

DEVELOPMENT ASSESSMENT REPORT – DA177/17 - PROPOSED AWNING, Lot 74 DP 237413, CLARENCE RURAL FIRE SHED, CHIFLEY ROAD CLARENCE NSW 2790

1. PROPOSAL

Council is in receipt of Development Application DA177/17 for an awning on land known as Lot 74 DP 237413, Clarence Rural Fire Shed, Chifley Road Clarence.

The property contains the existing rural fire shed, water tank, access driveways and carparking area. The awning is proposed to go over the top of the existing concrete slab that adjoins the shed.

The awning is proposed to have a dimension of 7m x 10.5m with four structural support posts.

The property contains an area of 5476m² and has direct access from Chifley Road.

The Clarence Rural Fire Shed is shown in the photo below:



2. SUMMARY

To assess and recommend determination of DA177/17 with recommendation for approval subject to conditions.

3. LOCATION OF THE PROPOSAL

Legal Description: Lot 74 DP 237413
Property Address: CLARENCE RURAL FIRE SHED, CHIFLEY ROAD CLARENCE
NSW 2790

4. ZONING: The land is zoned E3 Environmental Management in accordance with Council's current planning instrument, being Lithgow Local Environmental Plan (LEP) 2014.

5. PERMISSIBILITY: The development being an '*emergency services facility*', as defined below, is permissible under Lithgow Local Environmental Plan 2014, subject to development consent as per the E3 Zoning Table.

Emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

Emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the Coal Industry Act 2001,
- (h) an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.

5.1 POLICY IMPLICATIONS (OTHER THAN DCP's)

Policy 7.5 Notification Of Development Applications

This policy applies to all applications as below:

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.

Therefore no adjoining or adjacent landowners have been notified of the proposal as part of this process.

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 is reported to Council for determination.

5.2 FINANCIAL IMPLICATIONS (eg Section 94)

Section 94A Development Contributions Plan 2015

The Section 94A plan **does not** apply to this development given it is for an awning to be attached to an existing shed at an estimated cost of \$15,000, using the below levies:

Estimated cost of development	Levy applicable
\$0 to \$100,000	0%
\$100,001 to \$200,000	0.5%

\$200,001 and over	1%
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5.3 LEGAL IMPLICATIONS

Roads Act 1993

The development has a frontage to Chifley Road. Chifley Road is owned and maintained by the Roads and Maritime Services (RMS). As the Clarence Rural Fire Shed with the entry and exit not proposed to change, no referral to the RMS is required.

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	E3 Environmental Management	Yes
7.4	Terrestrial biodiversity	Yes

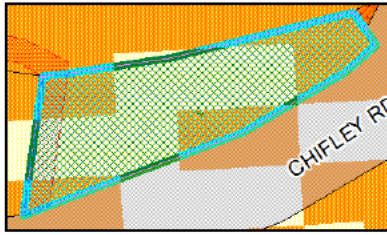
Comment: The proposed development is consistent with the zone objectives. The objectives of the zone are:

1 Objectives of zone

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To facilitate the management of environmentally sensitive lands and riparian areas.*
- *To protect and conserve the vegetation and escarpment landscape surrounding Lithgow.*
- *To maintain or improve the water quality of receiving water catchments.*

The development is located on a property that currently contains the existing rural fire shed. The size of the property is 5476m² and currently contains the Clarence Rural Fire Shed and access. Primary Production is not viable on the property due to the size of the property. The development is not expected to impact services or facilities in the area as all services exist within the vicinity of the property.

The property is identified as containing Biodiversity. The proposed development is not expected to have any adverse impact on ecological value or significant flora and fauna on the property. Biodiversity covers the large allotment as shown on the map below:



The land is deemed suitable for the proposal and is considered to comply with Council's LEP 2014.

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.

Many of the trees listed within Schedule 2 of the SEPP are common within the Lithgow Local Government area, however core koala habitat within this area is rare, with only 12 koala sightings ever reported on private land within the LGA.

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

Comment: The application is required to be assessed using the Neutral or Beneficial Effect on Water Quality Assessment Tool as below. Given the development satisfies this assessment the development complies with the SEPP.

NEUTRAL OR BENEFICIAL EFFECT ON WATER QUALITY ASSESSMENT TOOL

General Information:

Council Name	Lithgow City
Date	21 July 2017
DA Number	DA177/17
Assessing Officer	Lauren Stevens
Development Class	Buildings/farm buildings no wastewater

Assessment Summary:

NorBE Status:	Determined	User Outcome:	Satisfied
System Outcome:	Satisfied	Determination date:	21/7/17
Determination outcome:	Granted		

Pre- Assessment Checklist:

Located within Sydney drinking water Catchment	Yes
Is development consistent with any existing SCA 88B Instruments on title?	N/A
Crown perpetual leasehold land?	No
Water quality impact identifies?	Yes
Concentration of flow of water?	No
Flow of water impeded?	No
Discharge of pollutants?	No
Any other matter?	No
Documentation is completed?	Yes
Does Water Cycle management Study meet SCA/Council requirements?	Yes

Condition

Effective erosion and sediment controls shall to be installed prior to any construction activity 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.

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

None.

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?

NA.

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

The development has been forwarded to Council's Building Officer for assessment under appropriate regulations. 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

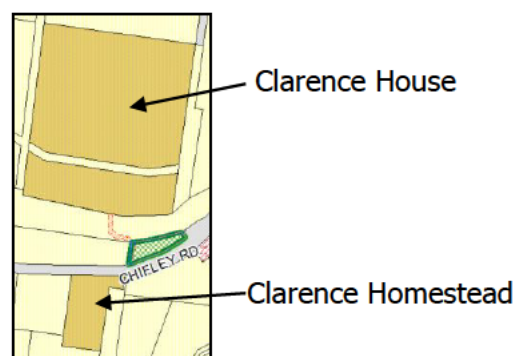
Adjoining Landuse: The surrounding area is a mixture of landuses including rural residential uses adjacent to the property, the zig zag railway, Clarence Coal Mine, Clarence sand quarry and forestry all surrounding the Rural Fire Shed. The proposal will not cause any land use conflicts and the development is permissible within the zone.

Services: Electricity services are currently connected to the existing rural fire shed. The proposed awning is not required to be connected to the services.

Context and Setting: The proposed development will be located within an established rural/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: The proposal will gain access from Chifley Road. The access exists and is not required to be upgraded for the development.

Heritage: The property is not heritage listed or contains heritage items. Heritage items within the vicinity of the development are Clarence House (The Oaks) and Clarence Homestead adjacent the property. The development is not expected to impact the heritage items as the development is located approximately 171m from Clarence Homestead and is also separated by Chifley Road, and approximately 300m from Clarence House. Dense vegetation separates Clarence House and the development. The development is considered to be minor in nature as it only contains an area of 73m² and will adjoin the existing fire shed. The heritage map is shown below:



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.

Natural Hazards: The property is located within the bushfire prone area. As the development and existing building is not for habitable purposes, a bushfire report is not required. An existing water tank is located on the property and is found to be suitable for the development. The bushfire map is shown below:



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 it is for an awning on an existing rural fire service shed.

Other Land Resources: The development will not impact on the value of the land in terms of agricultural potential or mining as it has been utilised for the Clarence Rural Fire Shed for many years and it is adjacent to an established rural residential area.

5.3.7 The Suitability of the site for the development

The surrounding land uses are for a mixture of developments 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 Building Officer for commenting with recommendations detailed below.

COUNCIL'S BUILDING OFFICER

Reference is made to the development application in regard to Council's Planner's referral dated 11 July 2017.

Please be advised of the following:

- The Awning is a Class 10a building
- The slab for the awning has already been poured.
- The awning is designed for a 2kPa snow load

Therefore, there is no objection to the proposal given the following conditions of 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. The structure is to be located wholly within the confines of the property boundary and in accordance with approved site plan.

Stormwater

3. That the rainwater drains are connected to a water tank and the overflow shall discharge to a point to the satisfaction of Council.

Requirements prior to commencement of works

4. 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.

5. Prior to work commencing a structural engineer's certificate of adequacy for the existing concrete slab shall be submitted to Council, certifying that the slab is structurally adequate to support the proposed awning. Alternatively, the slab shall be cut and pad footings provided under the awning posts in accordance with the approved structural details.

Sediment controls

6. 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

7. 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

Construction work hours

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

9. 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.

10. 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.

11. 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.

Enclosure of Structure

12. That the structure is not to be further enclosed without the prior approval of Council

Colour of external cladding

13. That the roofing of the awning is of a natural tone, non-reflective condition.

Prior to the issue of an Occupation Certificate

14. 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

AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Building Inspection schedule

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 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

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 DA 177/17 is approved subject to conditions set out in Schedule A.

Report prepared by: [REDACTED]

Signed:.....

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 the structural integrity 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 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.

ADMINISTRATIVE CONDITIONS

1. That the development be carried out in accordance with the application, Statement of Environmental Effects, accompanying information, plans listed in the approval and any further information provided during the process unless otherwise amended by the following conditions.
2. The structure is to be located wholly within the confines of the property boundary and in accordance with approved site plan.

Stormwater

3. That the rainwater drains are connected to a water tank and the overflow shall discharge to a point to the satisfaction of Council.

REQUIREMENTS PRIOR TO COMMENCEMENT OF WORKS

4. 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.
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PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

12. 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

Building Code of Australia Compliance

- AN1. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Building Inspection schedule

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