

# **79C PLANNING REPORT - DEVELOPMENT ASSESSMENT REPORT DA033/18 – INSTALLATION OF TOILET BLOCK BLAST FURNACE PARK LITHGOW**

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## **PROPOSAL**

The proposal involves the installation of a Exeloo Jupiter 22 Ambulant + Accessible toilet block at Blast Furnace Park Lithgow.

## **SUMMARY**

To advise Council of the submission of Development Application 033/18 for Lithgow City Council for the installation of a new toilet block on Lot 1 DP433264 Blast Furnace Park Lithgow.

The application is recommended for approval subject to conditions.

## **LOCATION OF THE PROPOSAL**

Legal Description : Lot 1, DP 433264  
Property Address : Inch Street Lithgow

## **ZONING:**

The land is zoned RE1 Public Recreation in the Lithgow Local Environmental Plan 2014.

## **PERMISSIBILITY:**

The development is considered permissible in accordance with the Lithgow Local Environmental Plan 2014.

## **POLICY IMPLICATIONS (OTHER THAN DCP's)**

Council's Policy 7.6 – Development Applications on Council owned land are required to be referred to Council for consideration and determination and that no aspect of the development be dealt with under delegated authority. Given Council's ownership of this land the proposal is reported to Council for determination.

## **FINANCIAL IMPLICATIONS (eg Section 94)**

The project is funded through the 2017/18 Operational Plan but this is not applicable to the assessment of the development application.

## **LEGAL IMPLICATIONS**

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:

### **Any Environmental Planning Instrument**

*Consider SEPPs, REPs & LEPs. RELEVANT Provisions of LEP (eg permissibility, development standards, heritage listing, advertising requirements of another authority who administers a SEPP or REP). Is a SEPP1 objection required?*

SEPP: The State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies to this land. This plan requires all development to have a neutral or beneficial effect on water quality. The proposal is in accordance with the SEPP and NorBE assessment has been satisfied.

LEP Zone RE1 Public Recreation: The development is classified as a recreational facility under the Lithgow Local Environment Plan and therefore the proposal is permitted with development consent.

**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**

If applicable, is the development consistent with the objectives of the draft instrument?

Not applicable

**Any Development Control Plan**

Is the proposal consistent with the DCP? If not, is a variance warranted and has it been justified?

Not applicable.

**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?**

Not applicable.

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

Refer to clause 92, 93, & 94 of the Regulation. If a DA for demolition, the provisions of AS 2601-1991; The Demolition of Structures. Fire Safety considerations – DA that does not seek the rebuilding, alteration, enlargement or extension of the building. Consent Authority may require buildings to be upgraded – DA comprising the rebuilding, alteration enlargement or extension, take into consideration whether it is appropriate to require the building to be brought into conformity with the BCA.

The proposal involves installation of a new building that will comply with relevant standards and the BCA.

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

The proposal is for a new building to be used as a public facility that is not available in this location. The installation is fitted with electronic controlled door locking and can be preset for nighttime lockup. It will provide an important facility that replaces an existing substandard facility in this location by the community and impact will be minimal. It will result in a high standard of facility for public use.

**The Suitability of the site for the development**

See above

**Heritage Act 1977**

If the proposal is a state listed item then an assessment by Heritage Council will be required and maybe a Section 60 application. This is to be addressed under this Act.

Blast Furnace Park is a State Heritage listed site but the building is located on a separate allotment outside the curtilage of the heritage listed site. The application was referred to the Office of Environment and Heritage who advised that for this reason the installation of the toilets is exempt development under the Act.

### **Mine Subsidence Compensation Act 1961**

The development is considered to be integrated under this Act (via Section 91 of the EP & A Act 1979). Accordingly the approval of the Mine Subsidence Board is required prior to Council being in a position to determine the application. Approval from the Mine Subsidence Board has been obtained and therefore it is considered that the proposal will comply with the provisions of this Act.

### **Any submissions made in accordance with this Act or the Regulations**

If relevant, consider public and authority submissions. Do submissions relate to valid Planning issues?

The proposal was not required to be notified.

### **The public interest**

The proposal seeks to improve the level of amenity and functionality of existing infrastructure and therefore is in the public interest.

### **Building Surveyor's Comments**

The proposed Class 10a building, has a finished floor level that will facilitate access by persons with disabilities and will be able to withstand the relevant snow load calculated under AS 1170.3. The building proposal satisfies the Deemed-to-Satisfy provisions of BCA 2010.

## **CONCLUSION / RECOMMENDATION**

The development application meets the objectives under Section 79C of the Environmental Planning & Assessment Act 1979 and Council's policies therefore approval is recommended subject to the following conditions:

1. That the development be carried out in accordance with the application, accompanying information, plans submitted with the application and any further information provided during the process unless otherwise amended by the following conditions.
2. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.
3. 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.

4. An appropriate fence preventing public access to the site shall be erected for the duration of Construction works
5. 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) Slab base and reinforcement steel prior to placement of concrete
  - b) All external sewer drainage.
  - c) Stormwater drainage between building and discharge point (drainage pipes, soakage pits and the like) prior to covering.
  - d) Completion of the development and sign off to all conditions of the consent 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.**

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

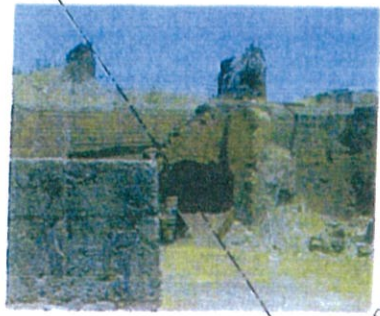
Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday and public holidays	No work

7. That the proposed rainwater drains are connected to the existing rainwater disposal system.
8. That existing plumbing and drainage fixtures affected by the building works are modified or relocated in accordance with the requirements of the Council.
9. All plumbing and drainage work is to be carried out by a licensed plumber and drainer.

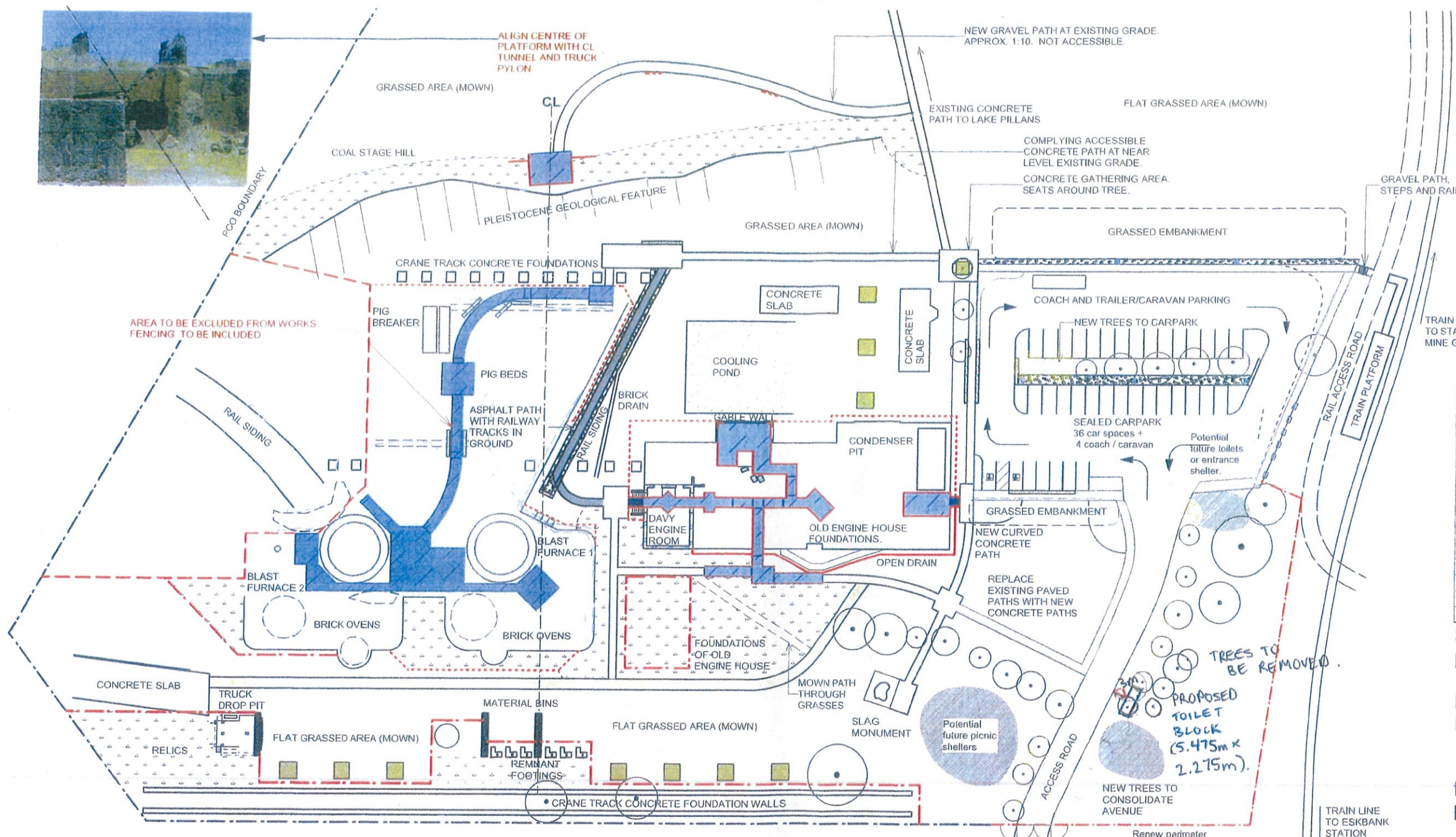
Report prepared by:..... Supervisor:.....

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





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24/04/17	Contract Issue	B
02/12/16	Tender Issue	A

**SITE REFERENCE PLAN**

Lithgow Blast Furnace Ruins

for  
Lithgow City Council

**LEGEND**

- 1m HIGH HANDRAIL AND BALUSTRADE TO DETAIL D8a. NO KERB RAIL.
- 1.2m HIGH FENCING TO DETAIL D10a
- 2m HIGH FENCING TO DETAIL D10a
- 1m HIGH HANDRAIL TO DETAIL D4a
- GRAVEL PATHS 2m WIDE
- RAISED STEEL MESH BOARDWALK 1.8m WIDE
- CONCRETE PATHS 1.5m WIDE
- ASPHALT PATHS 1.5m WIDE
- RAISED PLATFORM WITH BALUSTRADE/HANDRAIL WHERE REQUIRED
- NATIVE GRASSED AREA, NOT MOWN
- LOW GABION WALL
- NEW GARDEN BED WITH LOW GROUND COVER PLANTINGS
- BLUE METAL RAIL BALLAST AND DRAINAGE AREAS.
- AREA FOR LOW SEATING STRUCTURES
- AREA FOR FUTURE BUILT STRUCTURES AS NOTED

**SUBSIDENCE ADVISORY NSW Development Application**  
 This plan is approved under section 22 of the Coal Mine Subsidence Compensation Act 2017, and is valid for five (5) years from today and includes any condition of approval attached.  
**22 FEB 2018**  
 The approval is subject to levels & heights shown on plan being accurate & footings designed to comply with AS2870 or relevant Australian Standards.

Drawn : C.B.  
 Checked : M.F.  
 Date : April 2017  
 Scale : 1 : 750 @ A3

0 15 30m  
 Project No. : 2014008  
 Sheet No. : 1 of 19

**MP 01 B**  
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