

ADDENDUM REPORT

Western Regional Planning Panel

Panel Reference & DA Number	PPSWES-168 – DA227/22
Proposal	Staged subdivision of one (1) lot into forty-six (46) residential lots and one (1) residual lot, civil works, and associated infrastructure.
Address	<ul style="list-style-type: none"> • Lot 1 DP1268778 – 10 Col Drewe Drive Bowenfels NSW 2790 (Development Allotment) • Lot 2 DP1049398 – Great Western Highway Bowenfels (Civil Works) • Lot 2 DP1082148 – Col Drewe Drive Bowenfels NSW 2790 (Civil Works)
Applicant	Lithgow City Council
Owner	Lithgow City Council (Lot 1 DP1268778) Bernadette Seckold (Lot 2 DP1049398) John and Heather Baxter (Lot 2 DP1082148)
DA Lodgment Date	09 December 2022
Regionally Significant Criteria	Clause 2.19 & Schedule 6 of State Environmental Planning Policy (Planning System) 2021 – Council-related development over \$5 million.
CIV	\$6,754, 345 (excluding GST)
Recommendation	Approval
Prepared By	Emma-Rose Cooper – Team Leader Development Planning at Lithgow City Council
Date of Report	Friday 16 February 2024

Development Application Background

On 9 December 2022, Lithgow City Council (the Applicant) lodged Development Application DA227/22 seeking consent for the staged subdivision of one (1) lot into forty-six (46) residential lots and one (1) residual lot, civil works, and associated infrastructure at 10 Col Drewe Drive, Bowenfels.

On 30 January 2024, the Western Regional Planning Panel considered DA227/22 - PPSWES-168 - 10 Col Drewe Drive Bowenfels for determination. On 1 February 2024, the Panel resolved to defer the determination of DA227/22 to allow the preparation of an addendum report.

The Panel is scheduled to meet on 5 March 2024 to review the addendum report and determine the subject Development Application.

Future Development and Environmental Considerations

Council acknowledges that the submitted plans indicate a road proposal that extends from Road A, for a short distance, into the residentially zoned land to the west.

The Applicant has provided a revised set of civil plans that remove any reference to a future road extension of Road A to the west. The Applicant has confirmed that Council has no detailed plans nor strategic intent to further extend Road A to the west. The road proposal reference on the current civil set of plans was in 'concept' only and bears no relevance to this Development Application.

In the instance that the Council wish to pursue any future subdivision arrangement on Lot 2 DP 1268778, careful consideration will be given to an appropriate road layout that responds to the established social, environmental, and economic constraints of the site.

Recommendation: It is recommended that Condition 2 of the consent be amended to endorse the revised civil set of plans (Prepared by J. Wyndham Prince, Project 110698-03 and located in Attachment B.1) which removes all references to 'future road'.

The mitigating measures to ensure preservation of the South-Western Hollow bearing tree (*Eucalyptus viminalis*) include(s) changes to the batter grade of Road A in that location and construction of a 2m high sandstone wall adjacent to of Road A. These changes have been made on the amended civil set of plans provided by the Applicant (*Prepared by J. Wyndham Prince, Project 110698-03 and located in Attachment B.1*)

Furthermore, Council has ensured that the construction of Road A under the Part 5 Approval (detailed below) is located wholly outside of the tree preservation zone (being dripline plus 1m). This was adopted in accordance with the recommendations of the revised Biodiversity Development Assessment Report (BDAR dated 8 December 2023). Images demonstrating compliance with the tree preservation zone are provided in Attachment F.1.

The BDAR also recommends a Vegetation Management Plan be prepared for restoration works in the area of Lot 1 DP 1268778 (zoned as C3 Environmental Management), which is not proposed for development. This will include creation of habitat corridors through the wetland site to the south and on the hill, and further towards the creek corridor to the northwest. This approach will minimize impacts to biodiversity and reduce the visual impacts of the road works down slope from the tree.

Environmental Planning and Assessment Act 1979, Part 5 – Road A Construction

Road A, as shown on the civil set of plans is not entirely contained within the dedicated public road reserve of Lot 1 DP 1268778. In planning and designing the subdivision arrangement, it became apparent that superior engineering and planning outcomes would be achieved by realigning the link road (Road A) further down the hill to the east. This would result in better outcomes for stormwater management, interface with adjoining development and better aspect and building envelopes for the proposed new residential allotments.

Road A and the intersection at the corner of Road A and Col Drew Drive was approved under Part 5 of the Environmental Planning and Assessment Act 1979. A copy of the Review of Environmental Factors (REF) is available in attachment E.1.

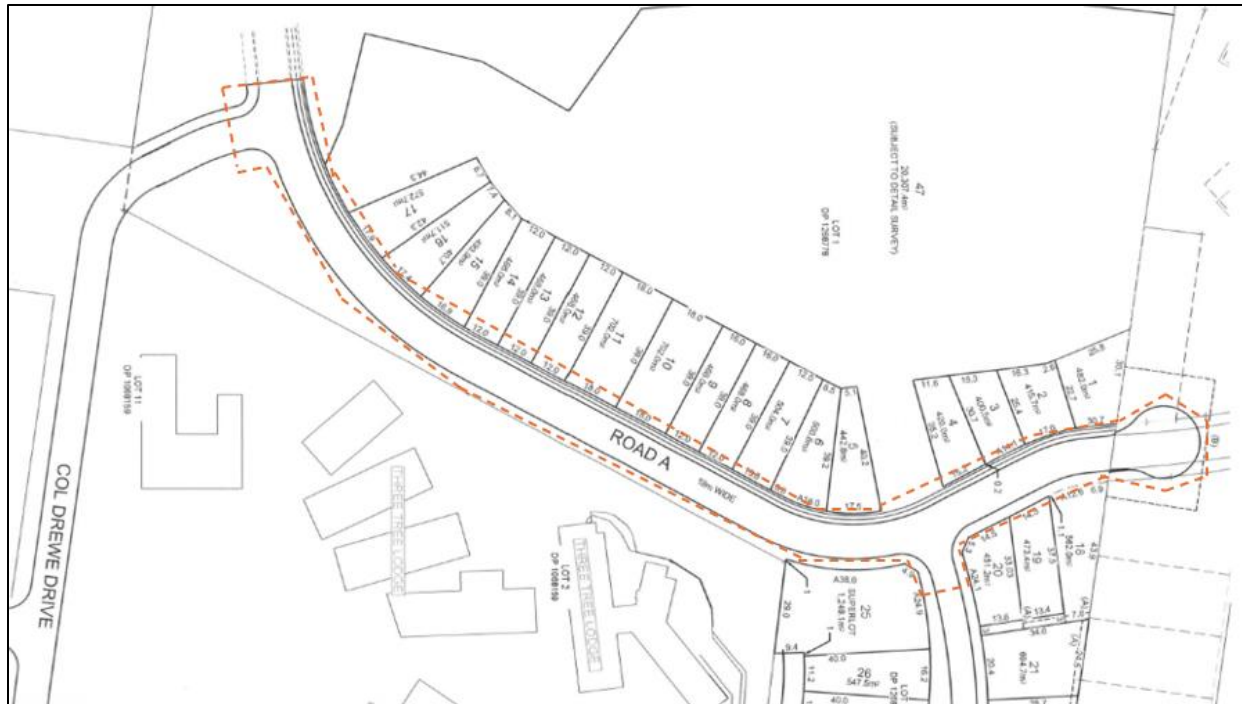


Figure 1 - Scope of Part 5 Approval (Road A or Link Road)

As previously indicated, Road A is currently under construction as approved under the Part 5. A site inspection was conducted on 6 February 2024 and 14 February 2024 to confirm the scope of works undertaken to date. The intersection at the corner of Road A and Col Drewe Drive has commenced, been compacted, and awaiting further testing before the bitumen surface can be completed.

Images of the site inspection demonstrating the scope of works are provided in attachment E.1.

Please be advised that once Road A has been completed, the existing road reserve will be extinguished through a new plan of subdivision.

Given an alternative approval pathway was sought for Road A, (Part 5), the road is considered to fall outside the scope of this Development Application. Council is confident that the Regional Planning Panel can determine Development Application DA227/22, excluding Road A.

To ensure clarity within the determination, a condition is recommended to be imposed in the consent to preclude Road A.

Recommendation: Road A and the intersection at the corner of Road A and Col Drewe Drive does not form part of this Development Consent. Road A and the intersection at the corner of Road A and Cold Drewe Drive are subject to separate approval under Part 5 of Environmental Planning and Assessment Act 1979.

Notwithstanding the above, the retention and management of the tree near the intersection at the corner of Road A and Col Drewe Drive is considered to form part of this Development Application and subsequent determination. As described in this report, the recommendations provided in the BDAR have been implemented on site and shall be maintained for the duration of works.

Summary Recommendations:

- It is recommended that the Regional Planning Panel approve the proposed subdivision arrangement subject to conditions of consent.
- It is recommended that Condition 2 of the consent be amended to endorse the revised civil set of plans which removes all references to 'future road'.
- It is recommended that a condition be imposed to preclude Road A from the consent.

Please be advised that an amended Consent has been prepared and attached to this addendum incorporating the recommendations as outlined above.

Attachments

Attachment A.1 – Referral Determination Statement of Reasons

Attachment B.1 – Revised Set of Civil Plans

Attachment C.1 – Amended Conditions of Consent

Attachment D.1 – Review of Environmental Factors Addendum Report

Attachment E.1 – Review of Environmental Factors (REF)

Attachment F.1 – Site Inspection Images