shedding of flowers, leaves, bark, twigs, fruit and sap causing nuisance; b) Animals (insect, bird, bat, possum etc.) that inhabit the tree causing nuisance; c) Damage to underground services where there are reasonably feasible alternatives to mitigate and retain the tree; d) Construction of fences; e) Minor heave (lifting) of paths, paving, fences and minor structures where there are reasonably feasible alternatives to mitigate and retain the tree; f) Tree does not suit the existing or proposed landscape; g) Unsubstantiated fear of tree failure; h) Tree removal for fire hazard reduction, where the property is not within a bush fire	Noted.

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	prone area as defined by the Rural Fire Services; i) Tree is considered to be too large or high; j) To enhance amenity (other than solar access) or views; k) To increase solar access unless sufficient evidence is provided.	
3.4 Land & Soils		
1)	All developments demonstrate how they comply with any relevant NSW Government legislation, regulations, policies including the NSW Government/ EPA (2020) Consultants reporting on contaminated land – Contaminated land guidelines ('Contaminated Land Guidelines').	Complies.
2)	All development applications provide a Site History review to determine if there have been or are any potentially contaminating activities on the site or neighbouring sites that could have resulted in contamination. If there is any risk of contamination, the steps in the Contaminated Land Guidelines are to be followed.	Complies. A Preliminary Contamination Investigation is submitted under separate cover.
3)	Where any proposed development and its operation involves significant quantities of chemical or petroleum use or storage or harmful materials or waste products (in any form) on the site, the applicant demonstrates how the proposed development: a) Will manage and safely contain any chemicals, materials or wastes on the site and/or during their disposal or transport to/from the site in accordance with the relevant regulations; b) Is designed to minimise or mitigate the risk of contamination to land, surface and ground water, or ecological systems both during normal operations and if in the event the normal systems fail; c) Addresses relevant clauses in LLEP2014 including (where applicable), but not limited to:	N/A The proposed land use would not involve chemical or hazardous materials

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	i) Clause 7.5 – Groundwater vulnerability; ii) Clause 7.6 – Riparian land and watercourses.	
4)	If cut and/or fill will result in the net export or import of fill to/from the site, the applicant notifies Council in the application and demonstrates the fill is not contaminated. Council may require a Soil Analysis Report and/or Contamination Review / Site History to ensure that only clean fill or virgin excavated natural material (VENM) is utilised on site or taken to another site.	Noted.
3.4.2 Sensitive Land Areas	In order to satisfy the requirements of Clause 7.7 - Sensitive Lands, particularly subclause (4) that: a) The development is designed, sited and will be managed to avoid significant adverse environmental impact, or b) If that impact cannot be avoided—the development is designed, sited and will be managed to minimise that impact, or c) If that impact cannot be minimised—the development will be managed to mitigate that impact, the applicant should consider and address the steps that Council will follow in assessing impacts on sensitive lands.	Complies. The south-western portion of the subject lot is mapped as Sensitive Land Areas on the Environmentally Sensitive Areas – Land Overlay Map NRL_002. The proposed works will be outside the scope of the Sensitive Areas to avoid significant adverse environmental impact.
3.4.3 Erosion & Sedimentation	The applicant addresses (where relevant) the relative risk of certain developments causing erosion and sedimentation in accordance with the requirements of Landcom, Fourth Edition (2004) Managing Urban Stormwater: Soils and Construction ('Blue Book').	Complies. An Erosion and Sediment Control Details plan is incorporated in the Civil Design Plans.
3.4.4 Other Geological or Soil-Related Issues	In addition to the requirements for erosion & sedimentation above, where there is evidence of any geological or soil-related issue(s) that may impact on the suitability of a site for development, its proximity to adjacent development, and/or the method of construction then: 1) The Statement of Environmental Effects and any relevant plan(s) give consideration to the impacts of the geological or soil related issue	N/A

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	and document how the proposed development will address those issues and minimise or mitigate any risk; 2) The extent of any impact(s) on the geology or soil should be shown clearly on any: a) Site (Analysis) Plan(s) – See requirements in Section 3.4.2.2 above; b) Earthworks Plan(s) – showing the extent and volume of cut and/or fill; and c) Soil and Water Management Plan(s) – showing how water will be managed to minimise erosion and provide sediment control. 3) Council may require a suitably qualified engineer to provide: a) A Geo-Technical Report that analyses the geology, soils and possibly the hydrology (water) of the site to determine the risk(s) and how the proposed development will minimise or mitigate any impacts; and/or b) Engineering / Structural Plan(s) to ensure appropriate structure and stability of development.	
3.5 Flood Prone Land		N/A
3.6 Ground & Surface Water Protection		N/A
3.7 Mine Subsidence Risk		N/A
Chapter 6 Residential Development		
6.2 – General Controls		
6.2.1 Site Analysis & Potential Land Use Conflicts	Any development application covered by this chapter demonstrates that the proposal: a) Complies with the Site Analysis requirements in DCP Chapter 2 – Site Requirements (including any other relevant chapters in this DCP & the DA Guide); and b) Has responded to the Site Analysis to produce a high-quality design that minimises the potential for land use conflict and integrates with the surrounding site context.	Complies – refer to the site analysis undertaken in accompanying architectural and civil drawings.

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6.2.2 Site Suitability	The applicant must ensure that the existing lot area is of sufficient size: a) To meet the objectives of the relevant land use zone; b) To cater for slope and minimise cut, fill and retaining (see Chapter 2 – Site Requirements); c) To provide suitable areas (in accordance with this Chapter) of deep soil landscaped area and private open space areas for each dwelling with orientation for solar access and minimise the amount of site covered by buildings or impermeable/hardstand areas. d) To provide a reasonable standard of amenity and functionality consistent with the area character.	Complies. The proposal meets the R2 Low Density Residential zone objectives by providing housing needs of the community within a low density residential environment without negatively impacting the water quality of the water catchment. The proposed earthworks have been delicately designed to minimise and balance cut and fill across the site giving consideration to the site slope. Site orientation and deep soil areas have been adequately provided for the dwelling sites to facilitate good solar access and allow for planting within the private open space. Great site amenity is provided to the proposed gated community including a primary and a secondary communal area to facilitate the daily recreational use by the future residents.
6.2.3 Landscaping & Tree Protection	The Application must be accompanied by a Landscape (Concept) Plan (or a Site Plan for simpler applications such as single dwellings) that addresses the landscaping requirements in this Section of the DCP.	Complies. A Landscape Plan is submitted under separate cover.
6.2.4 Fencing	1) Application: All applications where new or altered fencing is proposed (that is not exempt development) provide details of fencing location, height and materials including Site Plan(s) and relevant Elevation(s).	Complies. Refer to Architectural Plans submitted under separate cover.
	2) Code SEPP: All fencing complies with the requirements of the Codes SEPP and addresses	Complies.

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	any potential impact(s). Where a variation is sought then the proposed fencing must address DCP Section 1.6 Variations to DCP Controls including the objectives of this Section.	
	3) Solid Metal Fencing: Metal (solid) fencing (e.g., Colorbond) is not to be installed in the following locations: a) Fences fronting any street (other than a rear lane where metal fencing already is present); b) Fences fronting a public open space or recreation area (unless it is setback and screened by significant landscaping); and c) On heritage items and in heritage conservation areas (unless permitted by the Codes SEPP).	Justification. a) rear acoustic fencing is proposed along the rear boundary of dwelling sites backing against Magpie Hollow Road to minimise noise impact from the public road. b) fences fronting existing and proposed open space and creation areas will be open style.
	4) Sight Distances: Fencing preserves safe sight distances for all vehicle entry and exit locations, including those on adjoining properties, especially on corner lots.	Complies.
	5) Reflectivity: If fencing is constructed of metal panels it is of low reflectivity, factory pre-coloured materials or galvanised iron.	Complies.
	6) Surface Water: Fencing does not redirect the flow of surface stormwater or floodwaters onto an adjoining property.	Complies.
	7) Flood Prone Land: If the land is affected by flood related development controls (see DCP Chapter 3 – Natural Environment & Hazards) the fence types are designed to allow flood conveyance and prevent additional flooding on adjacent properties.	N/A
	8) Landscaping: Long fenced areas fronting public streets or internal driveways are softened with landscaping by setting back parts or all of the fence-line to allow for planting on the subject lot so the fence is partially screened from the street.	Complies. A landscape buffer is proposed to soften the boundary fencing along Magpie Hollow Road.
6.2.5 Sustainable Design	Residential development should seek to promote sustainable development that maximises residential amenity whilst	Noted.

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	minimising material, water and energy consumption. A BASIX Certificate may be required for certain development under SEPP (BASIX) 2004 and is a starting point for sustainable development.	Notwithstanding, BASIX requirements do not apply to moveable dwellings.
6.5 Medium to Higher Density Housing		
Objectives:		
6.5.1 Siting & Setbacks	- Front setback to primary street >6.0m in R2 - Side setback >1.5m - Rear setback > 4.5m	Complies. The proposed dwellings are setback over 6.0m from the public road. A design substitute is sought where the LG Regulations provisions act as a substitute for setback requirements. In this instance, where the LG Regs are adopted, the following setbacks would apply.
6.5.2 Low Rise Medium Density Housing	1) This DCP provides controls for the following aspects of Low-Rise Medium Density Housing	Noted.
	2) Demonstrate compliance with the relevant design principles, objectives, development standards and design criteria in the Design Guide for DAs.	Justification. Design for the proposed MHE in most parts complies with standards provided in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021. Where compliance with the LG Regulation is not achieved, justification is provided to demonstrate that the proposal will achieve good design outcomes.

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6.5.6 Multi-Dwelling Houses Objective 6.5.6A(1)	Building height <8.5m Maximum 2 storeys Any building(s) on the rear 40% of the site should not exceed 5.4m.	Proposed buildings are not greater than 8.5m in height and do not exceed two storey's in height. Justification. The proposed dwellings are one-storey and the typical building height is 5.5m. Roof levels for all proposed dwelling types except for Type B do not exceed 5.4m on the rear 40% of the site. The roof line is approximately 5.5m on the rear of the site, however it is a minor breach to the standard, and should be assessed on its merit, as it does not incur significant detrimental impact to the amenity of the future residents in the locality.
Objective 6.5.6A(2)	Building front setback 6.0m – single storey or average setback of adjacent dwellings (whichever is greater)	The multi-dwelling housing layout proposes a variety of setbacks. It is acknowledged that the controls outlined largely relate to development having direct frontage/interface with a public road/street. The proposed layout enables all dwellings to interact privately, and therefore typical setbacks to external considerations (i.e. Council roads, adjoining properties) ordinarily would not apply. Notwithstanding, the objectives of 6.5.6A(2) are met, whereby the proposed Manufactured Home Estate achieves the front setback

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		required under the LG Regulation, whilst the development balances a higher dwelling density and at the provision of good site amenity. Complies with S44 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 which requires: (a) within 1 metre of a road reserve, or (b) within 2 metres of the boundary of the manufactured home estate.
Objective 6.5.6A(3)	Side setbacks >1.5m	Justification. The side setbacks of the proposed dwellings are generally less than 1.5m, but are greater than 900mm which is compliant with the NCC standards. The side setbacks of the non-compliant dwellings still provide useable space for side passage within each dwelling site. The proposed side setbacks are in line with the medium density character of the proposed gated community, and the proposed dwellings do not create a bulky look to the neighbours or overshadow to the habitable rooms or POS of the adjacent buildings.
Objective 6.5.6A(4)	Rear setback > 4.5m	Justification.

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		The development proposes varied rear setbacks for the dwellings being minimum 1m which is over the NCC requirement. No rear setback is required under the LG Regulation, as long as compliant site coverage is provided. The proposed rear setbacks provide useable POS capable of establishing a tree in deep planting areas, which is consistent with the DCP Objective. As a compensation to the non-compliant rear setback, the site is provided with a primary and a secondary communal buildings and facilities for the exclusive use of the community. Seating areas and walkways along the top of the creek lines are provided to maximise overlook into the creeklines and woodland.
Objective 6.5.6B(1)	FSR < 50%	Justification. The FSRs of a number of proposed dwelling lots are below 50%, but should be assess on their merit, as the proposed bulk and scale is appropriate for the context of a medium density setting in the gated community. The non-compliance in FSR will not significantly impact the interaction of built form within the proposal.
6.5.6C Landscaped Area Objective 6.5.6C(1)	The minimum landscaped area is to be 30%. The minimum dimension of any area included in the landscaped area calculation is 1.5m.	Justification. A portion of the proposed dwelling lots will not achieve 30% landscaped area, however the proposed

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		landscaped areas would facilitate the provision of vegetation with a tree provided within the front setback of each dwelling lot; the areas are not limited to turf groundcover only. Rooftop rainwater will be managed by rainwater tank and the drainage network and sediment basins, and stormwater runoff to the drainage corridors will have a minor impact to their environmental integrity. The deficient POS for the non-compliant lots will be compensated by the proposed two community areas with delicate design facilities and overlook to the views of the wider open space southwest to the site.
	At least 50% of the area forward of the building line is to be landscaped area.	Complies.
Objective 6.5.6C(2)	An ongoing maintenance plan is to be provided as part of the landscape plan. Minimum soil standards for plant sizes are provided.	Can comply. Details of ongoing maintenance of the proposed landscaping and planting box details will be provided in the Subdivision Works Certificate stage of the development.
	The following tree plantings are to be provided: Front: 1 tree with mature height of 5m if primary road setback is greater than 3m. Rear: 1 tree with mature height of 8m.	Complies. A front setback tree is provided for each proposed dwelling. Refer to the Landscape Plan is submitted under separate cover.
Objective 6.5.6C(3)	Mature trees are to be retained, particularly those along the boundary.	Complies.

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		A small percentage of trees on the site are proposed to be removed which are not of significant biodiversity values. The majority of the trees will be retained, namely with an emphasis on the existing gully. A significant number of trees are proposed along the Magpie Hollow Road interface, to offer aesthetic value to the locality and proposal.
	Landscape features including trees and rock outcrops are retained where they contribute to the streetscape character or are located within the rear setback.	Complies. Most existing trees are located outside the development footprint and will be retained to maintain the site view.
Objective 6.5.6C(4)	The landscape plan is to provide for a combination of tree planting - for shade, mid height shrubs, lawn and ground covers	Complies. Refer to the Landscape Plan is submitted under separate cover.
	The landscape plan indicates that at least 50% of the overall number of trees and shrubs are species native to the region.	Complies. Refer to the Landscape Plan is submitted under separate cover.
6.5.6D Local Character and Context	Provide in the Design Verification Statement a description how the built form of the development contributes to the character of the local area using the guidance in Section 3D Local Character and Context.	Complies. The Architectural Plans outline how the proposed development would contribute to the local character. The design includes a review of local character, setting and material form, which has been utilised to guide dwelling designs and materials proposed. A suite of material/façade imagery is provided, in addition to 3D

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		Perspectives to further reinforce a compatibility with character.
6.5.6E Public Domain Interface Objective 6.5.6E(1)	The front door of each dwelling is directly visible from the street. Each dwelling has a habitable room that faces the street or public space.	Complies. The proposed building façade is directly visible from the internal roads of the estate and each dwelling is to face a habitable room to the internal road.
Objective 6.5.6E(2)	Private courtyards within the front setback are only located within the articulation zones and / or behind the required front building line. Front fences are: • Are visually permeable (no more than 50% of the allowable fence area will be solid masonry, timber or metal). • Average height no greater than 1.2m. • Have a consistent character with other front fences in the street. • Are not to be constructed of solid metal panels or unfinished timber palings.	Complies. No front courtyard is proposed across the site.
	High solid walls are only used to shield a dwelling from the noise of classified roads. The walls are to have a maximum height of 2.1m and be setback at least 1.5m from the property boundary. Landscape planting is to be provided between the wall and the boundary, with a mature height of at least 1.5m.	Complies. No dwelling is proposed to border a Classified Road. Colourbond fencing to is proposed along the rear boundary of the lots backing against Magpie Hollow Road, with landscaping buffer proposed to soften the visual impact.
	Retaining walls greater than 600mm within the front setback are to be softened by planting for a minimum depth of 600mm on the low side of the retaining wall.	N/A No retaining walls are proposed within the front setback of dwelling lots.
Objective 6.5.6E(3)	Where development adjoins public parks, open space or bushland, or is a corner site, the design positively addresses this interface	Complies. The proposed community areas and existing creek lines

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		are to be addressed via low fences and windows.
6.5.6F Pedestrian and Vehicle Circulation	Vehicle circulation and parking complies with AS2890.1.	Complies. The proposed parking spaces are of adequate dimensions. Refer to Civil Engineering Plan and Landscaping Plan.
	Dwellings are to be connected by new internal streets and lanes which are overlooked by windows from habitable rooms and or private open space.	Complies.
	Comply with minimum road and lane widths.	Complies.
	Where less than 20 car spaces are provided reduce carriageway width to 3.5m, with passing areas as required by AS 2890.1.	N/A Adequate carriageway widths are provided across the site due to MHE standards being adopted and the NSW RFS specifications needing to be achieved
	Internal vehicle circulation must be: • at least 1m setback from a fences; • at least 1m setback from another dwelling; • at least 2.5m setback from a window in a habitable room if the window exceeds 1m²; and • the setbacks should contain plants to soften edges.	Complies.
	Terminate driveways and streets with trees, open space or the window of a dwelling - not a garage or car space.	Complies.
	Streets to be designed to accommodate appropriate service vehicles likely to access the site.	Complies. The internal road network is accessible by service vehicles and fire-fighting vehicles, across the site.
	Where on street parking is currently available in front of the development, the proposed driveways are located so that at least one car space remains.	Complies. On street parking is limited to dedicated visitor parking locations.

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	Car parking not associated with a dwelling must be: • setback from a fence is to be at least 1m • setback from another dwelling is to be at least 1m • setback from a habitable room window is to be at least 3m if the window exceeds 1m². • The setbacks should contain plants.	Complies.
	New streets and lanes • maximum length of a dead end laneway - 40m. minimum width between structures -6m.	N/A Only internal roads are proposed.
Objective 6.5.6F(2)	Provide safe shared spaces for vehicles, cyclists and pedestrians by including measures that reduce vehicle speeds such as changes in pavement texture at entries or key nodes, reduce demarcation between pedestrian and vehicle spaces. Pedestrian paths that are separated from an internal road or lane by a kerb or landscaped area are to be provided where there are more than 20 dwellings. Where pedestrian circulation is separated from vehicle circulation the paths are still to function like streets with pavement at least 1.5m wide, clearly identifiable dwelling entrances and clear lines of sight to create a legible and safe network. Roads and pedestrian spaces are to have lighting designed in accordance with A1158.3.1 that avoids light spill in to private spaces.	Complies. Pedestrian paths are provided in a combination of methods, including outside of the carriageway, within areas of passive recreation and open space and throughout communal facilities. It is also acknowledged that several roads would act as shared zones, particularly with regards to the low-speed zone limit enforced under an MHE Plan of Management. Shared zones are also common practice in MHE & Land Lease Community settings.
Objective 6.5.6F(3)	Basement parking controls.	N/A
	Where driveways are adjacent a tree, it is either outside the drip line or complies with the recommendations in a report prepared by a qualified arborist.	Complies – no existing trees are situated adjacent to proposed driveways.
6.5.6G Orientation,	The minimum lot size for carrying out Multi-Dwelling housing is specified in Clause 4.1A (2) of Lithgow LEP 2014.	Complies.

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Siting and Subdivision Objective 6.5.6G(1)	The minimum lot width measured at the building line is to be 20m.	The existing lot width exceeds 20m in length.
Objective 6.5.6G(2)	Each dwelling is to have a frontage to an existing public street or new pedestrian or vehicle street or lane. The frontage measured at the building line is to be at least 5m. Dwellings should be orientated away from side boundaries and towards the front and rear.	Complies. The proposal does not create new public streets, or includes dwellings fronting an existing public street, or lane. The 5m specification does not apply in the instance where internal roads (private infrastructure) are proposed. Compliance with front setback required under the Local Government Regulation 2021 has been achieved.
Objective 6.5.6G(3)	A window that is more than 3m from the boundary to a living room of an adjoining dwelling is to receive more than 3 hours of direct sunlight between 9am and 3pm on the winter solstice (June 21). If the window currently receives less than 3hrs – direct sunlight is not reduced.	Complies.
Objective 6.5.6G(4)	Unless a dwelling is over a basement, the ground floor is not more than 1.3m above ground level, and no more than 1m below ground level. Dwellings are located to step with the Topography	Complies.
Objective 6.5.6G(5)	All lots must have access to reticulated water and sewer, electricity, telecommunications, and where available gas.	Complies. In addition, essential service requirements are prescribed under the LG Regulation for MHEs.
Objective 6.5.6G(6)	Basement car parking should not be provided within the setbacks described in 2.4A.	N/A

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Objective 6.5.6G(7)	The minimum separation between two or more buildings containing dwelling on the same lot is 3m.	Justification. Compliance with front and side setbacks required under the Local Government Regulation 2021 has been achieved. In this instance, the minimum resulting separation distance would be 1.8m (comprising 900mm on each lot).
6.5.6H Solar and Daylight Access Objective 6.5.6H(1)	The living room or private open space in each dwelling is to receive a minimum of 2 hours direct sunlight between 9 am and 3pm on the winter solstice (June 21).	Complies.
Objective 6.5.6H(2)	Daylight may not be borrowed from other rooms, except where a room has a frontage to a classified road. No part of a habitable room is to be more than 8m from a window. No part of a kitchen work surface is to be more than 6m from a window or skylight. Courtyards are to be: • Be fully open to the sky; and • Have a minimum dimension of one third of the perimeter wall height, an area of 4m². A window is visible from 75% of the floor area of a habitable room.	Complies.
6.5.6I Natural Ventilation Objective 6.5.6I(1)	Natural ventilation is available to each habitable room. Each dwelling is to be naturally cross ventilated.	Complies.
6.5.6J Ceiling Height Objective 6.5.6J(1)	Minimum ceiling heights are: • 2.7m to ground floor habitable rooms. • 2.7m to upper level living rooms. • 2.4m to upper level habitable rooms (excluding living rooms). The ceiling height is measured from finished floor level to finished ceiling level.	Complies.

Table 10 – Lithgow DCP 2021 Compliance Table

Item	Provision	Assessment
6.5.6K Dwelling Size and Layout Objective 6.5.6K(1)	Dwellings are required to have the following minimum internal floor areas: • 1 bed: 65m² • 2 beds: 90m² • 3+ beds: 115m² The minimum internal areas outlined above only contain one bathroom. The minimum area of each additional bathroom is 5m² added onto the minimum dwelling area. The minimum area of any additional bedroom is 12m². The area of each additional bedroom is then added to the minimum internal floor area contained in the table above. Kitchens should not be part of a circulation space such as a hallway.	Complies. Refer to the Architectural Plans.
Objective 6.5.6K(2)	One bedroom has a minimum area of 10m² excluding space for a wardrobe. Bedrooms have a minimum dimension of 3m in any direction (excluding wardrobe space). Combined living and dining rooms are to have a minimum area of: • 1 and 2 beds: 24m² • 3+ beds: 28m² Living room or lounge rooms are to have a minimum width of 4m (excluding fixtures).	Complies. Refer to the Architectural Plans.
6.5.6L Principal Private Open Spaces Objective 6.5.6L(1)	The area of principal private open space provided for each dwelling is at least 45m² with a minimum dimension of 5m. Provide a consolidated paved area of 12m² with minimum dimension of 3m.	Justification. A portion of the dwelling lots are provided with PPOS below the required size and dimensions. Sizeable indoor living areas have been provided at the sacrifice of POS. Compensation to the non-compliant POS is provided through the primary and secondary communal facilities along with the proposed walkways and sitting areas which utilises

Table 10 – Lithgow DCP 2021 Compliance Table		
Item	Provision	Assessment
		the visual interest of the creek lines.
Objective 6.5.6L(2)	The principal private open space is located behind the front building line. The principal private open space is to be located adjacent to the living room, dining room or kitchen to extend the living space. 8m² of the private open space should be covered to provide shade and protection from rain.	Justification. All dwellings are provided with a principal private open space located behind the building line and accessible from the living areas of the dwelling. Apart from the proposed Type A dwellings, all other dwellings comply with the minimum size of the covered POS. The covered area for Type A is 5m² and is a minor departure from the standard, causing limited detrimental impact to the site amenity.
6.5.6M Storage Objective 6.5.6M(1)	In addition to storage in kitchens, and bedrooms, the following storage with a minimum dimension of 500mm is provided: • 1 bed 6m³ • 2 beds: 8m³ • 3+ beds 10m³ At least 50% of the required storage is to be located inside the dwelling. Storage not located in dwellings is secure and clearly allocated to specific dwellings if in a common area.	Complies.
6.5.6N Car and Bicycle Parking Objective 6.5.6N(1)	A minimum of 1 off-street enclosed car parking space for one- and two-bedroom units; and A minimum of 2 off-street (one enclosed) car parking spaces for units with 3 or more bedrooms. Visitor parking is to be provided where the development contains more than 5 dwellings. Provide 1 space per 5 dwellings.	Complies. Compliance with parking required under the Local Government Regulation 2021 has also been achieved.

Table 10 – Lithgow DCP 2021 Compliance Table		
Item	Provision	Assessment
	Car parking spaces and circulation are to comply with AS 2890.1:2004	
Objective 6.5.6N(2)	Covered space is to be provided for the secure storage of at least 1 bicycle per dwelling.	Complies.
Objective 6.5.6N(3)	Basement car parking is not to protrude more than 1m above finished ground level except at the entrance to the car park. The maximum dimensions of any basement car park entry are to be 2.7m high by 3.5m wide. Where a driveway is adjacent an existing tree, it is either outside the drip line or complies with the recommendations in a report prepared by a qualified arborist. Achieve minimum setback of a car space from a primary, secondary or parallel road. Garages door width to be under the dedicated maximum width of garage doors facing a primary or secondary road.	No basement carpark is proposed. Not applicable - proposed driveways are outside the drip line of an existing tree (no trees are retained within the development footprint). Garage doors facing the internal road network are of adequate widths.
6.5.6O Visual Privacy	Orientate living room windows, primary private open space to the street or rear.	Complies.
Objective 6.5.6O(1)	At least one windows for each habitable room is provided without the need for a privacy screen.	
	Privacy screens are provided where needed.	N/A
Objective 6.5.6O(2)	Privacy screen requirements.	N/A
6.5.6P Acoustic Privacy	Electrical, mechanical, hydraulic and air conditioning equipment is housed so that it does not create an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 either within or at the boundaries of any property at any time of the day.	Can comply..
6.5.6Q Noise and Pollution	Any development within the 20 ANEF contour is to be constructed to comply with AS 2021:2015 Acoustics – Aircraft Noise Intrusion. Provide noise mitigation for dwellings close to a clarified road or rail corridor.	N/A
6.5.6R Architectural	Provide in the Design Verification Statement a description as to how the architectural form	Justification.

Table 10 – Lithgow DCP 2021 Compliance Table		
Item	Provision	Assessment
Form and Roof Design Objective 6.5.6R(1)	reduces the visual bulk and responds and provides a cohesive design response.	The Architectural Plans prepared by ELK outlines how the design has reduced visual bulk of the proposed manufactured homes and how the development provides a cohesive design response. The proposed dwellings are in single storey form and appropriately low building heights without bringing a bulky look to the proposed gated community. The proposed dwelling footprint leaves useable deep soil areas to the dwelling sites to enable trees and gardens. The design of the proposed dwellings are of high standard contemporary design including the colour palette, selection of materials and style, offering a positive architectural finish. The proposed communal buildings are in consistency with the dwelling designs, providing a cohesive design style across the site.
Objective 6.5.6R(2)	The roof design is integrated harmoniously with the overall building form. Skylights and ventilation systems are integrated into the roof design.	Complies.
6.5.6S Visual Appearance and Articulation	Provide in the Design Verification Statement a description as to how the aesthetics and articulation contribute to the character of the local area.	Justification. The submitted Architectural Plans prepared by ELK incorporates details and quality imagery of each dwelling type design including colours, materials and dimensions. Quality

Table 10 – Lithgow DCP 2021 Compliance Table		
Item	Provision	Assessment
		Elevation views from all angles and section views are provided for both dwellings and the community facilities. In addition, 3D perspectives are provided to further demonstrate a compatible product proposed.
	Allowed articulation zone to primary road.	Complies.
6.5.6T Pools and Detached Development Objective 6.5.6T(1)	Swimming pools and spas are to have a maximum height above ground level (existing): • At the water line – 1.2m, • At the top of the coping - 1.4m, and • Where the coping is more than 300mm wide – 600mm. Swimming pools and spas are to be located in the rear yard with a minimum setback of 1m from any side or rear boundary. The swimming pool pump must be located in an enclosure that is sound proofed.	N/A No swimming pools or the like have been proposed for the individual dwelling sites.
Objective 6.5.6T(2)	Detached development requirements.	N/A No detached development for the dwellings has been proposed.
6.5.6U Energy Efficiency	Provide an outdoor area for clothes drying that can accommodate at least 16 lineal metres of clothes line for each dwelling. Any clothes drying area should be screened from public and communal areas.	Complies.
6.5.6V Water Management and Conservation Objective 6.5.6V(1)	A stormwater system is to: • Comply with requirements in the DCP that applies to the land. • Be approved (if required) under s.68 of the Local Government Act 1993).	Complies. A Civil Engineering Plan set incorporating the Stormwater Plan is submitted under separate cover.
Objective 6.5.6V(2)	Detention tanks are to be located under paved areas, driveways or in basements.	N/A
6.5.6W Waste Management	Provide storage space for the type and number of bins designated in council's waste policy.	Complies.

Table 10 – Lithgow DCP 2021 Compliance Table

Item	Provision	Assessment
Objective 6.5.6W(1)	Where waste storage is provided in a communal area, access to this waste area is to be provided for all residents without crossing a private lot. Where waste storage is provided in the basement car park, a maximum ramp gradient of 1:6 is to be provided to the waste collection point. Where a rear lane has provision for waste collection trucks used by council, the collection point is to be from the rear lane. Despite any requirements in council's waste policy, on-site waste vehicle access is not required where: • there are less than 20 dwellings, or • the development is Torrens title subdivided Where vehicle access is not provided to the site, any communal on-site collection point is to: • be less than 10m from the street boundary, • be located on a surface with a gradient less than 1:20 • not require access through a security door or gate (unless this is permitted by council waste policy). • have path that connects the collection area to the street boundary with a gradient less than 1:8 and free of steps for the transfer of bins to the collection vehicle If the waste collection point is used for permanent storage of bins, it is to be screened from view from the public domain and any structure to have height no greater than 1.3m, if forward of the building line.	A Waste Management Plan is submitted under separate cover. The proposed gated community will be serviced by a waste contractor under guidelines to be outlined within a Plan of Management.
Objective 6.5.6W(2)	Storage areas for rubbish and recycling bins are to be provided: • Within garages; • In screened enclosure that is part of the overall building design; or	Complies. Sufficient space is provided within each dwelling site. Waste collection will be conducted by a private

Table 10 – Lithgow DCP 2021 Compliance Table

Item	Provision	Assessment
	In the basement car park. Communal waste areas are to be located at least 3m from any bedroom or living room window	waste contractor through kerbside collection.
6.5.6X Universal Design	All dwellings are to include the Liveable Housing Design Guideline's Silver level universal design features.	N/A The proposed manufactured homes are to comply with the Local Government Regulation.
6.5.6Y Communal Areas and Open Space Objective 6.5.6Y(1)	Where more than 10 dwellings are proposed a communal space with minimum area of 5% of the site area with a minimum dimension of 8m is to be provided for active communal open space. The active communal open space is at least 3m from a habitable room of a dwelling on the lot. The active communal open space is to receive at least 2hrs of direct sunlight between 9am and 3pm at the winter solstice (June 1) to 50% of the required area.	Complies. The communal offering within the proposal is substantial and is the basis for DCP variations sought for landscaping and private open space controls, for example. The communal areas intend to offer active and passive recreational opportunities and substantiates the 'community' offering within the proposal.
Objective 6.5.6Y(2)	Communal areas and open space are visible from habitable rooms and private open space while maintaining visual privacy. Where communal open space is provided, it has a direct connection to the internal street along the longest edge. Public through site links should have direct line of site between public streets.	Complies, to the extent relevant within this proposal.
Objective 6.5.6Y(3)	Daylight and natural ventilation is provided to all common circulation above ground. Provide lighting to common spaces.	Complies.

5.4 Environmental Impacts

5.4.1 Consideration of Environmental Impacts

This section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment. The impacts included in the table below have been identified through an assessment of the proposed development against the provisions of Section 4.15(1)(b), (c) and (e) of the EP&A Act.

Table 11 – Environmental Impacts Assessment	
Primary Matters	Discussion
Context and Setting	Minor impact. The proposed development is referred to in the Regional Plan and LSPS. The proposal incorporates significant amenity, landscape treatment and recreational offerings to establish a unique and quality offering to Lithgow. Although the lots are variable in size and a majority accommodating an area between 195.15m² to 920.74m², the sites proposed are far greater than the 130m² minimum prescribed by the MHE Regulations and are considered larger than traditional manufactured home lots. The proposed lot sizes would facilitate a variety of housing typologies.
Geotechnical	Neutral impact. The existing soil types are able to be re-used on site as part of the site regrading strategy, which incorporates retaining wall and batters as appropriate, along with compaction requirements to design parameters and geotechnical requirements. Any locations of fill would be required to achieve Level 1 compaction requirements before future residential use occurs. There are two existing dams located near the centre of the subject site that are proposed to be filled as part of the proposed works.
Contamination	Positive impact. Where required, remediation works would be undertaken, providing a site suitable for residential development.
Access, Transport and Traffic	Positive impact. The Magpie Hollow Road (external) intersection upgrade would facilitate the safe operational function of the relationship between anticipated traffic generation and external infrastructure, accommodating existing/future traffic conditions within the locality. Minor impact. Construction traffic would be managed in accordance with traffic management plans and construction environmental management plans.

Open Space and Recreation		Positive impact. The development will provide a substantial open space and recreational offering for the MHE residents in various forms. A minimum area of approximately 15,000m² out of (circa 15% of the proposal footprint) is proposed to be utilised for recreation, communal activities, walking trails and open space/landscaped embellishment. The amenities provided two community facilities areas, which provide multi-purpose buildings, include a BBQ area, indoor swimming pool, tennis/pickleball court, lawn bowls, indoor gym, cinema, dining and function spaces, and activated landscaped areas, which offer passive recreation, walking paths, playground, other recreational uses and landscaping.
Servicing	Water	Neutral impact. Water reticulation would be supplied across the site to service each proposed new lot.
	Sewer	Neutral impact. Sewer reticulation would be supplied across the site to service each proposed new lot. A private SPS is required to service a proportion of the site, and requires a rising main to be incorporated into the proposal and delivered in conjunction with other requires civil works and services.
	Stormwater	Neutral impact. Stormwater would be directed towards the proposed detention basins before being discharged into the nearby watercourse system, via controlled post development management. Water quality measures are proposed within each basin. Additional water saving measures to be revisited at detailed design stage.
	Electricity and Telecommunications	Neutral impact. The proposed development would extend the existing services into the subject land.
	Solid Waste	Minor impact. Waste generated during the construction of the site would be managed via on-site arrangements where practical. Re-use, recycling and removal excess waste would apply. A detailed waste management plan would be prepared prior to construction.
Heritage	Aboriginal Heritage	Low impact. Appropriate management would occur in accordance with requirements outlined in NPWS Act and associated cultural heritage guidelines.
	European Heritage	N/A. There is no existing European Heritage recorded on site.
Visual Impacts		Low impact. The overall proposal is considered to have a low cumulative visual impact due to visual integration through setbacks, landscape treatment and height consistency with the

		existing viewed landscape. The proposal does provide a visual change to the existing viewed landscape character of the area, and associated, open, rural landscape, however, employs architectural siting and controls to reduce visual impact and provide a level of integration with the surrounding visual environment.
Flora & Fauna		N/A. The development footprint of the subject site does not contain important resources, or landscape, scenic qualities. Ecological impacts have been considered via the BDAR and vegetation was determined as low quality, within the proposal footprint. Native vegetation existing in the drainage creeks will be retained.
Natural Hazards	Bushfire	Positive impact. The site is identified by the Council's mapping as being bushfire prone land. The proposal is compliant with the bushfire protection measures identified in Section 6 of the NSW RFS document PBP 2019. A managed site provides a safer outcome for the community and surrounding locality. The proposal is compliant with relevant bushfire protection measures.
	Flooding	Positive impact. This overland flow will be mitigated by the proposed stormwater design for the development, where excess stormwater would be released in a controlled state.
Technological Hazards	Groundwater vulnerability	Neutral impact. The site is identified as subject to Groundwater Vulnerability. Any impact on ground water vulnerability from the proposed development would be considered minor.
Social Impact		Positive impact. The proposal and its community facilities would increase opportunities for social interaction and opportunities for an active lifestyle that leads to improved mental health and wellbeing outcomes. The site has historically been used for agriculture which does not contribute to the provision of social and community infrastructure. Infrastructure provided by the development would include roads, pedestrian and cycling paths, street trees, recreational space, community facilities, etc. The development increases availability of more housing options and security offered by MHEs as opposed to renting.
Water Catchment		Neutral impact. Stormwater collected within the Sydney Drinking Water catchment will be treated under the Model for Urban Stormwater Improvement and Conceptualisation (MUSIC) to ensure a neutral impact to the drinking water catchment. The collected stormwater will be discharged to biofiltration basins before further discharged to the drainage corridor. Refer to the stormwater management report.

Economic Impact	Positive impact. The orderly and economic development of currently vacant land for its zoned purpose and in alignment of zone objectives facilitates the provision for future housing, which would provide the opportunity for an increase in population to support the commercial core of Lithgow and surrounding areas. The proposed development would provide employment opportunities during the construction stage, as well as employment associated with operation of the intended MHE and flow on effect on employment in related sectors (i.e. technical services, retail, personal services). As a result of improved mental health and avoided physical inactivity attributed to the social and community life associated with MHEs, the MHE assists in avoiding spend on mental illness and physical health.
Construction Impacts	A Construction Environmental Management Plan (CEMP) would be provided upon lodgement of a subdivision works certificate and would outline the environmental controls applying to pre-works, during works and post works activities associated with the Project. It is acknowledged that additional approvals and concurrences would be required from relevant agencies and authorities, prior to commencement of site works.

5.4.2 Cumulative Impacts

The proposed development would not generate any unreasonable cumulative impacts upon the surrounding locality. Any minor incidents that arise would be resolved appropriately by the sites operator (management) noting the development would be operated as a land lease community.

6 SUMMARY

6.1 Suitability of the Site

The subject site is considered suitable for the proposed development for the following reasons:

- The development would provide for a variety of housing types and densities, with the security of a gated estate. The proposal would support and facilitate the delivery of manufactured homes of various configurations and sizes.
- The development is intended to operate as a land lease community, where residents purchase the dwelling but not the land upon which it is erected, it will provide a considerably cheaper, alternative form of housing tenure compared to traditional greenfield residential subdivision.
- Located within reasonably short distance to the city centre.
- The development would provide residential land use in proximity to other land uses that provide facilities and services to meet the day-to-day needs of the residents.
- The subject site would be sufficiently serviced by water, sewer, stormwater, electricity and telecommunications infrastructure upon completion.
- The proposed community facilities and open space amenity offer a substantial offering for future residents to enjoy over the long term.
- The proposed development would have legal road access to Magpie Hollow Road.
- The land is not subject to floodplain impacts.
- Visual impacts can be mitigated through substantial landscaping and perimeter landscaping.
- The proposal is unlikely to conflict with existing surrounding land uses.
- The proposal area is subject to environmental constraints such as sloping topography, bushfire risk, Sydney Water Catchment, and measures have been taken to address these constraints and mitigate potential negative impacts.
- The proposed development would not have an adverse negative environmental, social, or economic impact upon the surrounding locality.

6.2 Public Interest

Accordingly, the development is in the public interest. As such, we request that Council recommend the proposed Development Application for approval.

6.3 Conclusion

This SEE has been prepared for MAAS Group Properties Veravista Pty Limited and forms part of a DA to Lithgow City Council for multi-dwelling housing over land described as Lot 2 in DP 1229039 at 33 Magpie Hollow Road South Bowenfels.

The quality gated estate would support the current market demand in housing stock and provide a safe and secure development for residents. Furthermore, the community facilities would create opportunities for social interaction and opportunities for an active lifestyle that leads to improved mental health and wellbeing outcomes.

The development has been assessed against all the applicable legislation including relevant Environmental Planning Instruments and has been found to be generally compliant with the

aims, objectives, performance criteria, and development standards. In addition, this report assesses those relevant heads of consideration pursuant to section 4.15 of the EP&A Act.

In summary:

- The proposed development is considered to be suitable for the site and is largely compliant with the key provisions of the relevant legislation.
- The intent is to provide a quality estate and associated facilities for all residents of the LLC to enjoy.
- The estate would positively contribute to its immediate surroundings, and the broader landscape and built environment of Lithgow.
- The development does not create any additional significant environmental impacts.
- The development provides for additional diverse, affordable, resilient and inclusive housing within Lithgow.