

DEVELOPMENT ASSESSMENT REPORT - DA096/15 PROPOSED WALKWAYS, PATHWAYS, PLATFORMS, FENCING & CAR PARK - BLAST FURNACE PARK, ESKBANK BLAST FURNACE SITE INCH STREET LITHGOW

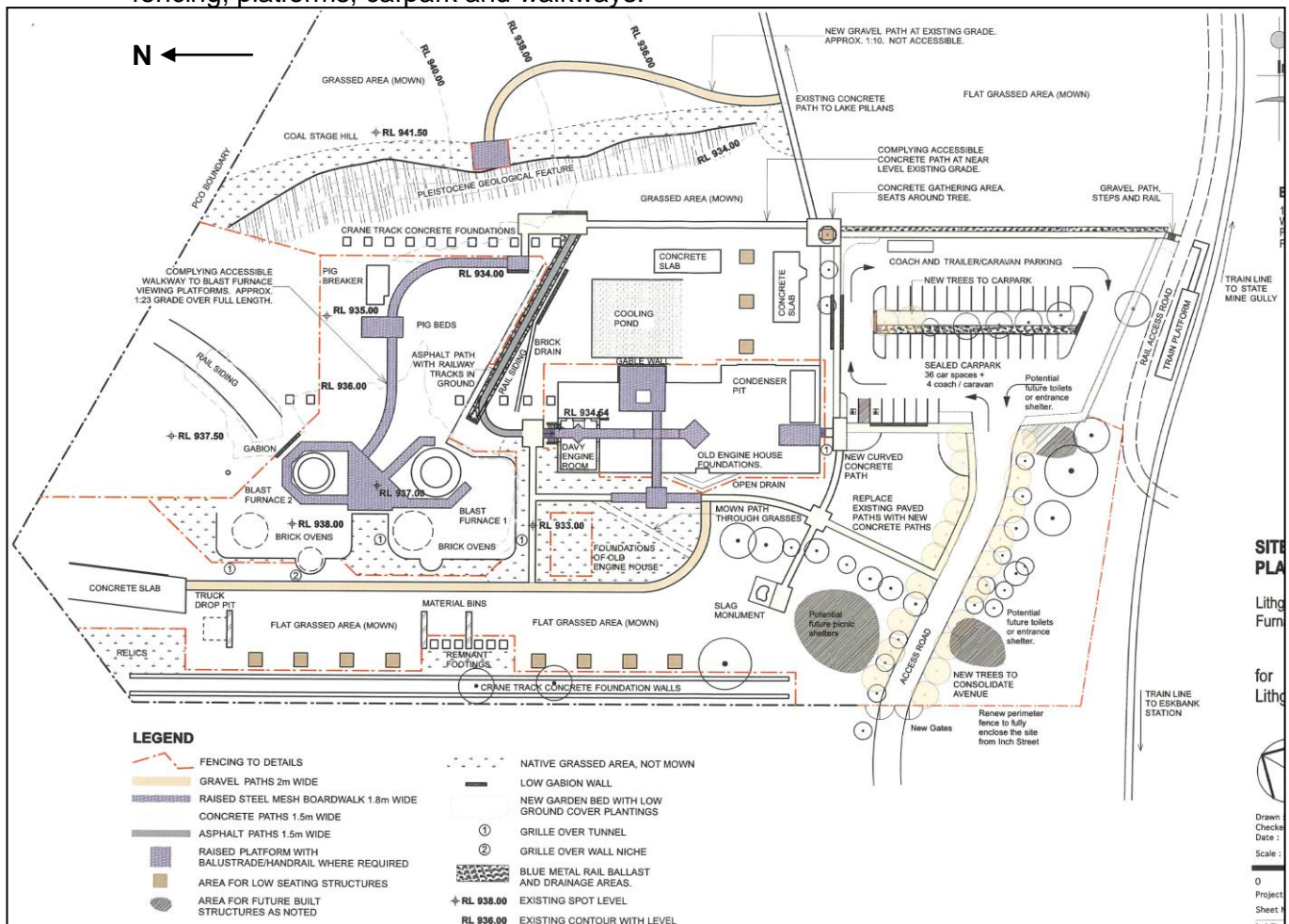
1. PROPOSAL

Council is in receipt of a Development Application DA096/15 from Lithgow City Council for a refurbishment, walkways, pathways, platforms, fencing & car park upgrades at Blast Furnace Park known as Lot 2 DP 776568, Inch Street Lithgow.

The Blast Furnace is an industrial ruin from the early 20th Century and is significant to Australia's early iron works. The ruins have deep pits and brick structures that are a safety issue to visitors. Therefore the proposal seeks to undertake works to improve the area for community use in the following stages:

- Stage 1-
- a) Stabilisation of ruins (repair of brickwork, remove plant growth from brickwork, replace broken/damaged metal tie rods, waterproofing and capping tops of brickwork, repairing spalling concrete lintels and remove and replace embedded metal parts)
 - b) Site fencing
- Stage 2-
- a) Path Access at grade around the park and boardwalk access to the hill top furnace bases
 - b) Boardwalk access to the boiler house platforms
 - c) External connections- carpark and hill top path and platform
 - d) Interpretive signage

The following plan shows the proposed works to be undertaken, including pathways, fencing, platforms, carpark and walkways:



SITE PLAN
Lithgow
for Lithgow
Drawn
Checked
Date :
Scale :
0
Project
Sheet
MAD

Below is the existing site:



Previous Approvals:

325/02DACC - Tourist Park

274/99DA - Tourism and Operation of Diesel Trains

2. SUMMARY

To assess and recommend determination of DA096/15. The recommendation is for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 2 DP 776568

Property Address : Eskbank Blast Furnace Site, Inch Street Lithgow NSW 2790

4. ZONING: The land is zoned RE1 Public Recreation under Lithgow City Local Environmental Plan 2014.

5. PERMISSIBILITY: The development being a 'Community Facility' as defined below is permissible under Lithgow Local Environmental Plan 2014 RE1 zone, subject to development consent.

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

The following Council policies are applicable to this development:

7.5 Notification of Development Applications

5. Who will be notified under this Policy and how long is the notification period?

5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the Lithgow City Council Policy 7.5 – Notification of Development Applications land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.

Comment: The development was notified to adjoining and adjacent landowners and advertised in the local newspaper as the proposal is integrated development under the Heritage Act requiring advertisement. Therefore it is considered that the development has been adequately notified in accordance with this Policy.

7.6 Development Applications By Councillors And Staff Or On Council Owned Land

1. That, subject to the exemptions in Part 2 of this Policy, any development application lodged where the applicant is a Councillor or a member of staff, or where a Councillor or member of staff is the owner of the land to which the application relates, or where the development application on Council owned land, that such an application be referred to Council for consideration and determination.

Comment: The proposal is not subject to exemptions in Part 2 of the policy and is a proposed development on Council owned land being Lot 2 DP 776568. Therefore the proposal is subject to determination by the elected Council at a Council meeting.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Lithgow Section 94A Development Contributions Plan 2012 is applicable to the proposed development on land being Lot 2 DP776568 which is owned by Council and considered a recreational area and carpark. The development cost is estimated at \$422,000 and therefore the following provisions of the Lithgow City Council Section 94A Development Contributions Plan 2012 (S94A Plan) applies:

Schedule 2- Summary of Section 94A Levy Rates:

Type of Development	Levy (%)
All development types valued at \$100,000 or less	0.0%
All development types valued at \$100,001 and up to \$200,000	0.5%
All development types valued in excess of \$200,000	1%

A contribution of \$4,220 would apply for this development. However, it has been requested by the applicant that consideration to the following provision of the S94A Plan be applied:

C7- Are there any exemptions to the levy?

Council may consider exempting developments or component of developments from the Section 94A plan involved in the following applications:

- h) An application for or on behalf of Lithgow City Council for community infrastructure such as libraries, community facilities, child care facilities, sport and recreational facilities, recreation areas or carparks;

The development is lodged by Lithgow City Council and is to enhance an existing community facility and carpark that is a State Heritage item, significant to Lithgow. Therefore, it is considered that an exemption under Clause 7 of the S94A Plan could be accepted.

5.3 LEGAL IMPLICATIONS

Local Government Act 1993

There are no legal implications of this Act on the proposed development.

Native Vegetation Act 2003

No native vegetation is required to be cleared as a result of this application. Accordingly, there are no legal implications of this Act on the proposed development.

Protection of the Environment Operations Act 1997

There are no legal implications of this Act on the proposed development.

Roads Act 1993

There are no legal implications of this Act on the proposed development.

Rural Fires Act 1997

There are no legal implications of this Act on the proposed development.

Heritage Act 1977

The development is considered a Controlled Activity under Section 57 of the Act and therefore required the approval of the NSW Heritage Office prior to works being undertaken. Therefore the proposal has been forwarded to the Heritage Office for recommendations along with a Section 60 Application for a Controlled Activity Approval. It is considered that subject to compliance with recommendations and the controlled activity approval, that the development will be undertaken in accordance with this Act.

Environmental Planning and Assessment Act 1979

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

5.3.1 Any Environmental Planning Instruments

Lithgow Local Environmental Plan 2014 (LEP2014)

LEP2014 – Compliance Check		
Clause		Compliance
Land Use table	RE1 Public Recreation	Yes
5.10	Heritage conservation	Yes
7.1	Earthworks	Yes
7.3	Stormwater management	Yes

Comment: The proposal meets the objectives of the RE1 Public Recreation zone as it is a space to be used by the public and it will protect and enhance the environment for recreational purposes. The land is known to be heritage listed locally and at a state level and requires assessment by the NSW Heritage Office. The proposed development is to enhance the historical significance of the land and allow for an improved interaction for visitors in a safe manner for the ruins and visitors themselves. Interpretive signage will also increase the preservation and increase education and understanding of the significance of the Blast Furnace ruins.

The development will have a positive impact on the heritage significance subject to conditions of consent to allow of the development to be undertaken in a sympathetic manner. Therefore, the development will have a positive impact on heritage conservation within the locality and is appropriate development of the site.

In relation to earthworks and stormwater management the development has been assessed by Water NSW and Council's Building Officers and is considered to be compliant subject to conditions of consent being imposed for the existing site development. The development therefore complies with the provisions of the LEP2014.

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	Yes

Comment: The proposed development was referred to Water NSW as required by the SEPP as the development requires concurrence. The proposal has been assessed by Water NSW with no objections to the proposal subject to conditions of consent being imposed.

State Environmental Planning Policy No 55—Remediation of Land

SEPP 55 – Compliance Check		
	Clause	Compliance
7	Contamination and remediation to be considered in determining development application	Not assessable
17	Guidelines and notices: all remediation work	Not assessable

Comment: The proposal requires an assessment under SEPP 55 in relation to potential contamination given the previous industrial uses of the site. The proposal seeks to undertake work in the soils for the footings in stage 2 and establish picnic areas for the public and therefore, Council is required to be satisfied that the soil is not likely to cause harm or health issues to users. However, given the heritage significance of the site, the works associated with obtaining a contamination report for assessment under the SEPP would require approval from the NSW Heritage Council. Conversely, the NSW Heritage Council cannot provide approval until consent has been issued by Council for the development. For this reason it is proposed to request preliminary contamination testing to be undertaken in stage 1 and submitted prior to Stage 2 through the following proposed condition of consent:

- *A preliminary contamination investigation shall be provided in relation to the ongoing use of the land for recreational purposes having regard to potential disturbance of the site through construction activities and opportunities for increased human contact in picnic areas Should preliminary investigations conclude the site (in context of this application), requires further investigation, remediation or ongoing maintenance this shall be detailed. Stage 2 of the development may not proceed until the preliminary investigation and any additional investigation, remediation and validation is complete.*

The is to be for the stage 2 works only to allow the development approval process and Section 60 process for works under the Heritage Act 1979. This process will then allow for the testing of soils to commence under Stage 1 to obtain a contamination report for assessment under this SEPP for Stage 2 works and is considered the appropriate course of action for this proposal.

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

None.

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 proposed building works and repairs as part of this development and therefore a referral to Council's Building Officer was required for assessment under the appropriate regulations. Recommendations from the Building Officer have been received with no objection to the proposal subject to conditions of consent. Therefore, the development has been assessed as per the required regulations.

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

Access:

The proposed development does not require a change in access from Inch Street Lithgow. The access arrangements are adequate for the development with ongoing maintenance carried out when required.

Water:

The development was referred to Water NSW in relation to potential impacts on water quality, with the proposal expected to have neutral or beneficial effect subject to conditions of consent. Therefore the development will have minimal impact on water. No water facilities are required for the use of the site as a recreational facility at this stage.

Social and Economic Impact:

The development is to improve an existing recreational facility and enhance the historic ruins significant to Lithgow. Therefore the development will have a positive social impact, allowing for an improved use of the site and promotion of Lithgow facilities. The development, when completed, is expected to attract additional people to the area which may have a positive economic impact.

Adjoining Landuse:

The surrounding development is generally of industrial or residential development which has existed for some years. The proposed development will be sympathetic to the surrounding residential area and works are to be undertaken in designated hours. The proposal is to enhance an existing service and therefore should not impact on the adjoining land uses overall.

Soils:

As previously discussed a contamination report for areas to be disturbed and public use of spaces is to be supplied prior to Stage 2 works being undertaken. This is to be by way of a condition consent, if the application is determined as approved. It is considered that the following condition of consent could be imposed that addresses soil issues in relation to contamination:

- *A preliminary contamination investigation shall be provided in relation to the ongoing use of the land for recreational purposes having regard to potential disturbance of the site through construction activities and opportunities for increased human contact in picnic areas. Should preliminary investigations conclude the site (in context of this application), requires further investigation, remediation or ongoing maintenance this shall be detailed. Stage 2 of the development may not proceed until the preliminary investigation and any additional investigation, remediation and validation is complete.*

The is to be for the stage 2 works only to allow the development approval process and Section 60 process for works under the Heritage Act 1979. This process will then allow for the testing of soils to commence under Stage 1 to obtain a contamination report for Stage 2 works and is considered appropriate.

Heritage

The site is of state significance and an assessment by the NSW Heritage Council has been undertaken with no objections subject to conditions of consent being imposed. It is considered that the proposal will improve the use and interpretation of the heritage listing improving the site entirely.

5.3.7 The Suitability of the site for the development

The site is suitable for the development given it is a state significant heritage item. The proposal is to improve and promote the existing Blast Furnace Park and therefore is considered suitable development and adaptable reuse of a heritage site.

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

The proposal was sent to the NSW Heritage Office, Water NSW, Transport NSW, Council's Heritage Advisor and Council's Building Officer for commenting with their recommendations detailed below. The proposal was also sent to adjoining neighbours, advertised and placed on public display in Council's Administration Building for a period of 30 days with no submissions received.

NSW HERITAGE OFFICE

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 91A of the Environmental Planning and Assessment Act 1979, the Heritage Council hereby informs Lithgow City Council that the following terms of approval are proposed to be granted:

Approved Development:

1. Development must be in accordance with:
 - a) Structural engineering drawings for Reconstruction and Remediation Works, prepared by Richmond + Ross Pty Ltd in the table below:

Dwg No	Dwg Title	Date	Rev
Project Name: Blast Furnace Park, Lithgow – Reconstruction and Remedial Work			
01	Davy Engine House – Reconstruction and Remedial Work	1/05/2015	A
02	Cooling House and Railway Support Piers	1/05/2015	A

- b) Architectural design drawings prepared Integrated Design Associates listed in the table below:

Dwg No	Dwg Title	Date	Rev
Project Name: Lithgow Blast Furnace Ruins for Lithgow Council			
EX01	Existing Plan	May 2014	A
MP01	Site Reference Plan	May 2014	A
MP02	Master Plan	May 2014	A
MP03	Engine House Detail Plan	May 2014	A
MP04	Blast Furnace Detail Plan	May 2014	A
MP05	Assessment Zones	May 2014	A
MP06	No Access Areas	June 2014	A
MP07	Photo Sheet 1	June 2014	A
MP08	Photo Sheet 2	June 2014	A
MP09	Photo Sheet 3	June 2014	A
EX01	Existing Plan	May 2014	A
EX01	Temporary Fencing Plan	May 2014	A
MP01	Site Reference Plan	May 2015	A
MP02	Master Plan	May 2015	A
MP03	Assessment Zones	May 2015	A
MP05	Car Park and Rail Platform Detail Plan – Assessment Zones 1 and 2	May 2015	A
MP06	Hill Walk Detail Plan – Assessment Zone 3	May 2015	A
MP07	Grassed Area 1 Detail Plan – Assessment Zone 4	May 2015	A

MP08	Grassed Area 2 Detail Plan – Assessment Zone 5	May 2015	A
MP09	Engine House Detail Plan – Assessment Zone 6	May 2015	A
MP10	Elevated Blast Furnace Area Detail Plan – Assessment Zone 7	May 2015	A
MP11	Fenced No Access Area Detail Plan – Assessment Zone 8	May 2015	A
MP12	Day Use Areas Detail Plan – Assessment Zone 9A	May 2015	A
MP13	Day Use Areas Detail Plan – Assessment Zone 9B	May 2015	A
MP10	Interpretation Plan	July 2014	A
Nil	Detail 1a – Concrete Path	Undated	Nil
D1b	Detail 1b – Concrete Path	April 2015	Nil
Nil	Detail 2a – Asphalt Path	Nil	Nil
D2b	Detail 2b – Asphalt Path	April 2015	Nil
Nil	Detail 3a – Gravel Path	Undated	Nil
D3b	Detail 3b – Gravel Path	Undated	Nil
Nil	Detail 4a – Handrail Only	Undated	Nil
D4b	Detail 4b – Handrail Only	Undated	Nil
Nil	Detail 5a – Full Balustrade	Undated	Nil
D5b	Detail 5b – Full Balustrade	April 2015	Nil
Nil	Detail 6a – Bollards	Undated	Nil
D6b	Detail 6b - Bollards	April 2015	Nil
Nil	Detail 7a – Steel Stairs	Undated	Nil
Nil	Detail 7b – Steel Stairs	Undated	Nil
D7c	Detail 7c – Steel Stairs	April 2015	Nil
Nil	Steel Platform Cross Section	April 2015	Nil
D8b	Detail 8b – Steel Platforms	April 2015	Nil
Nil	Detail 9a – Gabion Barriers	April 2015	Nil
98b	Detail 9b – Gabion Barriers	April 2015	Nil

- c) Report entitled *Review of Conservation Policies and Heritage Impact Statement*, prepared by Integrated Design Associates, dated May 2015.
- d) Report entitled *Lithgow Blast Furnace Park Access Implementation Master plan*, prepared by Integrated Design Associates, dated April 2015.
- e) Report entitled *Assessment of Historical Archaeology*, prepared by Ray Christison of High Ground Consulting, and dated 25 June 2014.

- f) Report entitled Interpretation Strategy, prepared by Ray Christison of High Ground Consulting, and dated 25 June 2014.
- g) Report entitled *Specification for the Restoration and Remedial Work for the Davy Engine House, Compressor Cooling House and Railway Support Structures at the Blast Furnace Park, Lithgow*, prepared by Richmond + Ross Consulting Engineers and Project Leaders, undated.

EXCEPT AS AMENDED by the conditions of this approval:

Design Considerations

- 2 The Applicant should ensure the detailing and design of footings for the new walkway structures are as sympathetic to the ruins as possible. The targeted areas for these footings should be carefully investigated by a qualified archaeologist. All excavation work should be supervised by the nominated Excavation Director. The potential to use existing footings and piers to support the new walkways should be explored, particularly in the former Davy Engine House.
- 3 The proposed concrete paths should be constructed on grade and flat areas to avoid site disturbance.

Site Protection & Works

- 4 Significant built elements shall be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
- 5 The installation of new services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features. Services should be combined in each area to minimise any new penetrations through the historic fabric. Services should be designed in the first instance to use existing penetrations. Any new penetrations must be located in consultation with a nominated heritage consultant and archaeologist. The details are to be submitted as part of the section 60 application for approval.

Nominated Heritage Consultant

- 6 A heritage consultant is to be nominated for the project and their name is to be submitted to the Manager, Conservation Section for approved prior to the commencement of works.
- 7 The nominated heritage consultant is to provide advice on works to the platform toilets and stair treads to minimise impact. They should oversee on-site heritage inductions and inspect the demolition and removal of material to ensure that no significant fabric or elements are damaged or removed.
- 8 All work shall be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradespeople.

Archaeology

- 9 An archaeologist must be on site to monitor the different stages of proposed works in the designated areas of high archaeological significance. These are defined as Zones 3, 4, 5, 6 and 7 on the Assessment zones plan MP 05A prepared by Integrated Design Associates for Lithgow City Council.
- 10 This approval does not cover the removal of any State significant relics. This approval covers the archaeological monitoring of works which may disturb or expose locally significant relics associated with the workings of the Lithgow Blast Furnace only.
- 11 The Applicant must ensure that if substantial newly discovered intact archaeological deposits or State significant are found, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
- 12 The Applicant must ensure that the nominated Excavation Directors, Ray Christison or Fiona Leslie are present at the site supervising all excavation activity likely to expose relics.
- 13 The Applicant must ensure that the nominated Excavation Directors takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological monitoring works in accordance with current best practice.
- 14 The Applicant must ensure that a final excavation report is prepared by the nominated Excavation Director, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time or other variation is approved by the Heritage Council of NSW. Further copies of the report should be lodged with the local library and/or another appropriate local repository in the area in which the site is located.
- 15 Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment & Heritage.

Section 60 Application:

- 16 An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing. The section 60 is to incorporate archaeological monitoring of the different stages of the project.

WATER NSW

Based on Water NSW's site inspection and the information provided, the proposed development has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented.

Water NSW would therefore concur with Council granting consent to the application subject to the following conditions being imposed:

1. The proposed works shall be implemented as per the Site Reference Plan (Project No.2014008, Dwg. No. MP01, Issue A; dated May 2015) prepared by Integrated Design Associates Pty Ltd.

Reason for Condition 1 – Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

2. Any potentially contaminated excavation waste shall be removed from the site and disposed of at an appropriately licensed facility.
3. Effective erosion and sediment controls shall be installed prior to any construction activity, including any earthworks for the development, and shall prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain. The controls shall be regularly maintained and retained until works have been completed and groundcover established.

Reason for Conditions 2 & 3- To manage adverse environmental and water quality impacts during the construction phase of the development so as to minimise the risk of erosion, sedimentation and pollution within or from the site during this phase.

TRANSPORT NSW

As of 1 July 2014 the property functions of RailCorp have been transferred to Sydney Trains. Whilst RailCorp still exists as the legal land owner of the rail corridor, its development application review function has been delegated to Sydney Trains.

Sydney Trains has reviewed the proposal and asks that the following issues be addressed in the conditions for this proposed development.

1. Property & Title Search and Survey

In order to protect Sydney Trains facilities, it is important that the Applicant accurately defines and located the property boundaries between the development and Sydney Trains facilities, and defines the location of the proposed works/development in relation to Sydney Trains facilities. This requires the Applicant to undertake a full Property & Title Search and physical surveys and to provide the information to Sydney Trains. This information is critical to the assessment by Sydney Trains of all aspects of the development proposal. It is therefore requested that Council include the following condition of consent:

- The Applicant shall provide an accurate survey locating the development with respect to the rail boundary and rail infrastructure. The work is to be undertaken by a registered surveyor, to the satisfaction of Sydney Trains representative.

2. Crane and Other Aerial operations

During construction, the use of cranes and other equipment capable of intruding into the airspace above the corridor and of operating over any overhead wiring or transmission lines must be strictly controlled. The developer must demonstrate to the satisfaction of Sydney Trains that all crane and other overhead operations are properly managed, and enter into an agreement with Sydney Trains for such operation. It is requested that Council include the following condition of consent:

- Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all crane and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principle Certifying Authority shall not issue the Construction certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

3. Environmental Conditions

Environmental conditions of consent on all third party works are necessary to ensure compliance with environmental legislation and regulations. These are many environmental sensitivities within and adjacent to the railway corridor (e.g. Threatened species, wetlands, erosion and acid prone soils, natural and cultural heritage areas, etc)

Employees, contractors and operators are obligated to protect the environment at their worksites. This can be accomplished through the assessment and management of risk, and implementation of adequate controls to prevent environmental harm. It is requested that Council include the following condition of consent:

- During all stages of the development, environmental legislation and regulations will be complied with.

4. Drainage

Sydney Trains wishes to advise that run-off or stormwater discharge from the development site onto the rail corridor is unacceptable, both during and after construction and installation. Any run-off or waste arising from the development activities needs to be properly disposed of and must not be allowed to enter the rail corridor.

Sydney Trains looks to Council to ensure that stormwater is not diverted onto the rail corridor as a result of the development. Alternatively, Council may choose to include the following condition of consent:

- Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
- Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

5. Physical Access to Sydney Trains Facilities

The applicant appears to need physical access to the rail corridor in order to undertake the construction and installation works. Sydney Trains needs to ensure that if any access to or works within the rail corridor are required, that this is done in a safe and controlled manner. In this regard Council is requested to include the following conditions of consent.

- No work is permitted within the rail corridor or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.

Where the Applicant proposed to enter the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney Trains confirming that its approval has been granted.

Comment: These are standard conditions imposed by Sydney Trains. It would appear that they have not fully considered the application. It is considered that these conditions should not be placed in full on any approval as they add to the cost of the development for no purpose. Therefore conditions 1 and 2 above will not be imposed on the consent if determination is for approval.

COUNCIL'S HERITAGE ADVISOR

No comments received, given requirements from NSW Heritage Office.

COUNCIL'S BUILDING OFFICER

I refer to the abovementioned development application in regards to your referral dated 12 June 2015 and provide the following comments. The proposal provides for the installation of various walkways, pathways, platforms, stairways, fencing, handrails and balustrades associated with the upgrading of Blast Furnace Park for public safety.

The structures appear to range from concrete slabs (on ground) to raised steel framed walkways/platforms. It is noted that no structural engineering details have been provided in relation to these structures. Structural engineering details will be required prior to commencement of work.

The proposed structures are not required to be accessible under the provisions of the Building Code of Australia, however given that:

- a) The gradient of some proposed walkways are >1:20; and
- b) Some areas may not be accessible to wheelchair users (e.g. stair access only)

Consideration should be given to Council's obligations under the Disability Discrimination Act (DDA). In the interest of protecting Council against potential claims under the DDA, it is recommended a competent person be engaged to prepare a report on Council's obligations under the DDA in respect of accessibility to and within Blast Furnace Park.

As such, should approval be issued, no objections are given to the proposal subject to the following conditions being implemented on the Development Consent:

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. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
 - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
 - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
5. Prior to 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. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

Requirements During Construction

7. An appropriate fence preventing public access to the site shall be erected for the duration of Construction works
8. 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 Use

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

Advisory Notes:

AN1. Prior to commencement of work, details prepared by a practising structural engineer are to be submitted to Council in relation to the proposed structures (walkways, stairways, platforms and the like).

AN2. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Trenches complete with reinforcing and prior to filling with concrete.
- c) Internal drainage carried out by licensed plumber prior to covering
- d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
- e) 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.

AN3. That stairways and balustrades comply with the following requirements:

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

Comment: Condition 4 of the above can be removed as it has been assessed by Water NSW and is a doubled condition in this regard.

5.3.9 The public interest

There have been no issues raised from the public regarding planning issues.

6. DISCUSSION AND CONCLUSIONS

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

7. ATTACHMENTS

Schedule A- Conditions of consent.

8. RECOMMENDATION

THAT development application DA096/15 is approved subject to conditions set out in Schedule A.

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

Signed:..... Signed:.....

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

REASONS FOR CONDITIONS

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

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure that adequate road and drainage works are provided.
- To ensure 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 there is no unacceptable impact on the water quality.
- To ensure adequate soil conservation and protect against movement of soil and sediments.

Schedule A

Conditions of Consent (Consent Authority) and General Terms of Approval (Integrated Approval Body)

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

ADMINISTRATIVE CONDITIONS

1. The development shall take place in accordance with the approved development plans and Statement of Environmental Effects containing Council's approved development stamp and all other associated documentation submitted with the application, except as modified in red by Council and/or any conditions of this consent.
2. A preliminary contamination investigation shall be provided in relation to the ongoing use of the land for recreational purposes having regard to potential disturbance of the site through construction activities and opportunities for increased human contact in picnic areas. Should preliminary investigations conclude the site (in context of this application), requires further investigation, remediation or ongoing maintenance this shall be detailed. Stage 2 of the development may not proceed until the preliminary investigation and any additional investigation, remediation and validation is complete.
3. The development has been approved for two stages being as below:
Stage 1-
 - a) Stabilisation of ruins (repair of brickwork, remove plant growth from brickwork, replace broken/damaged metal tie rods, waterproofing and capping tops of brickwork, repairing spalling concrete lintels and remove and replace embedded metal parts)
 - b) Site fencingStage 2-
 - a) Path Access at grade around the park and boardwalk access to the hill top furnace bases
 - b) Boardwalk access to the boiler house platforms
 - c) External connections- carpark and hill top path and platform
 - d) Interpretive signage
4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

PRIOR TO COMMENCEMENT OF WORKS

5. 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.
6. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b. Stating that unauthorised entry to the work site is prohibited and
 - c. Showing the name, address and telephone number of the principle certifying authority for the work.The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
7. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

REQUIREMENTS DURING CONSTRUCTION

8. An appropriate fence preventing public access to the site shall be erected for the duration of Construction works.
9. All work on site shall only occur between the following hours:

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

REQUIREMENTS PRIOR TO USE

10. 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.

WATER NSW REQUIREMENTS

11. The proposed works shall be implemented as per the Site Reference Plan (Project No.2014008, Dwg. No. MP01, Issue A; dated May 2015) prepared by Integrated Design Associates Pty Ltd.
12. Any potentially contaminated excavation waste shall be removed from the site and disposed of at an appropriately licensed facility.
13. Effective erosion and sediment controls shall be installed prior to any construction activity, including any earthworks for the development, and shall prevent sediment or polluted water leaving the construction site or entering any natural drainage system or stormwater drain. The controls shall be regularly maintained and retained until works have been completed and groundcover established.

SYDNEY TRAINS REQUIREMENTS

Environmental Conditions

14. During all stages of the development, environmental legislation and regulations will be complied with.

Drainage

15. Given the development site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from Sydney Trains.
16. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.

Physical Access to Sydney Trains Facilities

17. No work is permitted within the rail corridor or its easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains. Where the Applicant proposed to enter the rail corridor, the Principle Certifying Authority shall not issue a Construction Certificate until written confirmation has been received from Sydney trains confirming that its approval has been granted.

HERITAGE COUNCIL OF NSW REQUIREMENTS

Approved Development:

18. Development must be in accordance with:

- a) Structural engineering drawings for Reconstruction and Remediation Works, prepared by Richmond + Ross Pty Ltd in the table below:

Dwg No	Dwg Title	Date	Rev
Project Name: Blast Furnace Park, Lithgow – Reconstruction and Remedial Work			
01	Davy Engine House – Reconstruction and Remedial Work	1/05/2015	A
02	Cooling House and Railway Support Piers	1/05/2015	A

- b) Architectural design drawings prepared Integrated Design Associates listed in the table below:

Dwg No	Dwg Title	Date	Rev
Project Name: Lithgow Blast Furnace Ruins for Lithgow Council			
EX01	Existing Plan	May 2014	A
MP01	Site Reference Plan	May 2014	A
MP02	Master Plan	May 2014	A
MP03	Engine House Detail Plan	May 2014	A
MP04	Blast Furnace Detail Plan	May 2014	A
MP05	Assessment Zones	May 2014	A
MP06	No Access Areas	June 2014	A
MP07	Photo Sheet 1	June 2014	A
MP08	Photo Sheet 2	June 2014	A
MP09	Photo Sheet 3	June 2014	A
EX01	Existing Plan	May 2014	A
EX01	Temporary Fencing Plan	May 2014	A
MP01	Site Reference Plan	May 2015	A
MP02	Master Plan	May 2015	A
MP03	Assessment Zones	May 2015	A
MP05	Car Park and Rail Platform Detail Plan – Assessment Zones 1 and 2	May 2015	A
MP06	Hill Walk Detail Plan – Assessment Zone 3	May 2015	A
MP07	Grassed Area 1 Detail Plan – Assessment Zone 4	May 2015	A

MP08	Grassed Area 2 Detail Plan – Assessment Zone 5	May 2015	A
MP09	Engine House Detail Plan – Assessment Zone 6	May 2015	A
MP10	Elevated Blast Furnace Area Detail Plan – Assessment Zone 7	May 2015	A
MP11	Fenced No Access Area Detail Plan – Assessment Zone 8	May 2015	A
MP12	Day Use Areas Detail Plan – Assessment Zone 9A	May 2015	A
MP13	Day Use Areas Detail Plan – Assessment Zone 9B	May 2015	A
MP10	Interpretation Plan	July 2014	A
Nil	Detail 1a – Concrete Path	Undated	Nil
D1b	Detail 1b – Concrete Path	April 2015	Nil
Nil	Detail 2a – Asphalt Path	Nil	Nil
D2b	Detail 2b – Asphalt Path	April 2015	Nil
Nil	Detail 3a – Gravel Path	Undated	Nil
D3b	Detail 3b – Gravel Path	Undated	Nil
Nil	Detail 4a – Handrail Only	Undated	Nil
D4b	Detail 4b – Handrail Only	Undated	Nil
Nil	Detail 5a – Full Balustrade	Undated	Nil
D5b	Detail 5b – Full Balustrade	April 2015	Nil
Nil	Detail 6a – Bollards	Undated	Nil
D6b	Detail 6b - Bollards	April 2015	Nil
Nil	Detail 7a – Steel Stairs	Undated	Nil
Nil	Detail 7b – Steel Stairs	Undated	Nil
D7c	Detail 7c – Steel Stairs	April 2015	Nil
Nil	Steel Platform Cross Section	April 2015	Nil
D8b	Detail 8b – Steel Platforms	April 2015	Nil
Nil	Detail 9a – Gabion Barriers	April 2015	Nil
98b	Detail 9b – Gabion Barriers	April 2015	Nil

- c) Report entitled *Review of Conservation Policies and Heritage Impact Statement*, prepared by Integrated Design Associates, dated May 2015.
- d) Report entitled *Lithgow Blast Furnace Park Access Implementation Master plan*, prepared by Integrated Design Associates, dated April 2015.
- e) Report entitled *Assessment of Historical Archaeology*, prepared by Ray Christison of High Ground Consulting, and dated 25 June 2014.
- f) Report entitled *Interpretation Strategy*, prepared by Ray Christison of High Ground Consulting, and dated 25 June 2014.

- g) Report entitled *Specification for the Restoration and Remedial Work for the Davy Engine House, Compressor Cooling House and Railway Support Structures at the Blast Furnace Park, Lithgow*, prepared by Richmond + Ross Consulting Engineers and Project Leaders, undated.

Except as amended by the conditions of this approval:

Design Considerations

19. The Applicant should ensure the detailing and design of footings for the new walkway structures are as sympathetic to the ruins as possible. The targeted areas for these footings should be carefully investigated by a qualified archaeologist. All excavation work should be supervised by the nominated Excavation Director. The potential to use existing footings and piers to support the new walkways should be explored, particularly in the former Davy Engine House.
20. The proposed concrete paths should be constructed on grade and flat areas to avoid site disturbance.

Site Protection & Works

21. Significant built elements shall be adequately protected during the works from potential damage. Protection systems must ensure historic fabric is not damaged or removed.
22. The installation of new services shall be carried out in such a manner as to minimise damage to or removal of historic fabric and shall not obscure historic features. Services should be combined in each area to minimise any new penetrations through the historic fabric. Services should be designed in the first instance to use existing penetrations. Any new penetrations must be located in consultation with a nominated heritage consultant and archaeologist. The details are to be submitted as part of the section 60 application for approval.

Nominated Heritage Consultant

23. A heritage consultant is to be nominated for the project and their name is to be submitted to the Manager, Conservation Section for approved prior to the commencement of works.
24. The nominated heritage consultant is to provide advice on works to minimise impact. They should oversee on-site heritage inductions and inspect the demolition and removal of material to ensure that no significant fabric or elements are damaged or removed.
25. All work shall be carried out by suitably qualified tradespeople with practical experience in conservation and restoration of similar heritage items. The nominated heritage consultant shall be consulted prior to the selection of appropriate tradespeople.

Archaeology

26. An archaeologist must be on site to monitor the different stages of proposed works in the designated areas of high archaeological significance. These are defined as Zones 3, 4, 5, 6 and 7 on the Assessment zones plan MP 05A prepared by Integrated Design Associates for Lithgow City Council.
27. This approval does not cover the removal of any State significant relics. This approval covers the archaeological monitoring of works which may disturb or expose locally significant relics associated with the workings of the Lithgow Blast Furnace only.
28. The Applicant must ensure that if substantial newly discovered intact archaeological deposits or State significant are found, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

29. The Applicant must ensure that the nominated Excavation Directors, Ray Christison or Fiona Leslie are present at the site supervising all excavation activity likely to expose relics.
30. The Applicant must ensure that the nominated Excavation Directors takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological monitoring works in accordance with current best practice.
31. The Applicant must ensure that a final excavation report is prepared by the nominated Excavation Director, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time or other variation is approved by the Heritage Council of NSW. Further copies of the report should be lodged with the local library and/or another appropriate local repository in the area in which the site is located.
32. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the *National Parks and Wildlife Act 1974* (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment & Heritage.

Section 60 Application:

33. An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Delegate of the Heritage Council of NSW prior to work commencing. The section 60 is to incorporate archaeological monitoring of the different stages of the project.

ADVISORY NOTES

- AN1. Prior to commencement of work, details prepared by a practising structural engineer are to be submitted to Council in relation to the proposed structures (walkways, stairways, platforms and the like).
- AN2. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:
- a) Pier holes/pad footings before filling with concrete.
 - b) Trenches complete with reinforcing and prior to filling with concrete.
 - c) Internal drainage carried out by licensed plumber prior to covering
 - d) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
 - e) 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.

- AN3. That stairways and balustrades comply with the following requirements:
- That the stairway and construction (including flight, landings, goings, risers and the like) shall comply with the requirements of Part 3.9.1 of the Building Code of Australia, Housing Provisions.
 - That the balustrades to balconies, more than one metre above the ground, are to comply with the requirements of Part 3.9.2, Building Code of Australia, Housing Provisions. The space between balusters or the width of any opening in the balustrade or the width of any opening in the balustrade is not more than 125 mm except where the space between rails or the height of the opening is not more than 125 mm. Where wire balustrades are used, certification indicating compliance with the Building Code of Australia of is required prior to inspection.
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