

DEVELOPMENT ASSESSMENT REPORT – DA091/16 - PROPOSED SHADE STRUCTURES, LOT 1 DP 1123449, TONY LUCHETTI SPORTS CENTRE GEORDIE STREET LITHGOW NSW 2790

1. PROPOSAL

Council is in receipt of a Development Application DA091/16 on behalf of Lithgow City Council for proposed shade structures on land known as Lot 1 DP 1123449, Tony Luchetti Sports Centre, Geordie Street Lithgow NSW 2790.

The proposal provides for the construction of two (2) shade structures having an area of 56m² and 100m² respectively adjoining the northern and western sides of the existing 'skate park'.

2. SUMMARY

To assess and recommend determination of DA091/16 with recommendation for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : LOT 1 DP 1123449
Property Address : TONY LUCHETTI SPORTS CENTRE GEORDIE STREET
LITHGOW NSW 2790

4. ZONING:

The land is zoned RE1 Public Recreation in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014.

5. PERMISSIBILITY:

The development being shade structures are considered permissible under Lithgow Local Environmental Plan 2014, subject to development consent as per Clause 2.1 (Land Use Table).

The shade structures are considered to be ancillary development to the existing Recreation facility (outdoor) being the skate park.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Policy 7.5 Notification Of Development Applications

This policy applies to all applications as below:

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

5.1 Except for specified types of development outlined in 6.3 below, written notice of a development application will be given to landowners adjoining the Lithgow City Council Policy 7.5 – Notification of Development Applications land on which the development is proposed for a period of 14 calendar days. For the purposes of this policy adjoining land

is land that directly abuts the subject site; shares a common boundary; or is situated directly opposite to the site where separated by a road, pathway or driveway.

Therefore the proposal was notified to surrounding landowners and placed on display for a period of 14 days and therefore complies with Council's Policy. No public submissions were received during this period.

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

Clause 1 of this policy states '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. Whilst the subject land is Crown Land, it is under Council management and for this reason will be reported to Council for determination.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Nil

5.3 LEGAL IMPLICATIONS

Environmental Protection and Biodiversity Conservation Act 1991

No federally listed Threatened Species or Endangered Ecological Community is required to be cleared as a result of this application. Accordingly, 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.

Threatened Species Conservation Act 1995

No state listed Threatened Species or Endangered Ecological Community is required to be cleared as a result of this application. Accordingly, there are no legal implications of this act on the proposed development.

Environmental Planning and Assessment Act 1979

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

5.3.1 Any Environmental Planning Instruments

Lithgow Local Environmental Plan 2014

LEP 2014 – Compliance Check		
Clause		Compliance
Land Use table	RE1 Public Recreation	Yes
5.10	Heritage conservation	Yes
7.1	Earthworks	Yes
7.2	Flood Planning	Yes
7.3	Stormwater Management	Yes

7.5	Groundwater vulnerability	Yes
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Comment:

5.10 – Council’s Heritage Inventory Sheet (B340) identifies a number of items that are of great local significance. These include: the oval, Ashley Grandstand, the Brick Pavilion and the entry gates.

The Lithgow Skate Park was constructed in 2009 with the additions of a bubbler, shade and fencing erected in 2012. The Lithgow Aquatic Centre was recently constructed and is located adjacent to the skate Park on Barton Avenue. The Lithgow Basketball Stadium also adjoins the development.

Given the size and location of the two structures, it is considered that the development would not impact the heritage significance of the area

7.1 – The extent of the proposed earthworks consist of pier holes only. The proposed earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

7.2 – The land is known mapped as being partially flood prone. The development site however is located outside of the flood prone land. Accordingly, no specific flood mitigation requirements are applicable to this development.

7.3 – Stormwater will be controlled by way of conditional consent. Stormwater will be disposed of the Council’s satisfaction to ensure that there will be no impact on adjoining properties, native bushland and receiving waters.

7.5 – The proposal does not incorporate any activity that would threaten groundwater vulnerability. The proposal is considered to maintain the hydrological functions of key groundwater systems and protect vulnerable groundwater resources from depletion and contamination as a result of development.

State Environmental Planning Policy 44 – Koala Habitat Protection

SEPP 44 is applicable to site given that it exceeds 1ha in size and is located within the Lithgow Local Government Area to which the SEPP applies. Part 2 of the SEPP requires Council to consider whether the land the subject of the application retains potential and subsequently core koala habitat.

Comment:

Given that no trees are to be removed as part of the development, and the section of the subject site relevant to the application is devoid of native vegetation it is considered unnecessary to proceed further with SEPP 44 assessment.

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
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Comment:

The application has been assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool provided by Water NSW. The development satisfies this assessment and is considered to comply with the provisions of the SEPP.

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

Nil.

5.3.3 Any Development Control Plan

Nil

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

Nil

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

It is considered that as a result of this assessment the development will comply with the provisions of the regulations subject to conditions of consent.

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

Adjoining Landuse: The surrounding area is generally for public recreation and residential pursuits. The proposal will not cause any land use conflicts and the development is permissible within the zone.

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

Services: The proposal is located in close proximity to Council's sewer and water main that traverses the property. The application was referred to Council's water and Wastewater Officer for comment however was determined to not impede access to Council's infrastructure (see comments below).

Access/ traffic: The proposal does not incorporate any vehicular access component. The skate park is provided with adequate carparking facilities within the Tony Luchetti Sports Centre. It is considered that the existing vehicular access will be adequate for the development.

Heritage: Council's Heritage Inventory Sheet (B340) identifies a number of items that are of great local significance. These include: the oval, Ashley Grandstand, the Brick Pavilion and the entry gates.

The Lithgow Skate Park was constructed in 2009 with the additions of a bubbler, shade and fencing erected in 2012. The Lithgow Aquatic Centre was recently constructed and is located adjacent to the skate Park on Barton Avenue. The Lithgow Basketball Stadium also adjoins the development.

Given the size and location of the two structures, it is considered that the development would not impact the heritage significance of the area.

Flora and Fauna: No proposed clearing is required and the development will have no impact on flora or fauna.

Social and Economic Impact: As the proposed development will be generally in keeping with the provisions of the planning instrument and is reasonably compatible with other similar development in the locality, it is expected to have minimal social and economic impact.

Soils: The proposed development will have no significant impact on soils. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems. Conditions of consent will be imposed to control erosion and sedimentation impacts on the site and therefore it is considered there will be minimal impacts on soils.

Water: The proposed development has been assessed using the NorBE tool as required by the *State Environmental Planning Policy (Sydney Catchment Drinking Water) 2011* with a result of satisfied. Therefore with appropriate conditions of consent it is considered that the development will have minimal impact on water.

Air and Microclimate: There will be no significant impact on air or microclimate. However, a condition of consent will be imposed requiring that dust suppression be used during construction works to minimise impacts on the surrounding area.

Waste: Waste during construction will be to a licenced facility as per conditions of consent if approved.

Natural Hazards: The land is known mapped as being partially flood prone. The development site however is located outside of the flood prone land. Accordingly, no specific flood mitigation requirements are applicable to this development.

Noise and Vibration: There are no nearby sources of noise or vibration that would impact detrimentally the proposal.

Other Land Resources: The development will not impact on the value of the land in terms of agricultural potential or mining as it is zoned for RE1 public recreation use and adjacent to an established recreational area.

5.3.7 The Suitability of the site for the development

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

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

The proposal was sent to Council's Water & Wastewater Officer and Development Planner for commenting with recommendations detailed below. The proposal was also sent to surrounding landowners and placed on public display in Council's Administration Building for a period of 14 days with no submissions received during this period.

COUNCIL'S WATER & WASTEWATER OFFICER

I have completed a site inspection when you were on leave and can advise that the original layout and position of shade structures will not impede Council's water and sewer infrastructure.

COUNCIL'S DEVELOPMENT PLANNER

The development is proposed for the Tony Luchetti Sports Centre and Showground. The property is heritage listed under Council's Local Environmental Plan 2014. Council's Heritage Inventory Sheet (B340) identifies a number of items that are of great significance. These include: the oval, Ashley Grandstand, the Brick Pavilion and the entry gates.

The Lithgow Skate Park was constructed in 2009 with the additions of a bubbler, shade and fencing erected in 2012. The Lithgow Aquatic Centre was recently constructed and is located adjacent to the skate Park on Barton Avenue. The Lithgow Basketball Stadium also adjoins the development.

The development is located within the RE1 Public Recreation Zone. The development of shade structures is permissible as they are associated with recreational activities for public use.

Given the size of the two structures (one being 100m² and the other being 56m²), the location of the structures, an existing similar structure in the vicinity and the material being a colourbond sheeting roof, it is considered that the development would not impact the heritage significance of the area.

Therefore there is no objection to the development.

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 DA091/16 is approved subject to conditions set out in Schedule A.

Report prepared by: Ben Young Supervisor: Jim Sheehan

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 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. To contain soil and sediment on the property, controls are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
 - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
 - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.
5. Prior to commencement of any building works, a suitable lidded waste container for the deposit of all building rubbish and litter must be provided onsite. The waste container must be emptied at a licensed waste disposal facility when full. All building rubbish and litter must be contained on the building site and the site left clear of waste and debris upon completion of works.
6. Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:
 - a. Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person can be contacted outside working hours.
 - b. Stating that unauthorised entry to the work site is prohibited and
 - c. Showing the name, address and telephone number of the principle certifying authority for the work.

The sign/s are to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Requirements During Construction

7. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
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

10. That rainwater drains are connected to the street/lane gutter to the satisfaction of Council. Care is to be taken to ensure that no nuisance is created to adjoining properties.

Requirements Prior to Use

11. 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 Note:

AN1. To ensure structural integrity, the maintenance of minimum health standards, the management of the buildings surrounds and the protection of the environment, compliance certificates are to be issued at significant stages throughout the construction period. These stages are:

- a) Pier holes/pad footings before filling with concrete.
- b) Reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like.
- c) Framing when external wall and roof cladding is in place and prior to internal linings.
- d) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- 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.