

**DEVELOPMENT ASSESSMENT REPORT – DA188/13
PROPOSED SHADE SHELTER LITHGOW SWIMMING POOL GEORGE COATES
AVENUE LITHGOW**

1. PROPOSAL

The development proposal (vide DA188/13 & CC156/13) provides for the installation of a shade shelter at Lithgow Swimming Pool at Lot 1 DP 1123449 George Coates Avenue Lithgow.

2. SUMMARY

To advise Council of the submission of Development Application DA188/13 & Construction Certificate CC156/13 by Lithgow City Council for a shade shelter at Lot 1 DP 1123449 George Coates Avenue, Lithgow.

The application is recommended for approval, subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : LOT 1 DP 1123449
Property Address : GEORGE COATES AVENUE LITHGOW NSW 2790

4. ZONING:

The land is zoned 6 Open Space General Rural in accordance with Lithgow City Local Environmental Plan 1994.

5. PERMISSIBILITY:

Community facilities are considered permissible within the Open Space 6 Zone where the development is located.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Nil

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Nil

5.3 LEGAL IMPLICATIONS

Environmental Planning and Assessment Act 1979

In determining a development application, a consent authority is required to take into consideration the matters of relevance under Section 79C of the *Environmental Planning and Assessment Act 1979*. These matters for consideration are as follows:

5.3.1 Any Environmental Planning Instruments

Lithgow City Local Environmental Plan 1994

LEP 1994 – Compliance Check		
	Clause	Compliance
4	Covenants, agreements. etc	N/A
9	2(a) zoning table	N/A
9	2(v) zoning table	N/A
9	1(a) zoning table	N/A
9	1(c) zoning table	N/A
9	1(d) zoning table	N/A
9	1(e) zoning table	N/A
9	3 zoning table	N/A
9	4 zoning table	N/A
9	6 zoning table	Yes
11	General Considerations for development in rural zones	N/A
12	Subdivision in Zone 1(a)	N/A
12A	Subdivision in Zone No 1 (e)	N/A
13	Subdivision for other purposes in Zone No 1(a) or 1(e)	N/A
14	Subdivision for residential purposes in Zone 1(c)	N/A
15	Development in Zone No 1 (d)	N/A
16	Subdivision in the Village Zone	N/A
17	Erection of a dwelling in Zone No 1 (a)	N/A
17A	Dwelling entitlement on existing concessional lots	N/A
18	Erection of a dwelling in Zone No 1(c)	N/A
18A	Erection of a dwelling in Zone No 1(e)	N/A
19	Dual occupancy development	N/A
20	Temporary accommodation for workers in Zone No 1(a) or 1(e)	N/A
21	Notification of certain development and development in Residential and Village Zones	N/A
22	Residential development in Business Zone	N/A
23	Demolition control in the Business Zone	N/A
24	Consideration of development in Open Space Zone	Yes
26	Development along arterial roads	N/A
28	Environmentally sensitive land	N/A
29	Flood liable land	Yes
30	Land subject to bushfire hazards	N/A
31	Minor variations to zoning boundaries	N/A
35	Bed and breakfast establishments	N/A
37	Contaminated land	N/A
Part 4	Heritage provisions	N/A

Comment:

The proposal is consistent with the above zone objectives and the land is deemed suitable for the proposal.

State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011

SEPP(Sydney Drinking Water Catchment) 2011 – Compliance Check		
	Clause	Compliance
10	Development consent cannot be granted unless neutral or beneficial effect on water quality	Yes
11	Development that needs concurrence of the Chief Executive	N/A

Comment:

The application is required to be assessed using Module 1 of the Neutral or Beneficial Effect (NorBE) on Water Quality Assessment Tool. The proposal satisfies this requirement.

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

Under the Lithgow City Draft LEP 2013, which was placed on public exhibition on 20 June 2013, the subject lot is proposed to be rezoned as RE1 – Public Recreation. The proposal is permissible in this zone as ancillary development.

5.3.3 Any Development Control Plan

Nil.

5.3.4 Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F?

No.

5.3.5 Any matters prescribed by the regulations that apply to the land

There are no demolition works or rebuilding is proposed as part of this application.

5.3.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The development shall have minimal impact on the surrounding environment.

Access:

Existing access arrangements are in place and will not change. The shade structure will be accessible to people with disabilities.

Bushfire:

The land is not bushfire prone.

Mine Subsidence:

The land is not subject to mine subsidence.

Social and Economic Impact:

As the proposed development will be generally in keeping with the provisions of the planning instruments and is compatible with other similar development in the locality, it is expected to have no social and economic impact.

Other:

There are no known heritage, contamination or flora/fauna issues relating to the proposed development.

Adjoining Landuse:

The surrounding development is generally typical of infrastructure development. The proposal is compatible with surrounding development.

Context and Setting:

The proposed development will be located within an established infrastructure precinct and will contribute towards the context and setting of the area. The development has been designed to complement existing features of similar development in the area.

Public Domain:

The development will compliment the public domain.

Heritage:

There is no known heritage item located on or in the vicinity of the site.

Water:

There will be no impact on water resources.

Soils:

No adverse impact on soils is envisaged.

Air and Microclimate:

There will be no impact on air or microclimate.

Noise and Vibration:

There are no noise and vibration issues from the development.

5.3.7 The Suitability of the site for the development

The surrounding land uses are generally for infrastructure purposes. The size and nature of the proposed development will be consistent with land uses in the surrounding area.

There are no natural or man-made hazards.

The proposal is compatible with the objectives of the zone and is considered to have minimal impact on the surrounding amenity.

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

Nil.

5.3.9 The public interest

The proposal was not notified to adjoining properties due to the minor nature of the development. There will be no impact on adjoining properties resulting from this development.

6. DISCUSSION AND CONCLUSIONS

The proposal is considered to generally comply with the relevant provisions of the applicable Environmental Planning Instruments. The proposal is not considered likely to have any significant negative impacts upon the environment or upon the amenity of the locality. As such it is recommended that development consent is issued subject to the conditions outlined below.

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA188/13 is approved subject to conditions set out in Schedule A.

Report prepared by:.....Supervisor:.....

Dated:.....Dated:.....

REASONS FOR CONDITIONS

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

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities.
- To ensure that satisfactory arrangements are made to satisfy the increased demand for public recreation facilities
- To ensure access, parking and loading arrangements will be made to satisfy the demands created by the development.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.
- To ensure lots are adequately serviced.
- To ensure there is no unacceptable impact on the water quality.
- To ensure compliance with the requirements of the Rural Fire Services.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority)

Please Note: It should be understood that this consent in no way relieves the owner or applicant from any obligation under any covenant affecting the land.

General Requirements

1. The development shall take place in accordance with the approved development plans containing Council's approved development stamp and all associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.
2. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Requirements Prior to Commencement of Work

3. Prior to commencing any construction works, Council is to be notified at least two days prior of the intention to commence building works, in accordance with Section 81A(2)(c) of the Act in Form 7 of Schedule 1 of the Regulations.
4. Effective erosion and sediment controls are to be installed prior to any construction activity, including earthworks. The controls must prevent sediment from entering dams, drainage depressions and watercourses, and/or street stormwater drainage systems, and are to be regularly maintained and retained until works have been completed and groundcover established.
5. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b. Stating that unauthorised entry to the work site is prohibited and
 - c. Showing the name, address and telephone number of the principle certifying authority for the work.The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
6. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Requirements During Construction

7. All work on site shall only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

Requirements Prior to Occupation

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

Advisory Notes:

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

- a) Pier holes/pad footings before filling with concrete.
- b) Completion of the development and sign off to all conditions of the consent including landscaping, prior to occupation and use.

At each inspection, erosion and sediment control measures and site management will be inspected.

Note: forty-eight (48) hours notice shall be given to Council prior to inspections.