

DEVELOPMENT ASSESSMENT REPORT – DA030/17 - PROPOSED STORAGE SHED, Lot 1 DP 840412, GREAT WESTERN HIGHWAY MARRANGAROO

1. PROPOSAL

Council is in receipt of a Development Application, DA030/17 from the leasee Lithgow Golf Club for a storage shed on land known as Lot 1 DP 840412, Great Western Highway Marrangaroo. The land, golf club and course are owned by Lithgow City Council. .

The site currently contains community land used for a public recreation facility comprising of a golf clubhouse, associated outbuildings and 18 hole golf course.

The proposal provides for the construction of a shed to provide storage facilities for golf carts. The proposed shed shall be 96m², 12 metres long by 8 metres wide with a wall height of 2.7m and maximum ridge height of 3.772m. The shed is proposed to be located 23 metres behind the rear of the existing club house and 40 metres from closest (southern) boundary.



View to the west and location of proposed storage shed



View to the north and location of shed



Location of proposed shed

2. SUMMARY

To assess and recommend determination of DA030/17 with recommendation for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description : Lot 1 DP 840412
Property Address : LITHGOW GOLF CLUB
GREAT WESTERN HIGHWAY MARRANGAROO 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 a storage shed is considered permissible under Lithgow Local Environmental Plan 2014, subject to development consent as per Clause 2.1 (Land Use Table). The storage shed is considered to be ancillary development to the existing recreation facility (outdoor) being the golf club.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Policy 7.5 Notification Of Development Applications

This policy applies to all applications unless excluded by Section 1.2 and/or Section 2.

2. APPLICATIONS FOR WHICH NOTIFICATION WILL NOT BE GIVEN UNDER THIS POLICY

Development applications for the following types of development will not be notified. (NB: Any structure must conform to applicable setback requirements):

- *Any other development of a minor nature that, in the opinion of the assessing officer, does not have the potential to create a negative impact on the amenity of the neighbourhood by way of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise.*

It was considered that neighbour notification was not required for the following reasons:

- The proposed shed is located 40 metres from the nearest residential property and will be partially screened by existing vegetation.
- It is considered that the electric golf carts will not create a negative impact on the amenity of the neighbourhood. The carts produce minimal noise and do not cause or emit any waste or pollution.
- The roller door to the proposed shed will be located on the northern side facing away from residential dwellings to the south, south east and south west.

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

Development Applications on Council owned land requires Development Applications on Council land to be referred to the elected Council for consideration and determination and that no aspect of the development is dealt with under delegated authority. Given Council's ownership of this land the proposal shall be reported to Council for determination.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

NIL

5.3 LEGAL IMPLICATIONS

Conveyancing Act 1919

The property contains services, easements/restrictions for a Right of Carriageway, easement for underground electrical cables 10m wide and easement for pipeline. The proposed shed is located clear of these easements. Conditions of approval have been imposed and are listed at the end of the report.

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.

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.

Local Government Act 1993

The Lithgow Golf Course Plan of Management applies to the community land described as Lithgow Golf Course, categorised as a sportsground and contained within Lot 1 DP 840412. It is considered that the proposed golf cart storage shed will improve the quality of the recreational facility and is ancillary to the golf course and complies with the objectives of the plan.

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
7.3	Stormwater Management	Yes
7.5	Groundwater vulnerability	Yes

Comment:

5.10 - The site currently contains community land used for a public recreation facility comprising of a golf club house, associated outbuildings and 18 hole golf course. The golf club house is listed under Council's LEP 2014 as being an item of local environmental heritage. Council's Heritage Inventory Sheet (B106) identifies that the club house has been extensively altered and extended unsympathetically. However the important architectural and aesthetic feature is the front polychrome brickwork façade and decorated brick walls. It is therefore considered that the proposed shed located at the rear of the club house will have no impact on the heritage significance of the building including the architectural and aesthetic feature of the front façade.

7.1 - The extent of the earthworks will include levelling the site to construct a reinforced concrete slab with piers. The cut and fill will be battered, grassed and stabilised. It is considered that 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.

7.3 – Stormwater will be controlled by way of a condition of consent. Stormwater will be disposed to Council's satisfaction to ensure that there will be no impact on adjoining properties and receiving waters.

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 native 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	N/A

Comment: The application is required to be 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 use. 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.

Access/ traffic: The proposal does not incorporate any vehicular access. The roller door opens onto the green for direct access for the golf carts. The proposed development will not impact on the existing established vehicular access and carparking facilities.

Heritage: The site currently contains community land used for a public recreation facility comprising a golf club house, associated outbuildings and 18 hole golf course. The golf club house is listed under Council's LEP 2014 as being an item of local environmental heritage. Council's Heritage Inventory Sheet

(B106) identifies that the club house has been extensively altered and extended unsympathetically. However the important architectural and aesthetic feature is the front polychrome brickwork façade and decorated brick walls. It is therefore considered that the proposed shed located at the rear of the club house will have no impact on the heritage significance of the building including the architectural and aesthetic feature of the front façade.

Flora and Fauna: The removal of an existing Photinia hedge will be undertaken for the construction. No additional removal of trees/clearing is required and the development will have no impact on native 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: Minimal cut and fill will be undertaken to provide a level pad for construction. There is no reason to believe the site would be affected by acid sulphate soil or contamination problems. Conditions of consent to control erosion and sedimentation impacts on the site, battering and stabilisation of disturbed areas are listed at the end of the report. 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. Given the development is for residential use, once an Occupation certificate has been provided a garbage service will be available for domestic use.

Natural Hazards: The rear western portion of the property is mapped as bushfire prone. The proposed shed and existing clubhouse are located outside the mapped area and located in excess of 400 metres from the bushfire threat. The shed is also located 23 metres from the clubhouse. Therefore there are no requirements under Planning for Bushfire Protection 2006. Further, the shed has been designed for the site specific wind and snow load.



Noise and Vibration: There are no nearby sources of noise or vibration that would impact detrimentally the proposal. The proposal is not expected to cause any noise issues in the surrounding area, given its recreational use.

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 and residential areas.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for recreational and residential pursuits with the size of the proposed shed consistent with those in the surrounding areas. 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 not required to be neighbour notified and no submissions were received by Council.

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 DA030/17 is approved subject to conditions set out in Schedule A.

Report prepared by: Rebecca Nichols

Supervisor: Jim Nichols

Signed:.....

Signed:.....

Dated: 15 February 2017

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 (including Section 94 Conditions)

(Please note: It should be understood that this consent in no way relieves the owner of 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. Approval is for a golf cart storage shed only and the structure shall not be used, fitted or occupied for

industrial, commercial or residential purposes under any circumstances.

3. The structure is to be located wholly within the confines of the property boundary and in accordance with approved site plan.

4. That minimal disturbance is caused to the site during construction works and any disturbed areas including embankments are to be generally made good and revegetated prior to the issue of the Occupation Certificate. Any excavated and filled areas are graded and drained and all constructed batters are to be topsoiled, and turfed (batters are not to exceed a ratio of 3 horizontal to 1 vertical) prior to occupation.

5. Any cut and fill areas are to be retained/stabilised to Council's satisfaction as soon as possible after excavation works and prior to the issue of the Occupation Certification.

6. Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – "Soils and Construction" (2004) (Bluebook).

Landscaping

7. Additional landscaping shall be provided to screen the shed to Council's satisfaction. All cultivars used should be frost tolerant and a maintenance plan shall be implemented to ensure that any failures are replaced. All landscaping must be completed prior to the issue of the Occupation Certificate.

Easements and services

8. No portion of the structure shall encroach into easements or over services. The applicant is responsible for identifying all easements and services on the property and complying with the relevant service provider requirements and conditions prior to commencement of work.

9. The storage shed shall be located clear of the existing sewer pump line.

10. The storage shed shall be located clear of the easement for underground electrical cable (10m wide) as shown on DP 840412.

11. The applicant is responsible for identifying the private power pole and complying with the service provider (Endeavour Energy) requirements and conditions including required setbacks, earthing, landscaping and safety requirements

Requirements prior to commencement of works

Construction certificate – Building

12. A construction certificate is required prior to commencement of any site or building works. Note: Council as your Principal Certifying Authority has issued this certificate concurrently with the development consent. Therefore this requirement is fulfilled.

Notification of commencement of Building Work

13. 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.

14. Building work that involves residential building work (within the meaning of the Home Building Act 1989) must not be carried out unless the Principal Certifying Authority for the development to which the work relates:

a. In the case of work to be done by a Licensee under the Act:

i) has been informed in writing of the licensee's name and contractor Licensee Number,

- ii) and it is satisfied that the Licensee has complied with the requirements of Part 6 of the Act, or
- b. in the case of work to be done by any other person:
 - i) has been informed in writing of persons name and Owner-Builder Permit Number, or
 - ii) has been given a declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials involved in work is less than the amount prescribed for the purposes of the definition of Owner-Builder Work in Section 29 of that Act,

and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of dated any information or declaration previously given under either of those paragraphs.

Sediment controls

15. 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.

Signage

16. 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.

17. 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

Construction work hours

18. 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

Stormwater

19. That the rainwater drains are connected to water storage tanks which are located in a position that will not create a nuisance to the building or adjoining properties.

Note: Overflow pipes are to be discharged into approved drains to 600 mm wide x 600 mm deep dispersal pits, having an aggregate length of 2 metres per downpipe and be located not less than 4 metres from any building or site boundary. The pits are to be located so as to ensure that the stormwater is dispersed clear of any building and should not create a nuisance to adjoining properties

20. Alterations to the natural surface contours must not impede or divert natural surface water runoff, so as to cause a nuisance to adjoining property owners.

21. All excavations and backfilling associated with the approved works must be executed safely and in accordance with appropriate professional standards. All excavations must be properly guarded and protected to prevent them from being dangerous to life or property.

If an excavation associated with the approved works extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- Must preserve and protect the building from damage; and
- If necessary, must underpin and support the building in an approved manner, and footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

22. Prior to any building works commencing a suitable Waste Container with a lid for the deposit of all building rubbish and litter must be provided and emptied as soon as full. Building rubbish and litter must be contained on the building site.

Prior to the issue of an Occupation Certificate

23. The conditions of consent must be complied with prior to the issue of an Occupation Certificate either by Lithgow Council or an accredited principal certifying authority. All necessary information to comply with the conditions of consent must be submitted prior to the occupation of the building.

Advisory Notes

Compliance with Building Code of Australia

1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Building Inspection schedule

2. 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 and reinforcing steel in position and before concrete is poured (footings, lintels, beams, columns, floors, walls and the like).
- b) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
- c) Framing prior to internal linings and 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

Construction, Plumbing and Drainage

3. The shed is to be designed and constructed to the site specific wind and ground snow load and erected in accordance with the structural and manufacturers details designed by the Approved Practising Structural Engineer.
4. That the structure is securely bolted at its supports and fixed rigidly at its base.
5. That seepage and surface waters are collected and diverted clear of the shed site by a drainage system prior to the issue of the Occupation Certificate. Care is to be taken to ensure that no nuisance is created to adjoining properties.
6. That all footings/piers are taken to foundation material of uniform adequate bearing pressure.
7. That the structure is securely bolted at its supports and fixed rigidly at its base.
8. That, owing to the area being subject to high wind velocities from time to time, every precaution is to be taken to ensure the building and the roof cladding are effectively secured. Manufacturer's details and directions for anchorage and fixing are to be adhered to.

Prior to Occupation

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.

Reference to the Building Code of Australia

10. A reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.