
Environmental & Community Services Committee Agenda

14 February 2023 at 10.30am

To All Councillors

You are hereby notified that the next meeting of the Environmental & Community Services Committee will be held on 14 February 2023 in the Council Chambers, Scone at 10.30am, for the purpose of transacting the undermentioned business.

This meeting will be audio recorded and those in attendance should refrain from making any defamatory statements.

There are to be no other recordings of this meeting without the prior authorisation of the committee.

The Environmental & Community Services Committee consists of

Cr Lee Watts, Cr Elizabeth Flaherty, Cr Allison McPhee and Cr Ron Campbell.

**GREG MCDONALD
GENERAL MANAGER**

1. APOLOGIES
2. ADOPTION OF MINUTES
3. DECLARATIONS OF INTEREST
4. PUBLIC PARTICIPATION
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6. BUSINESS ITEMS

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SCONE1

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DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

ECSC.02.1 ***DEVELOPMENT APPLICATION NO. 137/2022 CHILD CARE CENTRE - 16 WAVERLEY STREET SCONE***

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Paul Smith - Senior Environmental Planner

PURPOSE

On 31 August 2022 Council received Development Application No. 137/2022 for a childcare centre, demolition of an existing building and Torrens title subdivision at 116 Waverley Street Scone (Lot 1 DP 620195). The development application is being referred to Council as one submission has been received.

RECOMMENDATION

That Council approve Development Application No. 137/2022 for a childcare centre, demolition of an existing building and subdivision at 116 Waverley Street Scone (Lot 1 DP 620195) subject to the conditions of consent in Attachment 1.

BACKGROUND

Council has not had any previous dealings with this development application.

REPORT/PROPOSAL

Applicant: Daniel Forman
Owner: Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle
Location: 116 Waverley Street Scone (Lot 1 DP 620195)
Proposal: Demolition of an existing residential building, Torrens title subdivision, construction of a childcare centre and associated infrastructure, signage and landscaping
Zone: R1 General Residential

Development Application No. 137/2022 was submitted on 31 August 2022. The plans for the development are provided in Attachments 3, 4 and 5.

The development site comprises an existing allotment with an area of 1.481ha, a 213m frontage to Waverley Street and 77m frontage to Short Street. The allotment is occupied by St Marys Primary School.

The development application is seeking approval to demolish an existing building and construct a childcare centre and ancillary works. The proposed building has a floor area of 647.5m², is single storey in height with face brick and fibre cement weatherboard external cladding and a Colorbond metal deck roof.

The proposed car park and the pedestrian street entry will be linked to the controlled access entry to the childcare centre. The play areas for the childcare centre will be located to the east of the building and acoustically screened from the dwellings to the south by an acoustic wall. Visual screening to the south is provided by landscaping where possible, but the extent of landscaping is constrained by a sewer main adjacent to the southern boundary.

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In addition, it is proposed to subdivide the existing lot into two, one containing the existing school (proposed Lot 12 = 10,119.9m²), and the other containing the proposed childcare centre (proposed Lot 11 = 4,687.9m²).

The proposed childcare centre will provide 76 childcare places, employ 22 staff and operate between the hours of 7.00am and 6.30pm Monday to Friday with some staff arriving and leaving outside these times.

A detailed assessment of the application is provided in Attachment 2.

OPTIONS

1. That Council approve Development Application No. 137/2022 for a childcare centre, demolition of an existing building and subdivision at 116 Waverley Street Scone (Lot 1 DP 62019) subject to the conditions of consent in Attachment 1.
2. That Council refuse Development Application No. 137/2022 for a childcare centre, demolition of an existing building and subdivision at 116 Waverley Street Scone (Lot 1 DP 62019) stating reasons for refusal.

CONSULTATION

The development application was placed on public exhibition from 7 September 2022 to 21 September 2022 in accordance with the Upper Hunter Community Participation Plan. One (1) submission was received raising concerns about noise, traffic, crime and light spill from the development (Attachment 6).

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

2.6 Plan, facilitate and provide for a changing population for current and future generations.

b. Delivery Program

- Assessment of planning applications

c. Other Plans

Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 provides that in determining a development application, a consent authority is to take into consideration a development control plan. The development application is considered to satisfy the outcomes of the Upper Hunter Development Control Plan 2015 (UHDCP).

The development application does not comply with the UHDCP outcome that 10% of the car park area is appropriately landscaped. The design guideline recommends that there should be no more than 10 parking bays without landscaping. Instead, to maximise the sight distances the applicant has proposed perimeter landscaping along the northern and east boundaries of the car park area. Further, the development application proposes a 2310mm x 1200mm pylon sign on the southern side of the car park entrance. The UHDCP does not make provision for

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pylon signs in residential zones. However, in this case the sign is considered to be low scale and not located in close proximity to residential premises.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development application fees of \$4,891.80 have been paid.

c. Legislative Implications

An assessment of the development application has been undertaken pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (see Attachment 2).

d. Risk Implications

Council determinations of development applications and modifications in relation to local development can be appealed by the applicant in the Land and Environment Court where they are not satisfied with the outcome of a determination. There is a risk that the applicant may appeal the determination.

Council determinations of development applications and modifications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied.

e. Sustainability Implications

The proposed development will be required to comply with Section J of the Building Code of Australia, which requires energy efficient measures to be incorporated into the building.

f. Other Implications

Nil

CONCLUSION

The development application was lodged on 31 August 2022. The applicant was requested to submit further information/ clarification on landscaping (of car park area), signage, acoustic fence, retaining wall, colour scheme. After consideration of the merits of the development it is recommended that the application be approved for the following reasons:

- The proposal complies with the Upper Hunter Local Environmental Plan 2013
- The development satisfies the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021
- The development satisfies the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021

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- The proposal complies with the Upper Hunter Development Control Plan 2015
- The proposal has been assessed as satisfactory against Section 4.15 of the Environmental Planning & Assessment Act 1979
- Will not have an adverse impact on the surrounding locality

ATTACHMENTS

- 1 [↓](#) DA 137/2022 - Recommended Conditions of Consent
- 2 [↓](#) DA 137/2022 - Section 4.15 Assessment Report
- 3 [↓](#) DA 137/2022 - Architectural Plans
- 4 [↓](#) DA 137/2022 - Landscape Plan
- 5 [↓](#) DA 137/2022 - Proposed Subdivision Plan
- 6 [↓](#) DA 137/2022 - Submission

DA 137/2022 – Recommended Conditions of Consent

Identification of approved plans:

- The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects dated July 2022 (by Strategy Hunter) except where amended by the following conditions.

Plan title/Job Reference No	Sheet No	Revision No	drawn by	date
Site Plan 2847	1	M	Webber	22.07.2022
Ground Floor Plan 2847	2	M	Webber	22.07.2022
Roof Plan 2847	3	F	Webber	22.07.2022
Elevations 2847	4	G	Webber	22.07.2022
Sections 2847	5	G	Webber	22.07.2022
Perspective 1 2847	1	D	Webber	22.07.2022
Perspective 2 2847	1	D	Webber	22.07.2022
Perspective 3 2847	1	C	Webber	22.07.2022
Extent Fencing Perspective 1	1	A	Webber	29.11.2022
Extent Fencing Perspective 2	2	A	Webber	29.11.2022
Materials Palette	-	A	Webber	13.10.2022
Landscape Plan	L100-L302	C	Terras	13.12.2022
Subdivision Plan (draft) 15222	-	-	JA Golledge	-
Sediment and Erosion Control Plan 220517	1	1	MPC	17.06.2022
Sediment and Erosion Control Plan 220517	2	1	MPC	17.06.2022
Sediment and Erosion Control Plan - Details 220517	-	1	MPC	17.06.2022
Stormwater Plan 220517	1	1	MPC	17.06.2022
Stormwater Plan 220517	2	1	MPC	17.06.2022
Documents				
Preliminary Site Investigation Ref: C1260	NA	1	Hunter Civilab	15.11.2022
HAZMAT Survey	NA	0	Hunter Civilab	11.01.2022

Ref: C1260-HAZ-001-Rev0				
Environmental Site Investigation	NA	0	Hunter Civilab	06.06.2022
Ref: C1260-ESA-001-Rev0				
Geotechnical Investigation	NA	0	Hunter Civilab	23.12.2021
Ref: C1260-R-001-Rev0				
Crime Risk Assessment	NA	-	Strategy Hunter	July 2022
Tree Impact Statement	NA	A	Terras	May 2022
Noise Assessment	NA	-	Spectrum Acoustics	March 2022
Traffic and Parking Assessment	-	D	Intersect Traffic	17.05.2022

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

Operational conditions imposed under the *Environmental Planning And Assessment Act* and regulations and other relevant legislation:

5. All building work must be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: Prescribed by legislation)

Conditions to be complied with prior to the issue of the construction certificate:

Construction Environmental Management Plan

6. Prior to the issue of any Construction Certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Certifying Authority for approval for each stage (or combined). The CEMP must include:
 - a) The environmental site management measures must remain in place and be maintained throughout the period of the development.
 - b) The CEMP must address all environmental aspects of the development's construction phases, and include where relevant, but not be limited to, the following:

- i. Project Contact Information
- ii. Site Security Details
- iii. Timing and Sequencing Information
- iv. Site Soil and Water Management Plan
- v. Noise and Vibration Control Plan
- vi. Air quality monitoring and management
- vii. Health and Safety Plan
- viii. Incident Management Contingency
- ix. Unexpected Finds Procedure (to address potential matters such as uncovering/disturbance items of archaeological significance and contaminated lands).

- c) The CEMP must be kept on site from the commencement and for the duration of the proposed works, and must be available to Council officers upon request.
- d) The CEMP provided to Council must exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

Stormwater Management

- 7. The stormwater system shall be constructed to an appropriate standard in compliance with the Upper Hunter Engineering Guidelines for Subdivisions and Developments, NAT-SPEC and ARR 2016 Where there are inconsistencies between Upper Hunter Engineering Guidelines for Subdivisions and Developments and NAT-SPEC NAT-SPEC SHALL prevail.

Prior to the issue of a Construction Certificate full engineering details are to be submitted for stormwater infrastructure and for stormwater calculations in regard to the detention capacity of proposed car parks, pit types, pipe sizing and collection of gross pollutants. All roof areas shall be drained directly to drainage outlets to ensure adequate provision is made for the disposal of stormwater.

Detailed drawings and plans prepared by a suitably qualified and accredited civil engineer who is eligible for membership of Engineers Australia shall be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate.

(Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties and public infrastructure)

Section 94A Contributions

- 9. Prior to the issue of any Construction Certificate for Stage 1, 2 and 3, pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of **\$46,440.54** is required to be paid to Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

(Reason: To ensure that the proposed development makes an appropriate contribution to facilities in the Upper Hunter Local Government Area)

Cleanliness and maintenance of food preparation areas

10. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:
- (a) The Food Act (as amended)
 - (b) The Food Regulation (as in force);
 - (c) AS4674 (Design, Construction and Fit-Out of Food Premises);
 - (d) The Clean Air (Plant and Equipment) Regulation;
 - (e) AS 1668 Part 2;
 - (f) The Protection of the Environment Operations Act; and
 - (g) The National Construction Code Series;

The relevant matters to be taken into account under this approval relate to:

- i. construction, materials and finishes;
- ii. installation of fixtures, fittings and equipment;
- iii. washing facilities, other facilities and special requirements;
- iv. mechanical ventilation and exhaust discharges; and
- v. temperature control

Detailed plans and specification of work demonstrating that these design requirements have been met shall be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

Water and Sewer – Notice of Requirements

11. Prior to the issue of Construction Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note 1: Upper Hunter Shire Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation or Subdivision Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

Conditions that must be addressed prior to commencement:

Erosion and Sediment Control

12. All erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities in accordance with *Soils and Construction: Managing Urban Stormwater* ('the Blue Book') until the site is stabilised and landscaped.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Site Facilities

13. Site facilities
- (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) before work commences. Any such hoarding or fence is to be removed when the work has been completed.
 - (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees.
 - (c) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
 - (d) Adequate toilet facilities must be provided on the work site. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or an approved temporary chemical closet.

The provision of toilet facilities must be completed before any other work is commenced.

The installation of the site facilities shall be approved by the Principal Certifying Authority prior to further commencement of site works and prior to the first inspection.

(Reason: To ensure the health and safety of the community and workers on the site)

Site Works/Construction Signage

14. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited;
 - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
 - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried

out, but must be removed when the work has been completed.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

(Reason: Statutory requirement)

Conditions that must be complied with during demolition and building work:

Construction Hours

15. Any person acting on this consent shall ensure that:-

- (a) building construction activities are only carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
 - ii. on a Saturday—8.00am to 5.00pm.
- (b) building construction activities must not be carried out on a Sunday or a public holiday unless prior approval has been obtained
- (c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Dust Management

16. The site preparation work and construction shall be carried out in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All project related activities on the site shall be undertaken with the objective of minimising visible emissions of dust from the site. All vehicles leaving the site must have the loads covered such as to prevent dust emissions.

Should visible dust emissions attributable to the demolition and construction occur, the development person acting on the consent shall identify and implement all practical dust mitigation measures, including the cessation of demolition and construction activities, as appropriate, such that emissions of dust are minimised.

(Reason: To ensure the development operations does not cause excessive dust.)

Conditions which must be complied with prior to the issue of any occupation certificate:

Car Parking

17. Prior to the issue of any Occupation Certificate all off-street car-parking spaces shall be constructed, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice. The pavement of the access ways and parking areas is to be designed to tolerate loads of the heaviest vehicle to access and use the site.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

Stormwater

18. Prior to the issue of any Occupation Certificate the stormwater system must be constructed and operational in accordance with the approved plans. A suitably qualified and accredited civil engineer who is eligible for membership of Engineers Australia shall provide signed Works-as-Executed drawings and certification to the Certifying Authority that the stormwater drainage system has been constructed in accordance with this consent and the provisions of AS3500.

(Reason: To ensure there is adequate stormwater drainage in place for the development.)

Occupation

19. The buildings are not to be used or occupied until a final inspection has been carried out and any Occupation Certificate has been obtained from the Principal Certifying Authority.

(Reason: Prescribed - Statutory.)

Conditions that must be complied with at all times:**Landscaping**

22. At all times the landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.

(Reason: To ensure the visual amenity of the streetscape is maintained.)

Special conditions relating to crime prevention:**Lighting**

23. At all times all lighting to the internal roads, car park and pedestrian movement areas shall comply with AS/NZS1158 *Lighting for roads and public spaces*.

(Reason: To ensure an effective level of lighting to facilitate passive surveillance of the outdoor publicly accessible spaces.)

24. At all times the outdoor lighting shall comply with AS4282-1997 *Control of the obtrusive effects of outdoor lighting* and must be fitted with a device that can control the level of illumination.

(Reason: To ensure the illumination does not cause unacceptable glare that impacts on the amenity of nearby residents.)

Conditions that must be complied with prior to the issue of any Subdivision Certificate:

25. Notification of arrangements to connect services and utilities to each LOT shall be provided to the Certifying Authority with the Subdivision certificate:-

- (a) telecommunication services
- (b) electrical reticulation

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

(Reason: To ensure adequate servicing of the development.)

26. Prior to issuing any Subdivision Certificate for the subdivision, the person acting upon this consent must apply to Upper Hunter Shire Council and receive written confirmation of the allocated street names and addresses (house number) and unit numbers for the building and any approved allotments within the completed project. These are the street names and numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

To assist Council when applying for street name and number allocations, a draft proposal for street naming and numbering within development should be submitted for concurrence to Council at an early stage of construction, as these numbers will be used to maintain Council's property and mapping database, and the proposed street names must be formally agreed and adopted by Council.

(Reason: To ensure that Council records are accurate, and that building and unit numbering complies with the requirements of Council's House Numbering Policy. Proper building and unit numbering also assists emergency services in readily locating properties.)

27. All easements, rights-of-way, right- of-carriageway, and restrictions-as-to-user as indicated on the plans submitted with the application for a Subdivision Certificate are to be registered on the title of the relevant LOTS, together with the following additional easements/ rights-of-way/restrictions, naming Upper Hunter Shire Council.

(Reason: To ensure proper management of land).

Ausgrid Condition Requirements:

28. The persons acting on this consent must comply with the requirements of Ausgrid as follows:

Overhead Power lines

There are existing overhead electricity network assets in the road reserve of the proposed project. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process.

It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development.

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Easement

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the lines for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution lines which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid’s network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

- a) All construction works on or near the easement and/or powerlines must adhere to the Safework NSW – Work Near Overhead Powerlines: Code of Practice, 2006
- b) No vehicles, plant or equipment having a height exceeding 4.6 metres are to be brought into the easement site without written approval from Ausgrid.
- c) Vehicles brought into the easement, with a height less than 4.6m but having an extension capable of extending greater than 4.6m above ground, must not have that extension operated at all whilst within the easement.
- d) Adequate removable protection must be installed to prevent vehicles inadvertently colliding with the transmission tower. This proposed form of protection must be forwarded to Ausgrid for review and consent.
- e) All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earthstake driven at least 1.6 metres into the ground.
- f) No buildings/structures or parts thereof constructed may encroach the easement.
- g) The storage of non-flammable materials is allowable provided access is maintained along the easement and subject to height limitations of 2.5 metres if climbable or 4.6 metres if not climbable. Lifting of materials within the easement area must consider the clearance requirements given in Safework NSW Code of Practice.
- h) Trees, shrubs, or plants which have a mature height of greater than 3.0m, or climbable portions greater than 2.5m above ground, are not permitted within the easement. The planting of other vegetation is to ensure Ausgrid’s access and maintenance requirements are maintained.

REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



ADDRESS: PTL: 1 DP: 620195
Convent/116 Waverley Street Scone

APPLICATION No: DA 137-2022

PROPOSAL: Subdivision of one lot into two lots, childcare centre, demolition of 1x existing residential building.

PLANS REF: DRAWINGS NO. DRAWN BY DATE RECEIVED

PLANNING RELATED DRAWINGS / INFO			
Refer to below Schedule			

OWNER: Roman Catholic Church

APPLICANT: Trustess Of The Roman Catholic Church For The Diocese Of Maitland - Newcastle
841 Hunter Street
NEWCASTLE WEST NSW 2302

AUTHOR: Paul Smith

DATE LODGED:

AMENDED:

ADD. INFO REC'D:

DATE OF REPORT: 8 August 2022

PLAN TITLE/JOB REFERENCE No	SHEET No	REVISION No	DRAWN BY	DATE	DATE RECEIVED
Site Plan 2847	1	M	Webber	22.07.2022	
Ground Floor Plan 2847	2	M	Webber	22.07.2022	
Roof Plan 2847	3	F	Webber	22.07.2022	
Elevations 2847	4	G	Webber	22.07.2022	

REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



Sections 2847	5	G	Webber	22.07.2022	
Perspective 1 2847	1	D	Webber	22.07.2022	
Perspective 2 2847	1	D	Webber	22.07.2022	
Perspective 3 2847	1	C	Webber	22.07.2022	
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Stormwater Plan 220517	1	1	MPC	17.06.2022	
Stormwater Plan 220517	2	1	MPC	17.06.2022	

SUMMARY OF FACTS

ISSUES:

Signage, traffic and noise impacts

SUBMISSIONS:

One

RECOMMENDATION:

Approval subject to conditions of consent

LOCATION MAP





RELEVANT HISTORY

The development site has been used for the St Marys primary school and a single storey building that was once used as a convent.

REFERRALS

- **Water & Sewer**
The development application was referred to the Water and Sewer section for comment. A response was provided on 14 September 2022. The response notes that sewer and water supply services are available to the development. If a 100mm main is required for firefighting requirements, The main on the eastern side of Waverley to this property should be extended. Also that if the sewer & water connections need upgrading or moving, this will need to be clarified. This would require a private works quotation to be carried out by council at the applicant's expense.
- **Assets/Engineering/Stormwater Drainage**
Engineering comments have been obtained and incorporated into the conditions of consent.
- **Environmental health Officer**

The development application was referred to the Environmental Health Officer who recommended the following conditions of consent:

- *An acoustic barrier shall be erected in accordance with the recommendations of the acoustic assessment completed by spectrum Acoustics (March 2022). The acoustic barrier shall be a minimum 2.5m in height and positioned in accordance with the concept plan provided in the acoustic assessment. Full details of the construction of the acoustic barrier shall be provided with the construction certificate application.*
- *The commercial kitchen shall be constructed in accordance with the Food standards Code and AS 4674-2004- Design, construction and fitout of Food premises. Full design plans and specifications including elvations are to be provided with the Construction certificate application for assessment by Council.*
- *Prior to occupation, the applicant shall provide Notification to Council under the Food Act 2003. The premises shall then be registered under Council Food Register and be subject to Councils food surveillance program.*

Planning Comment: It is noted that the acoustic report makes a recommendation an 2.5m high acoustic barrier is constructed close to the southern boundary of the site. The applicant submitted an amended plan showing the extent o the acoustic barrier.

External referrals for concurrence

▪ Ausgrid

The development application was referred to Ausgrid and a response was provided on 14 November 2022. The advice provided is as follows:

Overhead Powerlines

Overhead Powerlines There are existing overhead electricity network assets in the road reserve of the proposed project. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Planning Comment: Appropriate conditions of consent will be imposed to ensure these issues are addressed.

Easement

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the lines for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution lines which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid’s network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

1. All construction works on or near the easement and/or powerlines must adhere to the Safework NSW – Work Near Overhead Powerlines: Code of Practice, 2006
2. No vehicles, plant or equipment having a height exceeding 4.6 metres are to be brought into the easement site without written approval from Ausgrid.
3. Vehicles brought into the easement, with a height less than 4.6m but having an extension capable of extending greater than 4.6m above ground, must not have that extension operated at all whilst within the easement.
4. Adequate removable protection must be installed to prevent vehicles inadvertently colliding with the transmission tower. This proposed form of protection must be forwarded to Ausgrid for review and consent.
5. All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earthstake driven at least 1.6 metres into the ground.
6. No buildings/structures or parts thereof constructed may encroach the easement.
7. The storage of non-flammable materials is allowable provided access is maintained along the easement and subject to height limitations of 2.5 metres if climbable or 4.6 metres if not climbable. Lifting of materials within the easement area must consider the clearance requirements given in Safework NSW Code of Practice.
8. Trees, shrubs, or plants which have a mature height of greater than 3.0m, or climbable portions greater than 2.5m above ground, are not permitted within the easement. The planting of other vegetation is to ensure Ausgrid’s access and maintenance requirements are maintained.

Planning Comment: These requirements will be included as conditions of consent.

▪ NSW Police

The development application was referred to the NSW Police for comment. On 14 December 2022 a response was provided advising that as it is not a development that will generate the likelihood of crime.

SUBMISSIONS

The development application was placed on public exhibition from 7 September 2022 to 21 September 2022 accordance with the Upper Hunter Community Participation Plan.

One (1) submissions were received with the main issues raised being summarised below.

Name & Address of Submitter	Basis of Submissions
Name withheld	<p>This submission is objecting to the proposed child care centre. The basis of the objection is summarised as:</p> <ul style="list-style-type: none">• Increased traffic movement• Increased noise• Increased light pollution• Increased crime

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

ENVIRONMENTAL PLANNING INSTRUMENTS

UPPER HUNTER LOCAL ENVIRONMENTAL PLAN 2013

	COMMENT
Land Use Table	
Zoning classification	R1 General Residential
Zoning objectives	<ul style="list-style-type: none"> To provide for the housing needs of the community. To provide for a variety of housing types and densities. To enable other land uses that provide facilities or services to meet the day to day needs of residents. <p>The proposal is consistent with the zone objectives.</p>
Zoning permissibility	The development is permitted in the zone as a Centre-based child care facility. Clause 2.6 provides that the subdivision of land may occur with development consent.
Clauses (Part 4)	
Minimum Subdivision Lot Size (Clause 4.1)	The land is in an area where the minimum lot size is 600m ² . The proposed subdivision aspect of the development creates two lots with areas of 4,687.9m ² and 10,119.9m ² . In this regard the development complies.
Minimum Subdivision Lot Sizes Community Title (Clause 4.1AA)	Not applicable
Minimum Subdivision Lot Sizes Strata Plan Schemes (Clause 4.1A)	Not applicable
Exceptions to minimum lot sizes for certain residential development (Clause 4.1B)	Not applicable
Minimum subdivision lot sizes in certain split zones Allotments (Clause 4.1C)	Not applicable
Boundary Adjustments (Clause 4.1D)	Not applicable
Rural Subdivision (Clause 4.2)	Not applicable
Exceptions to minimum subdivision lot sizes for certain rural subdivisions (Clause 4.2A)	Not applicable
Erection of dwelling-houses on land in certain rural zones (Clause 4.2B)	Not applicable
Erection of rural workers' dwellings in Zone RU1 (Clause 4.2C)	Not applicable
Height of buildings (Clause 4.3)	The site is in an area where the height of buildings development standard is set at 8.5m. The maximum height of the proposed building is 6.3m above natural ground level. In this regard the development complies.
Floor space ratio (Clause 4.4 and 4.5)	The site is in an area where the floor space ratio development standard is set at 0.5:1. Proposed Lot 1 will have an area of 4,687.9m ² and the floor area of the proposed building will be 647.5m ² and as such the FSR is 0.138:1 and therefore complies. Proposed Lot 2 with the existing school buildings will have and FSR of 0.3:1 and will therefore also comply.
Exceptions for development standards (Clause 4.6)	Not applicable
Part 5 – Miscellaneous provisions	

Development near zone boundaries (Clause 5.3)	Not applicable
Controls relating to miscellaneous permissible uses (Clause 5.4)	Not applicable
Architectural roof features (Clause 5.6)	Not applicable
Conversion of fire alarms (Clause 5.8)	Not applicable
Dwelling house or secondary dwelling affected by natural disaster (Clause 5.9)	Not applicable
Heritage conservation (Clause 5.10)	Not applicable
Bush fire hazard reduction (Clause 5.11)	Not applicable
Eco-tourism facilities (Clause 5.13)	Not applicable
Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones (Clause 5.16)	Not applicable
Intensive livestock agriculture (Clause 5.18)	Not applicable
Pond-based, tank-based and oyster aquaculture	
Standards that cannot be used to refuse consent – playing and performing music (Clause 5.20)	Not applicable
Flood Planning (Clause 5.21)	Not applicable
Part 6 – Additional Local Provisions	
Earthworks (Clause 6.1)	The development application involves earthworks as part of the building site preparation. The earthworks are unlikely to have a detrimental impact on drainage or effect the future use of the site. The excavation is unlikely to impact on adjoining properties. There is low potential to uncover/disturb relics, however an Unexpected Finds Procedure will be required as part of the Environment Construction Management Plan.
Terrestrial Biodiversity (Clause 6.3)	The site is not identified on the Terrestrial Biodiversity Map.
Groundwater vulnerability (Clause 6.4)	The site is not identified on the Groundwater Vulnerability Map.
Drinking water catchments (Clause 6.5)	The site is not identified on the Drinking Water Catchment Map.
Riparian land and watercourses (Clause 6.6)	The site is not identified on the Riparian and Watercourse Map.
Airspace operations (Clause 6.7)	The development has a maximum height of 6.3m above ground level and in this location it is unlikely to impact on airspace operations.
Development in areas subject to aircraft noise (Clause 6.8)	The site is not in an area that is subject to aircraft noise.

Events permitted without development consent (Clause 6.9)	Not applicable
Essential Services (Clause 6.10)	<p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <p>(a) <i>the supply of water,</i> (b) <i>the supply of electricity,</i> (c) <i>the disposal and management of sewage,</i> (d) <i>stormwater drainage or on-site conservation,</i> (e) <i>suitable vehicular access.</i></p> <p>The site has access to adequate services including water supply, sewerage, electricity and stormwater drainage. There is direct vehicular access from Waverley Road.</p>
Location of sex services premises (Clause 6.11)	Not applicable.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (Transport and Infrastructure) 2021

Subdivision 2 Development likely to affect an electricity transmission or distribution network

2.48 Determination of development applications—other development

(1) This section applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following—

(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,

(b) development carried out—

(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or

(ii) immediately adjacent to an electricity substation, or

(iii) within 5m of an exposed overhead electricity power line,

(c) installation of a swimming pool any part of which is—

(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or

(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,

(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

(2) Before determining a development application (or an application for modification of a consent) for development to which this section applies, the consent authority must—

(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and

(b) take into consideration any response to the notice that is received within 21 days after the notice is given.

Planning Comment: The development application has been referred to Ausgrid which responded on 14 November 2022.

Chapter 3 Educational establishments and child care facilities

The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State by—

- (a) improving regulatory certainty and efficiency through a consistent planning regime for educational establishments and early education and care facilities, and
- (b) simplifying and standardising planning approval pathways for educational establishments and early education and care facilities (including identifying certain development of minimal environmental impact as exempt development), and
- (c) establishing consistent State-wide assessment requirements and design considerations for educational establishments and early education and care facilities to improve the quality of infrastructure delivered and to minimise impacts on surrounding areas, and
- (d) allowing for the efficient development, redevelopment or use of surplus government-owned land (including providing for consultation with communities regarding educational establishments in their local area), and
- (e) providing for consultation with relevant public authorities about

- certain development during the assessment process or prior to development commencing, and
- (f) aligning the NSW planning framework with the National Quality Framework that regulates early education and care services, and
 - (g) ensuring that proponents of new developments or modified premises meet the applicable requirements of the National Quality Framework for early education and care services, and of the corresponding regime for State regulated education and care services, as part of the planning approval and development process, and
 - (h) encouraging proponents of new developments or modified premises and consent authorities to facilitate the joint and shared use of the facilities of educational establishments with the community through appropriate design.

Planning Comment: The specifics of this chapter are given detailed coverage in Attachment 1 and Attachment 2 of this report.

SEPP (Resilience and Hazards) 2021	<p>4.6 Contamination and remediation to be considered in determining development application</p> <p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <p>(a) it has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>The site is not identified on the UHSC Contaminated Land Register or the EPA Contaminated Land Register. The land has been used for the purpose of a convent in recent years. The applicant has submitted a Preliminary Site Investigation (Hunter Civilab, 11 January 2022) as part of the due diligence given the intended use as a child care centre extra precautions are necessary. This report concludes:</p> <p><i>The detailed desktop review of available information and thorough site inspection including shallow soil investigation has enabled the development of a preliminary conceptual site model allowing assessment of potential health and environmental issues relating to the site. Key findings were:</i></p> <ol style="list-style-type: none"> 1. Potential contamination sources at the site are limited based on historical land use; 2. Visible signs of gross contamination were not observed during the site inspection and intrusive works; and 3. Contamination in shallow soils was not identified at any of the sampling locations. <p><i>In summary, based on the desktop study and limited soil sampling conducted on the Site, no indication of gross contamination has been identified which would constrain the Site of the proposed development.</i></p> <p><i>Soils as assessed within HCL's supplementary ESA conducted in May 2022, was considered to be suitable under the land use criteria for the Site. The ESA is attached as Annex H.</i></p> <p><i>Removal of ACM material and lead paint identified to the existing building within the development footprint should be conducted in accordance with recommendations provided within the report (HC: C1260-HAZ-001-Rev0) by a suitably qualified contractor. An asbestos clearance certificate should be obtained following the removal of all identified ACM.</i></p> <p><i>In summary, based on the desktop study and limited soil sampling conducted on the Site, no indication of gross contamination has been identified which would constrain the Site of the proposed development.</i></p> <p>In this regard Council as the consent authority may be satisfied that the land is not contaminated and suitable for the proposed use subject to appropriate conditions of consent.</p>
SEPP No. 65 – Design Quality of Residential Flat Development	Not applicable
SEPP (Housing) 2021	Not applicable

SEPP (Industry and Employment) 2021	<p>Chapter 3 Advertising and signage</p> <p>3.6 Granting of consent to signage <i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—</i> <i>(a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and</i> <i>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</i></p> <p>The development application proposes a 635mm x 656 illuminated flush wall sign on the western elevation and a 2600m x 1000mm internally illuminated pylon.</p>
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Vegetation in Non-Rural Areas) 2017	Not applicable

REGIONAL ENVIRONMENTAL PLANNING POLICIES

There are no REP's applicable to the site.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPI's applying to the land.

DEVELOPMENT CONTROL PLANS*Development control
plan**Considered?**Comment (only if necessary)*

Upper Hunter Development Control Plan 2015	YES	<p>The UHDCP is relevant in relation to Part 3 – Subdivision and Part 4 Residential Development. These are considered in Attachments 4 and 5.</p> <p>Part 3 – Subdivision</p> <p>This has been given consideration in Attachment 3. Overall the proposed subdivision component of the development satisfies the design guidelines and Outcomes to be achieved.</p> <p>Part 4 – Residential Development</p> <p>The development is not a residential land use which is the predominant focus of Part 4. However any development must give consideration to the design guidelines and Outcomes. The Statement of Environmental Effects makes the following comment:</p> <p><i>While this section does not formally apply to the proposed development, it does apply to residential development within residential zones. Most of the controls aim to maintain the visual and living amenity of residential areas. Essentially it is important for new development to be compatible with a domestic scale streetscape and the maintain the amenity of nearby dwellings in relation to acoustic, overshadowing, privacy, aesthetic, parking and similar impacts.</i></p> <p><i>The front building setback of the proposed child care centre exceeds the minimum front building setback for dwelling houses in the R1 zone is 4.5m for single detached dwellings and 6.0 for multi-dwelling housing. The Proposal will have a predominant front façade setback of 10.0 m from the front property boundary, with a small proportion of the front façade having a setback of 8.77m.</i></p> <p><i>This setback reduces the visual impact of buildings on the public domain (DCP p46). Because of the nature and layout of the school buildings to the north and the distance to the villa development to the south, there is no predominant setback in this side of Waverley Street. Notwithstanding this, the setback and associated landscaping is not out of character with the area, and helps reinforce a sense of low intensity domestic scale architecture predominant in the wider neighbourhood.</i></p> <p><i>The maximum building height of 6.6 m above natural ground level is compatible with the low intensity single storey residential environment of the neighbourhood.</i></p> <p>Part 8 – Other Development</p> <p>Part 8b Advertising and signage is also relevant as the development involves the erection of a 3650mm x 1200mm wall mounted sign (flush wall sign) and a 2310mm x 1200mm pylon sign on the southern side of the car park entrance.</p> <p>Flush Wall Signs</p> <p><i>Advertising structure attached to the wall of a building and roof projecting horizontally more than 0.3 m from the wall. The sign must comply with the following:</i></p> <ul style="list-style-type: none"> <i>• Shall not project above or below the wall to which it is attached.</i> <i>• Only one wall sign permitted per building elevation.</i> <i>• Must not project more than 300 mm from the wall.</i>
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			<ul style="list-style-type: none"> • Must not extend over windows or other openings. • Shall not obscure significant architectural elements of the building. • For a building having: <ul style="list-style-type: none"> - An above ground elevation of 200sq.m. or more – the advertisement must not exceed 10% of the above ground elevation; or - An above ground elevation of more than 100sq.m. but less than 200sq.m. the advertisement must not exceed 20sq.m., or - An above ground elevation of 100sq.m. or less – the advertisement must not exceed 20% of the above ground elevation. <p>The proposed wall sign complies with the DCP requirement.</p> <p>The DCP does not make provision for pylon signs in residential zones. However in this case the sign is considered to be low scale and not located in close proximity to residential premises.</p> <p>Part 10 Natural Hazards</p> <p>The site is not flood-prone, in a bushfire prone area or in an area of geotechnical hazard.</p> <p>Part 11 – Environmental Protection</p> <p>1a – Tree Preservation - not applicable to the development as the site is not a heritage item.</p> <p>11b – Biodiversity conservation – the development application will require the removal of three trees. This does not trigger the requirement for a Flora and Fauna Assessment.</p> <p>11- Soil and Water Management – the development requires the disturbance of around 2,500m² of land. The applicant has submitted an erosion and sediment control plan for the construction stage of the development. Cut and fill will be required and it appears that a retaining wall will be constructed on the northern side of the proposed car park as shown on the elevation plans.</p> <p>The applicant has submitted a stormwater plan including the design calculations.</p> <p>Part 12 – Specific infrastructure issues</p> <p>Part 12a Access and vehicle parking is particularly relevant.</p> <p>The DCP section specifies 1 space per employee, plus 1 space per 15 children enrolled (if provision of 3 set down/pick up areas) or 1 per 10 children. The car parking requirement is $22 + 5.1 + 3 = 30.1$ spaces. This number of spaces has been provided.</p> <p>The applicant has advised that it is not proposed to include landscaping within the car parking area as this potentially obscures vision. However it is agreed to provide additional landscaping at the front and sides.</p>
Section 94A Contributions Plan 2008	Levy Plan	YES	The development has an estimate value of \$4,644,868.00. In this regard a 1% levy is applicable – being \$46,440.54

Upper Hunter Development Contributions Plan 2017	NA	
Development Servicing Plan for Water Supply and Sewerage	YES	

PLANNING AGREEMENTS

There are no planning agreements relevant to the proposal.

REGULATIONS

There are no specific provisions in the regulations relevant to the proposal.

LIKELY IMPACTS OF THE DEVELOPMENT

Context and Setting

The development site is located within a residential precinct that comprises the existing St Marys Primary School buildings, single storey dwellings on the west side of Waverley Street and seniors living housing at 112 Waverley Street. The Statement of Environmental Effects makes the following comment:

The street frontage of the building will be articulated and feature a range of external finishes in order to provide visual interest and to minimise apparent bulk. The minimum front setback of the building from the property boundary will be 8.77m, increasing to 10m for the majority of the frontage. Most of the frontage setback to the building will be landscaped. The maximum height of the building will be 6.3 metres above natural ground level. The general scale of the building will be compatible with the predominately residential nature of the neighbourhood. Combined with the proposed landscaping, the development will provide a more visually pleasing site than the ageing existing building and largely vacant surrounding land.

To the north of the proposed building, an at grade car park will provide 30 spaces, with one space for those with mobility disabilities. The car park will have a single central aisle flanked by parking spaces either side, and extend in an easterly direction. Access to the car park will

In this regard it is considered that the development will not adversely impact on the streetscape and existing character of the area.

Built Form

The development proposes to construct a 39m wide (to the Waverley Street frontage), with a northern section extending back approximately 35m and an overall height of approximately 5m (and variable) from ground level. It will have a pitched roof with a slope of 6 degrees to the north. The building will comprise a range of external materials include face brick and light weight cladding for the walls and metal roof sheeting. Overall the building design and finish is considered to be appropriate for the site and locality.

Potential Impact on Adjacent Properties

The proposed development of the child care centre has the potential to have acoustic and visual privacy impacts on adjacent properties. Child care facilities have the potential to generate noise that can adversely impact on neighbouring properties. The main noise sources associated with child care facilities is child play in the outdoor play areas, the car park (from staff arriving and people dropping off children), mechanical plant and road traffic noise. The nearest residential receptors are the multi-unit residential housing adjoining the site to the south at 120 Waverley Street and the residents immediately opposite the site (Nos. 111, 113, 115, 117, 119, 121 and 123 Waverley Street). The applicant has submitted an Acoustic Assessment (Spectrum Acoustics, July 2022) which gives consideration to the potential amenity impacts resulting from noise associated with the development. This concludes:

An acoustical assessment of theoretical noise emissions has been carried out for a proposed early education service (EES) on a site adjacent to St. Mary's Primary School, in Waverley Street, Scone, NSW.

The noise impacts at the nearest residential boundaries have been assessed, due to the operation of the child care centre, car park and traffic.

Calculations were carried out assuming a minimum 2.5m fence acting as an acoustic barrier was in place around the southern boundary of the play areas.

Results of all calculations showed that with such a fence in place there will be no exceedance of the adopted noise goals under the assessed conditions.

Other recommendations have been made in regards to ensuring noise from other parts of the facility are kept to acceptable levels. These are:

Staff should be made aware of the need to respect the amenity of neighbours and minimise noise whilst using the car park;

Staff at the centre must be made aware of the need to maintain noise at appropriate levels and move quickly to minimise possible outbursts. Potentially noisy activities should be located in areas that are furthest from boundaries and or are screened from these by intervening structures; and

Results of this assessment have shown that the relevant noise level criteria will not be exceeded, provided these recommendations are implemented.

It is proposed that the recommended management actions in the Acoustic Assessment be incorporated as conditions of consent.

The child care centre is unlikely to have an adverse impact on visual privacy in relation to the existing dwellings in Waverley Street. There could be some privacy impacts on the residents on No 120 Waverley Street, particularly from the use of the proposed playground area at the rear of the child care centre building. It is proposed to erect a 1.2m high colorbond fence to the building line and then a 1.6m high colorbond fence along the southern boundary with No. 120 Waverley Street.

The development application also proposes the installation of outdoor lighting associated with the car park (3 lights on 5m high galvanised poles). This has the potential to adversely impact on adjoining residents. A condition of consent will be imposed that requires at all times the illumination of the outdoor lights shall comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting and must be fitted with a device that can control the level of illumination.

Access, Transport and Traffic

The development application for a child care centre (76 places) and has the potential to result in significant traffic generation in the area as part of both the construction and operational stages. The development is located at the southern section of Waverley Street, which is a local urban street that provides access to residential properties along their frontages. The carriageway width is 22m, kerb and guttered and a 8m wide median. The sealed carriageway widths are between 6.5m and 7.5m. The applicant has submitted a Traffic Report (Intersection Traffic, May 2022).

The Traffic Report gives the following conclusions:

- Current traffic volumes on the local and state road network are below the technical mid-block capacities of the roads and as such there is spare capacity within the road network to cater for development in the area.
- It is expected that the additional traffic generated by the development will be up to 61 vtpm in the AM peak and 54 vtpm in the PM peak.
- The local and state road network has sufficient spare two-way mid-block capacity to cater for the additional development traffic without adversely impacting on current level of service (LoS) experienced by motorists on the road network.
- The proposed development will not have an adverse impact on the operation / capacity of the Kelly Street / Gundy Road priority controlled give way T-intersection or adjoining local road network intersections.
- The proposed car park access is safe and suitable to service the car park as it complies with Upper Hunter Council and Australian Standard AS2890.1-2004 Parking facilities – Part 1 - Off-street car parking.
- A review of the plans indicates that the parking layout can comply with the requirements of Upper Hunter Council's DCP(2013) and Australian Standard AS2890.1-2004 Parking Facilities – Off-street car parking ensuring sufficient parking supply that is both safe and convenient for parents and children. It is however recommended that a turn bay be provided at the end of the blind aisle car park to allow vehicles to conveniently turn around should the car park be full.
- Servicing of the site will be infrequent (once or twice a week) by vehicles only up to a small rigid vehicle (SRV) that could utilise the on-site car parking spaces during non-peak parking demand periods.
- Waste collection is proposed via normal Council kerb side collection ensuring waste collection vehicles will not enter the site.
- The proposed development is not expected to generate any significant external pedestrian traffic demand. Therefore, no nexus exists for the provision of additional external pedestrian infrastructure noting the existing infrastructure in the area is more than adequate for the development.
- The proposed development is not expected to generate an increased demand for public transport therefore will not require any changes to existing public transport services as a result of this development and no additional infrastructure will be required; and
- The development will not generate any significant additional bicycle traffic therefore no nexus for the provision of additional cycle ways in the vicinity of the site exists as a result of the development noting the existing infrastructure in the area is more than adequate for the development.

In this regard it is considered that the development is unlikely to have a significant impact on traffic generation/road capacity and road infrastructure.

Public Domain

There is an existing concrete footpath that runs along the front of the development site. The development application proposes to install a new driveway to provide car park access. This is unlikely to adversely impact on pedestrian linkages or movement.

Utilities

There is an existing sewer line located close to the south boundary of the site, which then connects to a sewer line within Waverley Street.

Heritage

The Statement of Environmental Effects makes the following comment:

A search of the AHIMS data base has been undertaken. No aboriginal sites or places are recorded in or near the Site (with a 50m buffer).

Parts of the site are probably heavily disturbed due to previous school related development, whereas other parts are less disturbed. The Construction Management Plan should ensure that appropriate measures are taken if items of indigenous significance are located.

In this regard it is considered unlikely that heritage items or items of archaeological significance would be present on the site. However it is recommended that an Environmental Construction Management Plan that includes an unexpected finds procedure be submitted prior to the issue of a construction certificate.

Water

The development application proposes to construct a 4,687.9m² building, car park (approx. 800m²) and other hard surface areas. In this regard the development has the potential to generate stormwater. The applicant has submitted a stormwater drainage plan. This shows that appropriate stormwater drainage measures will be implemented.

Soils

The construction stage requires the disturbance of a large area of land at least in excess of 5,000m² for the building, car park and outdoor areas. The applicant has submitted an erosion and sediment control plan that show the mitigation measures that will be implemented including the location of temporary stockpiles, sediment fencing and stabilised site access. It is recommended that a condition of consent is imposed that requires all erosion and sediment control measures be installed prior to the commencement of works.

Air/Microclimate

The development for the childcare centre and subdivision is unlikely to have an adverse impact on air quality.

Flora and Fauna

The site predominantly comprises managed grassland and scattered trees. There are 12 native trees on the site. It is proposed that three trees will be removed to make space for the proposed building and car park.

The Arborist Report makes the following recommendations:

It is advised that Tree 10 (Melia azedarach) should be removed as it is in a severe state of decline and is an unsuitable tree to be located on the site of an early learning centre.

It is recommended that Tree 11 (Jacaranda mimosifolia) be removed as it consists of watershoots that have occurred from the base of a remnant stump.

It is further recommended that Tree 12 (Melia azedarach) be removed as it is an unsuitable tree to be located on the site of an early learning centre.

Tree 06 (Eucalyptus moluccana) is growing and a patch of unmanaged vegetation due to the presence of site spoil that has been stockpiled in this area. Should the area be cleared, including removal of the stockpile, for the purpose of creating additional external playspace, then it too is recommended for removal as the tree is unlikely to handle the change of conditions.

Tree 09 should have temporary tree protection fencing installed during construction of the EEC located to the extent of its Tree Protection Zone (TPZ). Should services be upgraded in this area, then the proposed location and installation methodology would need to be reviewed as this work may have an adverse impact on the tree unless properly considered. [Refer Figure 2]

Tree A should have temporary tree protection fencing installed during construction of the EEC located to the extent of its Tree Protection Zone (TPZ) to ensure it is not impacted by the proposed works. [Refer Figure 2]

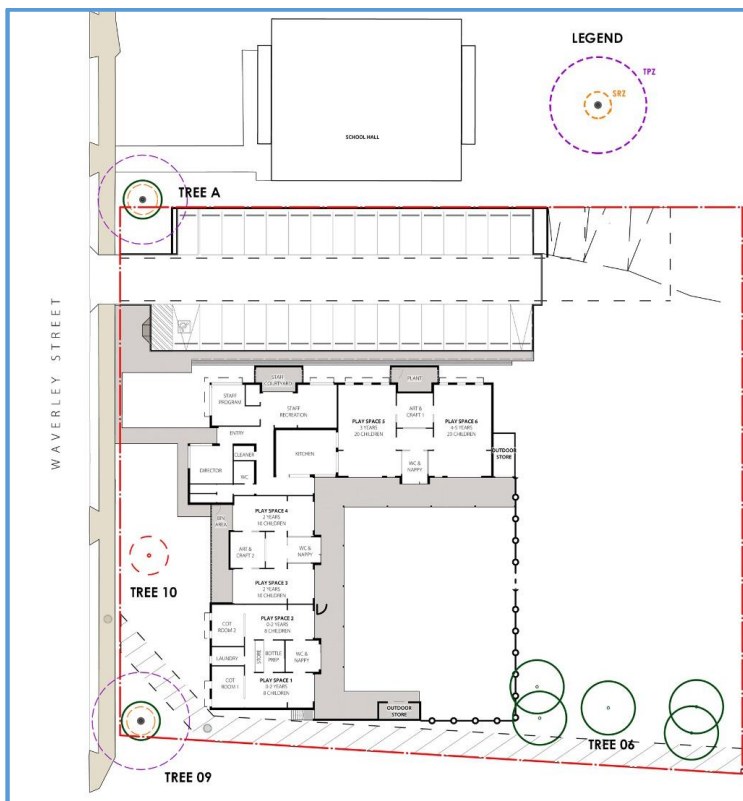


Figure 2

It is recommended that an appropriate condition of consent be imposed that requires that Trees A and 09 be protected with temporary protection measures for the demolition and construction works.

Waste

The development has the potential to generate waste as part of the demolition, construction and operation. The applicant has provided a waste management plan which provides details of the type of waste and its disposal. The plans identify the waste bin storage area at the front of the building that will contain 6 waste, recycle and green waste bins. This will be screened with an aluminium vertical batten screen/fence. There are some concerns that this might not be an accurate reflect of the amount of waste as it does not give consideration to the likely number of nappy changes.

Childcare centres normally would have laundry facilities and showers, and as such generate liquid waste. In this regard the applicant would be required to enter into a liquid trade waste agreement.

In relation to the demolition the existing building has the potential to contain hazardous materials including asbestos and lead (from lead-based paint). The applicant has submitted a Hazmat Survey which confirms the presence of asbestos, lead, polychlorinated biphenyls and synthetic mineral fibres. The report recommends:

Given the volume of asbestos-containing material and lead paint contaminated material, it is recommended that a site inspection be carried out by a suitable qualified consultant following demolition works to:

1. *Validate the absence of ACM from the surface; and*

2. *Validate the absence of residual lead contamination in soil through sampling in accordance with AS 4361.2-1998.*

Validation works may be completed as part of additional site investigations.

In this regard it is recommended that a condition of consent be imposed that requires that demolition works be carried out in accordance with the management plans in the Hazmat Report and that the validation reports are submitted to the Principal Certifier prior to the commencement of any site work (apart from the demolition).

Safety, Security & Crime Prevention

Overall crime risk in Scone is low, however the development has the potential to generate a crime risk. Concerns have been raised that the proposed Childcare centre will *increase the opportunity for crime and the likelihood of it occurring to residential housing. This crime also includes graffiti.* The applicant has submitted a Crime Risk Assessment (Strategy Hunter, July 2022) prepared in accordance with *Crime Prevention Through Environmental Design (CPTED)* principles and guidelines. This provides a review of the crime statistics for Scone from 2019, 2020 and 2021. If the crime categories: domestic assault, robbery, sexual assault, break and enter (non-dwelling), motor vehicle theft and malicious damage to property, the latter has increased. Notwithstanding the CRA concludes:

The Proposal will have a positive impact on its surrounds by:

- *Redeveloping land that is partly vacant and receiving basic maintenance and partly occupied by an older domestic scale dwelling that is reaching the end of its serviceable life;*
- *Reflecting CPTED principles in its design and operational practice, as recommended in this Report;*
- *Increasing people oriented activity, and*
- *Complementing the community service focus of the area.*

The Proposal is located in an area of low crime risk, and is not located within a hotspot for personal or property related crime. The Police Local Area Command and School Principal have confirmed the low level of crime in the locality and that the development does not present a specific risk or cause for concern.

A number of measures can be taken to reduce crime risk, and these suggestions should be incorporated into the design of the development. These measures include general measures that should be incorporated in any development in the area to reduce crime risk.

The CRA gives consideration to the proposed Child Care Centre in relation to the CPTED principles of surveillance, access control, territorial reinforcement, security measures and space management. Based on the information provided and the design and proposed crime risk mitigation measures it is considered that the development is appropriate for the area.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site attributes are conducive to the proposed development. The site provides sufficient space for the proposed child care centre and subdivision, including the provision of open space, landscaping, setbacks and off-street car parking.

The site is directly accessible from Waverly Street and all utility services are available. The site is not constrained by any natural or technological hazards that would preclude the development.

THE PUBLIC INTEREST

The development is considered to be in the public interest as it provides an additional child care centre for Scone. Based on the information provided the development satisfies the National Child Care Planning Guidelines. Apart from this there are no known policy statements from the Federal or State Governments that have relevance to this proposal. There are no known relevant planning studies and strategies. There is no known management plan, advisory document or credible research findings. There are no known covenants or easements. No public meeting has been held in relation to the proposal. There is no known risk to public health and safety.

SUMMARY OF LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL		CONSIDERED
1	Statutory controls	YES
2	Policy controls	YES
3	Design in relation to existing building and natural environment	YES
4	Landscaping/open space provision	YES
5	Traffic generation and car parking provision	YES
6	Loading and servicing facilities	NA
7	Physical relationship to and impact upon adjoin development (views, privacy, overshadowing, etc.)	YES
8	Site Management issues	YES
9	All relevant S4.15 considerations of Environmental Planning and Assessment Act 1979	YES
10	Section 89 LGA 93 including Clause 12 considerations of Local Government Regulations 1993	NA

CONSISTENCY WITH THE AIMS OF PLAN

It is considered that the development is consistent with the specific aims of the plan and the objectives of the zone and of the controls.

As such, consent to the development may be granted.

SUBMITTORS CONCERNS

One submission was received raising issues including increased traffic, increased noise, increased crime and light spill impacts. These issues have been considered in the report and are considered to be of minimal impact or addressed through conditions of consent.

CONCLUSION

The application has been assessed as satisfactory against Section 4.15 of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent.

RECOMMENDATION

PURSUANT TO SECTION 4.16/4.17 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT Council as the consent authority, grant consent to Development Application No. 137/2022 subject to the attached conditions of consent.

REASONS FOR RECOMMENDED DECISION

- The proposal complies with the Upper Hunter Local Environmental Plan 2013
- The development satisfies the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021
- The development satisfies the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021
- The proposal complies with the Upper Hunter Development Control Plan 2015
- The proposal has been assessed as satisfactory against Section 4.15 of the Environmental Planning & Assessment Act 1979
- Will not have an adverse impact on the surrounding locality

PAUL SMITH
SENIOR ENVIRONMENTAL PLANNER

Attachment 1: State Environmental Planning Policy (Employment and Industry) 2021

1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The area predominantly comprises residential development – single storey detached dwellings. There are no plans to change this residential use. The development proposes two relatively small signs. This not considered to be excessive and therefore considered to be compatible.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	There is no outdoor advertising theme for the area.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The area is residential. The signs are considered to be relatively low key and unlikely to detract from the amenity.
3 Views and vistas	
Does the proposal obscure or compromise important views?	No
Does the proposal dominate the skyline and reduce the quality of vistas?	No
Does the proposal respect the viewing rights of other advertisers?	No
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	No
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No
Does the proposal screen unsightliness?	No
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
Does the proposal require ongoing vegetation management?	The applicant advises that it does not. However it is noted from the landscape plan that it is proposed to establish trees along the front (Waverley Street) boundary which could obscure the signage once mature.
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes
Does the proposal respect important features of the site or building, or both?	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No – standard business identification signs that are considered appropriate for the development.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signs use the corporate logo of the St Nicholas Child Care Centre.
7 Illumination	
Would illumination result in unacceptable glare?	The applicant advises that the signage is illuminated but will be consistent with AS4282 – <i>Control of the obtrusive effects of outdoor lighting</i> .
Would illumination affect safety for pedestrians, vehicles or aircraft?	Unlikely

Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination of the signage is unlikely to adversely impact on the amenity of adjacent residences.
Can the intensity of the illumination be adjusted, if necessary?	The applicant advises that the illumination cannot be adjusted. However the sign will not be brightly lit.
Is the illumination subject to a curfew?	The applicant advises that it is not subject to a curfew. However given that the site is in close proximity to residential premises it is recommended that the signs are only illuminated with the operational hours – 7.00am to 6.30pm. A condition of consent has been recommended accordingly.
8 Safety	
Would the proposal reduce the safety for any public road?	No
Would the proposal reduce the safety for pedestrians or bicyclists?	No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

Attachment 2: State Environmental Planning Policy (Transport and Infrastructure) 2021

Part 3.1 Preliminary	
3.1 Aims of Chapter	The development application is considered to comply with the aims.
3.3 Interpretation	-
3.4 Giving written notice	-
3.5 Preconditions to carrying out certain development	-
3.6 Relationship to other environmental planning instruments	-
3.7 Review of Policy	-
Part 3.2 General	
3.3 Interpretation	
Division 1 Consultation and notification	
3.8 Consultation with councils—development with impacts on council-related infrastructure or services	Not required as the development is not being undertaken by a public authority.
3.9 Consultation with councils—development with impacts on local heritage	NA – the site is not a heritage item.

3.10 Notification of councils and SES-development on flood liable land	NA
3.11 Consideration of Planning for Bush Fire Protection	NA
3.12 Consultation with public authorities other than councils	NA
3.13 Exceptions	
Division 1 Consultation and notification	
Division 2 Site compatibility certificates	-
3.14 Site compatibility certificates	-
Division 3 Additional uses of State land	
3.15 Additional uses of certain State land permitted	-
Division 4 Exempt development	-
3.16 General requirements for exempt development	-
3.17 Exempt development for Schedule 1 purposes carried out by public authorities in connection with educational establishments	-
Division 5 Complying development	-
3.18 General requirements for complying development	-
3.19 Land on which complying development may not be carried out—bush fire prone land	-
3.20 Development affecting certain trees or vegetation	-
3.21 General conditions of complying development certificates	-
Part 3.3 Early education and care facilities – specific development controls	
3.22 Centre-based child care facility—concurrence of Regulatory Authority required for certain development	<p>The Education and Care Services Regulation requires that:</p> <p><i>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.</i></p> <p>The total area of the play spaces and arts and craft rooms comes to 249.57m². This is 3.28m² per child (based on the proposed 76 places).</p> <p><i>The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.</i></p> <p>There is at least 532m² that is identified as</p>

	Outdoor Play Space which based on 76 children come to 7m2 per child. In this regard the development complies and does not have to be referred to the Regulatory Authority.
3.23 Centre-based child care facility—matters for consideration by consent authorities	<i>Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline, in relation to the proposed development. Refer to Attachment 3.</i>
3.24 Centre-based child care facility in Zone IN1 or IN2—additional matters for consideration by consent	NA
3.25 Centre-based child care facility- floor space ratio (R2 zone)	NA
3.26 Centre-based child care facility—non-discretionary development standards	NA
3.27 Centre-based child care facility—development control plans	NA
3.30 Home-based child care—exempt development	NA
3.31 Home-based child care—complying development	NA
3.32 Out-of-school hours care at existing universities—complying development	NA
3.33 Out-of-school hours care at existing TAFE establishments—complying development	NA
Part 3.4 Schools—specific development controls	
3.34 Interpretation	NA
3.35 Development for the purpose of student accommodation	NA
3.36 Schools—development permitted with consent	NA
3.37 Schools—development permitted without consent	NA
3.38 Notification of carrying out of certain development without consent	NA
3.39 Existing schools—exempt development	NA
3.40 Existing schools—complying development	NA
3.41 School-based child care—complying development	NA
3.42 Complying development certificates—additional conditions	NA
3.43 State significant development for the purpose of schools—application of development standards in environmental planning instruments	NA

Part 3.5 Universities—specific development controls	
Part 3.6 TAFE establishments—specific development controls	NA
Part 3.7 General development controls	NA
3.58 Traffic-generating development	NA

Attachment 3: Child Care Planning Guideline

Consideration	Applicant Response	Planning Officer Response
1.3 Objectives	The Proposal achieves the objectives of the Guideline. It is noted that the provisions of the guideline generally take precedence of a DCP.	Agree
2 Design Quality Principles	It is considered that the Proposal meets all 7 Principles to a more than satisfactory level as described throughout this SEE.	Agree
3.1 Site selection and location		Agree
<i>Objective: To ensure that appropriate zone considerations are assessed when selecting a site.</i>	<p>The Proposal is consistent with the R1 zone objective to enable other land uses that provide facilities or services to meet the day to day needs of residents. It does not conflict with the achievement of other objectives of the zone relating to housing, and has:</p> <ul style="list-style-type: none"> • no adverse acoustic and privacy impacts on residences. • A development intensity and scale compatible with its surroundings • satisfactory traffic and parking impacts 	Agree
C1 For proposed developments in or adjacent to a residential zone consideration		Agree

<ul style="list-style-type: none"> the acoustic and privacy impacts of the proposed development on the residential properties the setbacks and siting of buildings within the residential context traffic and parking impacts of the proposal on residential amenity. 		
<p><i>Objective: To ensure that the site proposed child care facility is suitable for the use.</i></p>		Agree
C2 When selecting a site, ensure		

<ul style="list-style-type: none"> the location and surrounding uses are compatible with the proposed development or use the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed the characteristics of the site are suitable for the scale and type of development proposed having regard to: size of street frontage, lot configuration, dimensions and overall size 	<p>is compatible with the surrounding residential and school environment. is not affected by bushfire.</p> <p>Is not affected by flood risk</p> <p>is suitable for sensitive land uses such as a child care centre from a contamination perspective.</p> <p>is sized and located appropriately for a development of the type, size and scope of the Proposal, and will not result in adverse environmental impacts on the surroundings.</p> <p>has suitable drop off and pick up areas and adequate off street car parking. adjoins streets with satisfactory characteristics and adequate capacity for the Proposal.</p> <p>is not located near incompatible uses.</p>	<p>The applicant has submitted a Environmental Site Assessment which concludes:</p> <p><i>Results of analysis deem the soils as sampled from the stockpile acceptable under HIL-A land use criteria and suitable to be retained / reused on site. Should the material require export and disposal, it should be disposed of as General Solid Waste (GSW) in accordance with NSW EPA Waste Classification Guidelines Part 1: Classifying waste.</i></p>
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<ul style="list-style-type: none"> • number of shared boundaries with residential properties • the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premise, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use 		
<p><i>Objective: To ensure that sites for child care facilities are appropriately located.</i></p>	<p>The Proposal achieves the objectives of the Guideline. It is noted that the provisions of the guideline generally take precedence of a DCP.</p>	<p>Agree</p>
<p>C3 A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	<p>The proposed child care centre is located adjacent to a school, with excellent pedestrian connectivity to the surrounding area.</p>	<p>Agree</p>
<p><i>Objective: To ensure that sites for facilities do not incur risks from health or safety hazards.</i></p>		

C4 A child care facility should be risks to children, staff or visitors and adverse environmental conditions arising from: <ul style="list-style-type: none"> proximity to: <ul style="list-style-type: none"> heavy or hazardous industry, waste transfer depots or landfill sites 	The Proposal is: <ul style="list-style-type: none"> not located near heavy or hazardous industry, waste transfer depots or landfill sites. not located near LPG tanks or service stations. 	Agree
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<ul style="list-style-type: none"> LPG tanks or service stations water cooling and water warming systems odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses extractive industries, intensive agriculture, agricultural spraying activities any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 	<ul style="list-style-type: none"> not affected by odour generating uses. not affected by any identified environmental hazard or risk suitable for the site as concluded by the contamination assessment. 	
3.2 Local character, streetscape and domain interface		
<i>Objective: To ensure that the child compatible with the local character surrounding streetscape.</i>		
C5 The proposed development should:	The Proposal: <ul style="list-style-type: none"> is designed to be in character 	Agree

<ul style="list-style-type: none"> contribute to the local area by being designed in character with the locality and existing streetscape reflect the predominant form of surrounding land uses, particularly in low density residential areas recognise predominant streetscape qualities, such as building form, scale, materials and colours include design and architectural treatments that respond to and integrate with the existing streetscape use landscaping to positively contribute to the streetscape and neighbouring amenity integrate car parking into the building and site landscaping design in residential areas 	<ul style="list-style-type: none"> with the surrounding area. is reflective of the low scale built form of the existing school. is reflective of the predominant scale, materials and colours of the locality. consistent with and integrates with the existing streetscape. will have high standard of landscaping. has adequate sensitively designed and located off street car parking. 	
<p><i>Objective: To ensure clear delineation child care facility and public spaces.</i></p>		
<p>C6 Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> fencing to ensure safety for children entering and leaving the facility windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community integrating existing and proposed landscaping with fencing. 	<p>The design of the proposal and landscaping aims to provide a clear transition between the public and private realms.</p> <p>The Proposal:</p> <ul style="list-style-type: none"> will be adequately secured with fencing, secured doorways and other safer by design features. will provide passive surveillance of the car park, entries, and the street. will have landscaping and fencing designed as an integrated whole. 	Agree
<p>C7 On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.</p>	<p>The Proposal will have a single entry point.</p> <p>The Proposal will have clearly defined and sign posted entrances and spaces.</p>	Agree

<p>C8 Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions:</p> <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/ private open space from adjoining public open space • minimal use of blank walls and high fences. 	<p>The Site does not adjoin public parks, open space or bushland.</p> <p>The Proposal will present an appealing landscaped street frontage with well defined public and private spaces.</p>	Agree
<p><i>Objective: To ensure that front fences retaining walls respond to and context and character of the area and dominate the public domain.</i></p>		
<p>C9 Front fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.</p>	<p>Front fences and walls will be visually permeable.</p> <p>The Proposal is not located near a heritage item or place.</p>	Agree
<p>C10 High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary</p>	<p>The Site is not on a classified road.</p>	Agree
<p>3.3 Building orientation, envelope and design</p>		
<p><i>Objective: To respond to the while optimising solar access and shade.</i></p>		
<p>C11 Orient a development on a site and design the building layout to: ensure visual privacy and minimise potential noise and overlooking</p>	<p>The building, car park, play space and landscaping do not affect the privacy and acoustic environment of residences (the Site does not directly adjoin any residences).</p>	Agree

<ul style="list-style-type: none"> facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties placing play equipment away from common boundaries with residential properties 	<p>Within site constraints including protection from western sun and westerly winds, the child care centre building will be oriented to maximise solar access to internal and external play spaces,.</p> <p>The Proposal will not overshadow residences.</p>	
<ul style="list-style-type: none"> locating outdoor play areas away from residential dwellings and other sensitive uses external play areas avoid overshadowing of adjoining residential properties minimise cut and fill ensure buildings along the street frontage define the street by facing it ensure that where a child care facility is located above ground level, outdoor play areas are protected from wind and other climatic conditions. 	<p>The Site is mildly sloping, and involves minor cut and fill.</p> <p>Building design aims to minimise earthworks.</p> <p>The entry to the child care centre will be located at ground level.</p> <p>The building will provide a high quality address to the street.</p>	Agree
<p>C12 The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> building height should be consistent with other buildings in the locality building height should respond to the scale and character of the street setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility setbacks should provide adequate access for building maintenance setbacks to the street should be consistent with the existing character. <p><i>Objective: To ensure that setbacks boundary of a child care facility are with the predominant development</i></p>	<p>The Proposal:</p> <ul style="list-style-type: none"> is low scale and generally consistent with the height and scale of buildings in the adjacent school and residential area. addresses Waverley Street has adequate access for maintenance. has setbacks that maintain the character of the area. 	Agree

<i>immediate context.</i>		
C13 Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	The setbacks of the buildings have few reference points nearby due to the presence of the school buildings and hall. The proposal aims to achieve a setback transition between the hall to the north, and villa development to the south. The setbacks comply with the DCP requirements for a residential area.	Agree
C14 On land in a residential zone, boundary setbacks should observe setbacks required for a dwelling house.	The context of the child care centre adjacent to the school and the villa development results in side and rear setbacks not necessarily responding to those of dwelling houses. As a result, setbacks have been established by context rather than the prevailing arrangement. The setbacks comply with the DCP requirements for a	Agree
C15 The built form of the development should contribute to the character of the local area, including how it: <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place. <p>Objective: To ensure that buildings to create safe environments for all users.</p>	<p>The built form of the proposal is consistent with the low scale and character of the locality. However, it establishes its own identity as a child care centre, separate from the adjacent school. It contributes to a sense of place by reinforcing the education precinct of St Mary's primary school, and Scone High School, and by providing a continuum of educational services as a children grow older.</p> <p>The Proposal:</p> <ul style="list-style-type: none"> • is consistent with the low scale built form of the locality, materials, colour and character of the locality. • contributes to the develop of a community focus and local identity comprising a school. • is not located in a heritage area, or near a heritage item or place. • responds to the environment through building design and landscaping. 	Agree

<p>C16 Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> located to allow ease of access, particularly for pedestrians directly accessible from the street where possible directly visible from the street frontage easily monitored through natural or camera surveillance not accessed through an outdoor play area. in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>The child care centre and its car park have single points of entry. The car park and entry to the centre will receive a high level of informal surveillance from the street.</p> <p>The entry to the Centre will:</p> <ul style="list-style-type: none"> be well defined. be accessible to those with mobility disabilities. have a high degree of passive surveillance. be not accessed through an outdoor play area. provide a secured entry to the actual child care centre operations. 	<p>It is possible that the centre could be accessed from the proposed car part to the outdoor play space at the rear. It is noted there is a double gate and fencing.</p>
<p><i>Objective: To ensure that child care designed to be accessible by all potential users</i></p>		
<p>C17 Accessible design can be achieved by:</p> <ul style="list-style-type: none"> providing accessibility to and within the building in accordance with all relevant legislation linking all key areas of the site by level or <p>prams and wheelchairs, including between all car parking areas and the main building entry providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible</p> <p>minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath.</p>	<p>The Plans will achieve compliance with requirements for access for people with a disability i.e., Premises Standards, Building Code of Australia and Australian Standards for accessibility and minimise the risk of action under the Disability Discrimination Act.</p> <p>The design of the Proposal aims to reduce or eliminate the impediments to movement described in C17.</p> <p>An Access Report will be submitted at the Construction Certificate stage.</p>	<p>Agree</p>
<p>3.4 Landscaping</p>		
<p><i>Objective: To provide landscape contributes to the streetscape and amenity</i></p>		

<p>C18 Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space.</p> <p>Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>The landscape concept plan aims to achieve the considerations outlined in C18. It aims to soften the building and car park, reflect the residential character of the area, provide visual buffers to adjacent residential development, and to provide a stimulating environment for young children.</p>	<p>Agree</p>
<p>C19 Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas. 	<p>The car park will be partially visible from the road, with its long axis to the road so as to minimise its impact on the streetscape. Landscaping will be used to soften the car park and provide shade. Species will be chosen to provide view lines from the street to the car park for personal security reasons.</p>	<p>Agree</p>

Attachment 4 - Upper Hunter Development Control Plan 2015 – Compliance Table - Part 3 – Subdivision

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
Subdivision layout & general design			
A. Subdivision purpose & general considerations	Yes	NA	
B. Adjoining development	Yes	NA	
C. Lot size, shape & orientation	Yes	Yes	
D. Natural site features	Yes	Yes	
E. Natural hazards	Yes		The land is not identified in an area that has flood risk, bush fire risk or geotechnical hazard.
F. Landform modification	Yes		Minimal landform modification is required.
G. Land contamination	Yes		The applicant has submitted a Preliminary Site Investigation Report. As previously

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			discussed in relation to SEPP (Resilience and Hazards)2021
Movement & access networks			
H. Street network	NA	NA	
I. Crown roads	NA	NA	
J. Future road widening & upgrading	NA	NA	
K. Access to lots from public roads	Yes	Yes	The proposed lots have direct access to Waverley Street.
L. Pedestrian & cyclist access	Yes		The is an existing concrete footpath along the front of the site.
Infrastructure			
M. Reticulated water	Yes		

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
N. Reticulated sewerage	Yes		
O. On-site waste water management	NA		
P. Stormwater management	Yes		
Q. Street lighting	Yes		There is existing street lighting.
R. Electricity & telecommunications	Yes		
S. Public open space	NA		

Attachment 5 - Upper Hunter Development Control Plan 2015 – Compliance Table - Part 4
Urban residential

4a Urban Dwellings

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments
Design & siting			
A. Density	NA		
B. Floor space ratio			
C. Battle-axe lots	NA		
D. Building setbacks - front	Yes		
E. Building setbacks - side & rear	Yes		
F. General design considerations	Yes		
G. Multiple housing – general design	NA		
H. Building height & scale	Yes		
I. Solar access	Yes		
J. Building materials	Yes		
K. Visual & acoustic privacy	Yes		

page 46 of 48

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments
L. Natural site features	Yes		
M. Private open space & landscaping	Yes		Outdoor space is provided for the playground outdoor space.
N. Accessibility & adaptability	Yes		
O. Heritage	NA		
P. Relocated dwellings	NA		
Access & infrastructure			
Q. Off street parking & access	Yes		
R. Water	Yes		
S. Sewerage	Yes		
T. Electricity & telecommunications	Yes		
U. Stormwater management	Yes		
V. Waste minimisation & management	Yes		
W. Clothes drying facilities	NA		

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments
X. Numbering	NA		
Y. Outdoor lighting	Yes		
Z. Mailboxes	Yes		

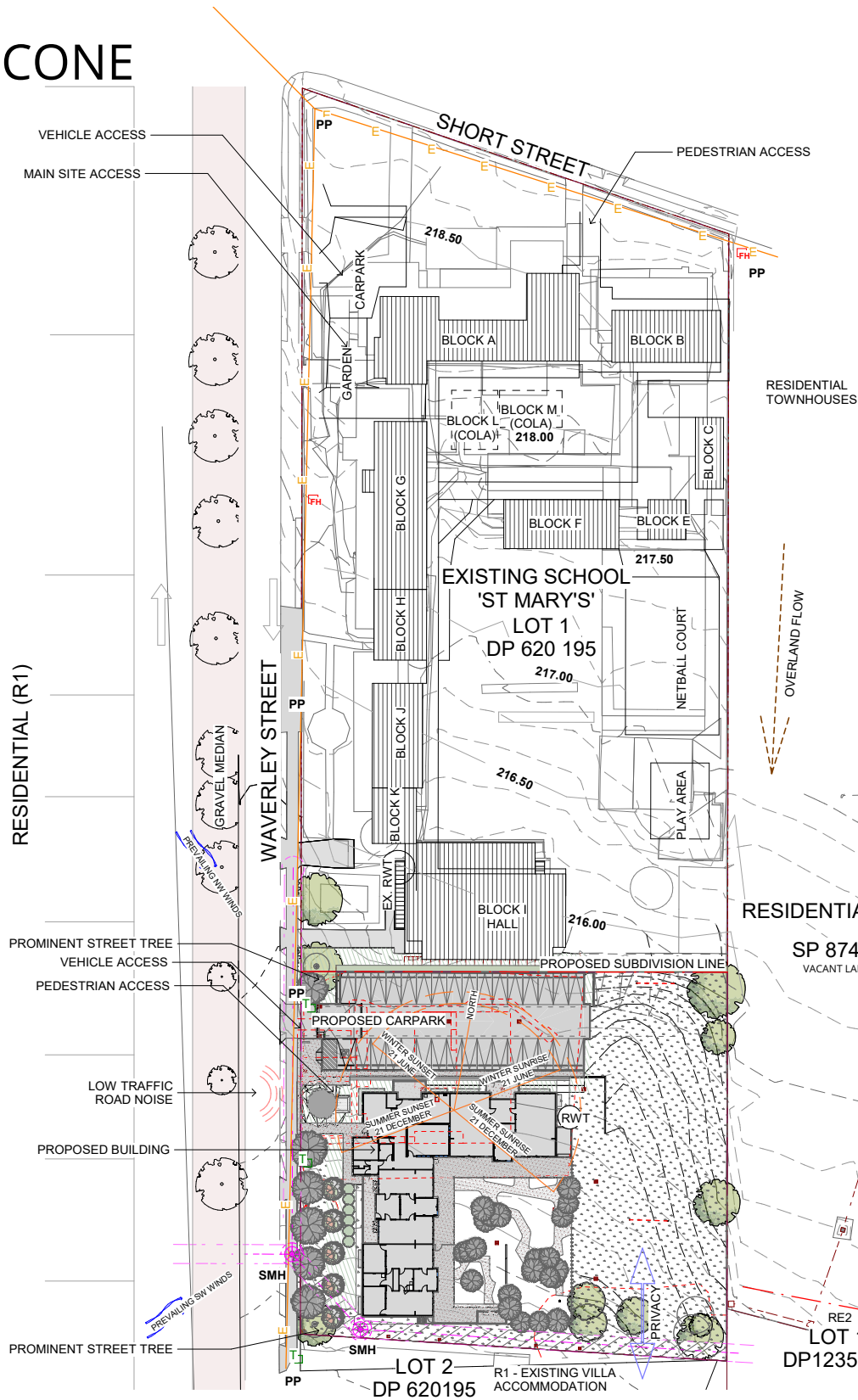
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116 WAVERLEY STREET, SCONE

DRAWING LIST	
Sheet Number	Sheet Name
DA_000	COVER SHEET
DA_000.1	NOTIFICATION PLAN
DA_000.2	NOTIFICATION ELEVATIONS
DA_001	SITE PLAN
DA_002	FLOOR PLAN - GROUND
DA_003	ROOF PLAN
DA_004	ELEVATIONS
DA_005	SECTIONS
DA_006	3D PERSPECTIVE - 1
DA_007	3D PERSPECTIVE - 2
DA_008	3D PERSPECTIVE - 3

ABBREVIATIONS	
AW1	AWNING - TYPE 1
AW2	AWNING - TYPE 2
AW4	AWNING - TYPE 4
B1	BALUSTRADE - TYPE 1
BW5	BRICK WALL - TYPE 5
CL	CLOTHES LINE
COL1	COLUMN - TYPE 1
CON	CONCRETE
DP1	DOWNPIPE - TYPE 1
DP2	DOWNPIPE - TYPE 2
EG1	EAVES GUTTER - TYPE 1
FAS1	FASCIA - TYPE 1
FB	FACE BRICK
G-BIN	GREEN WASTE BIN
LWC	LIGHT WEIGHT CLADDING
MRC	METAL ROOF CAPPING
MRS	METAL ROOF SHEETING
PPB	PAINTED PLASTERBOARD
R-BIN	RECYCLE BIN
RWT	RAIN WATER TANK
S1	SCREEN - TYPE 1
SOF	SOFFIT
SOL	SOLAR PANEL - TYPE 1
VG1	VALLEY GUTTER - TYPE 1
W-BIN	WASTE BIN
WT1	WALL TILE - TYPE 1

UNENCUMBERED AREA LEGEND

ROOM	REQUIRED AREA	ACTUAL AREA
PLAY SPACE 01	0-2 YEAR	8x3.25m ² = 26m ²
PLAY SPACE 02	0-2 YEAR	8x3.25m ² = 26m ²
PLAY SPACE 03	2 YEAR	10x3.25m ² = 32.50m ²
PLAY SPACE 04	2 YEAR	10x3.25m ² = 32.50m ²
PLAY SPACE 05	3 YEAR	20x3.25m ² = 65m ²
PLAY SPACE 06	4-5 YEAR	20x3.25m ² = 65m ²



LOCATION MAP

NOT TO SCALE

SITE ANALYSIS
SCALE 1:500

REV	DATE	DESCRIPTION	BY	CHK
A	21.01.2022	FOR CLIENT REVIEW	DF	
B	12.04.2022	FOR PRE-DA MEETING	ME	
C	30.05.2022	PRELIMINARY ISSUE FOR DA	DF	
D	02.06.2022	FOR DA	DF	
E	24.06.2022	FOR DA	DF	
F	22.07.2022	FOR DA	DF	

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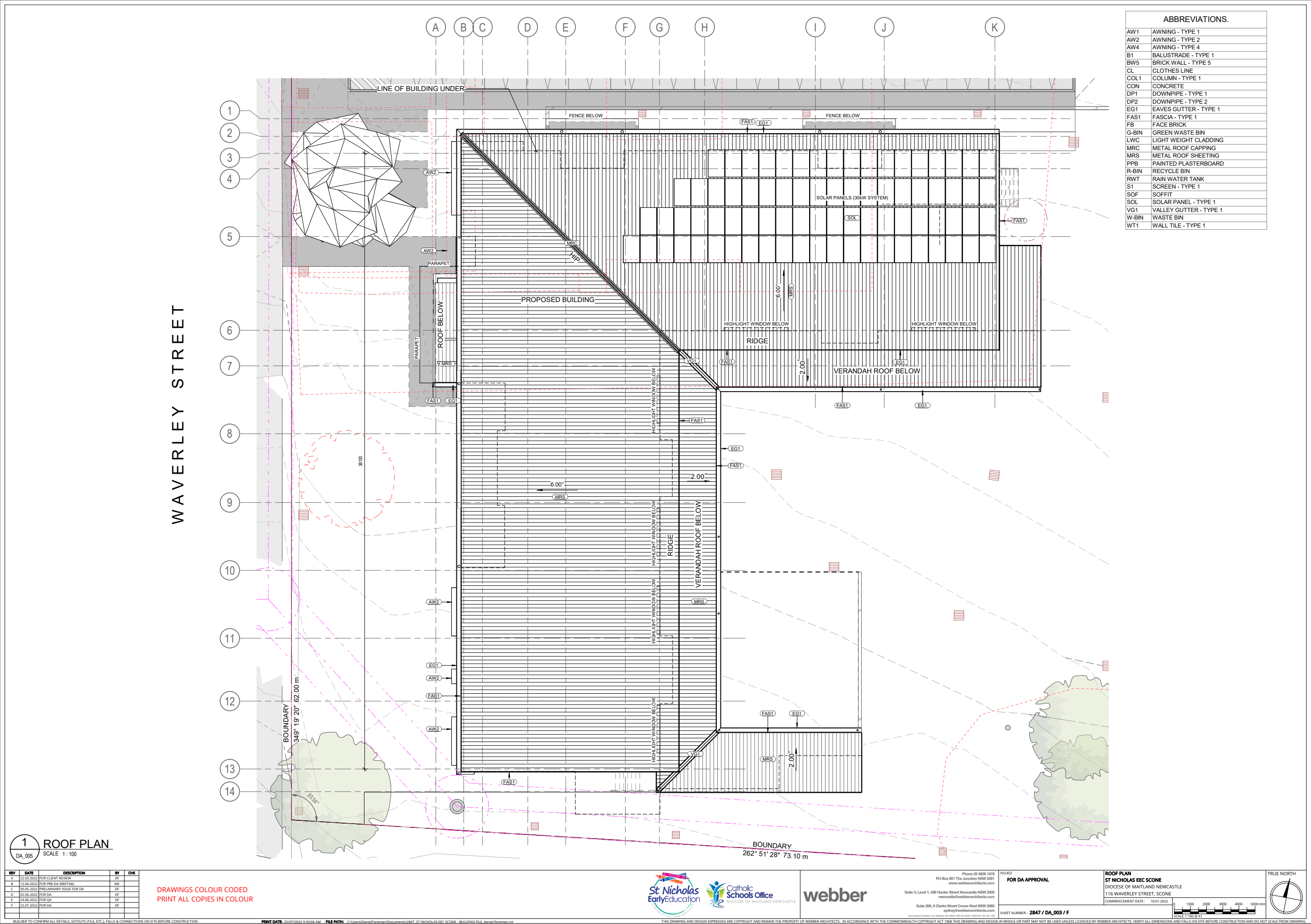
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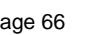
COVER SHEET
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SCALE: As indicated



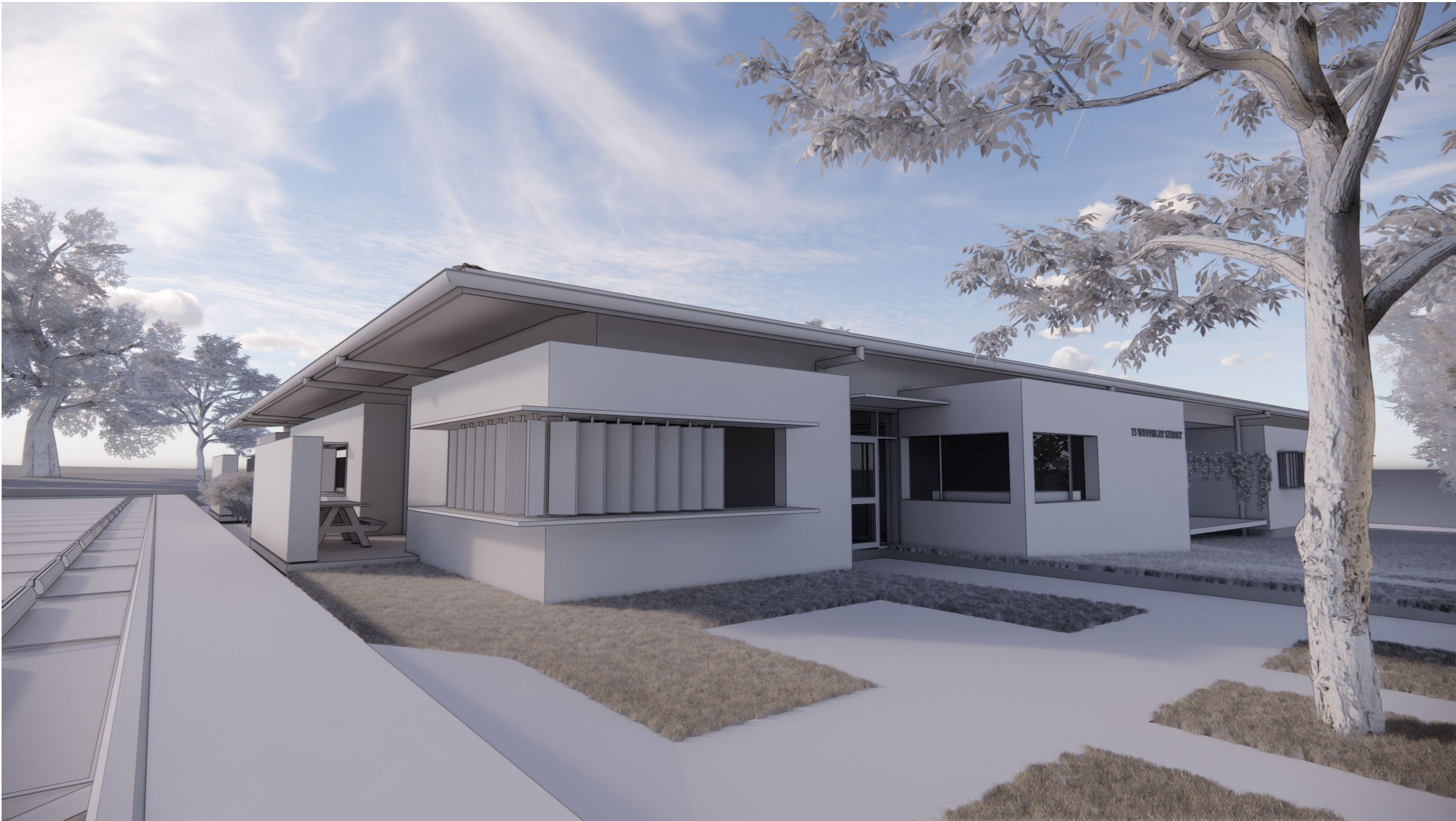












PERSPECTIVE 01
ARCHITECT'S CONCEPT IMPRESSION ONLY

REV	DATE	DESCRIPTION	BY	CHK
A	21.03.2022	FOR CLIENT REVIEW	DF	
B	12.04.2022	FOR PRE-DA MEETING	ME	
C	24.06.2022	FOR QA	DF	
D	22.07.2022	FOR DA	DF	

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3D PERSPECTIVE - 1
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116 WAVERLEY STREET, SCONE
COMMENCEMENT DATE: 10/01/2022 SCALE



PERSPECTIVE 03
ARCHITECT'S CONCEPT IMPRESSION ONLY

REV	DATE	DESCRIPTION	BY	CHK
A	21.03.2022	FOR CLIENT REVIEW	DF	
B	12.04.2022	FOR PRE-DA MEETING	ME	
C	22.07.2022	FOR DA	DF	

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3D PERSPECTIVE - 3
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COMMENCEMENT DATE: 10.01.2022 SCALE



DRAWING REGISTER

DRAWING NUMBER	SHEET NAME	REV. No.	REV. DATE
14163.5 >> DA L100	key diagram	A	3/6/22
14163.5 >> DA L200	site plan	B	20/7/22
14163.5 >> DA L201	waverly street - detail plan	B	20/7/22
14163.5 >> DA L202	carpark - detail plan	B	20/7/22
14163.5 >> DA L203	playground detail plan	A	3/6/22
14163.5 >> DA L301	concept images	A	3/6/22
14163.5 >> DA L302	planting palette	A	3/6/22

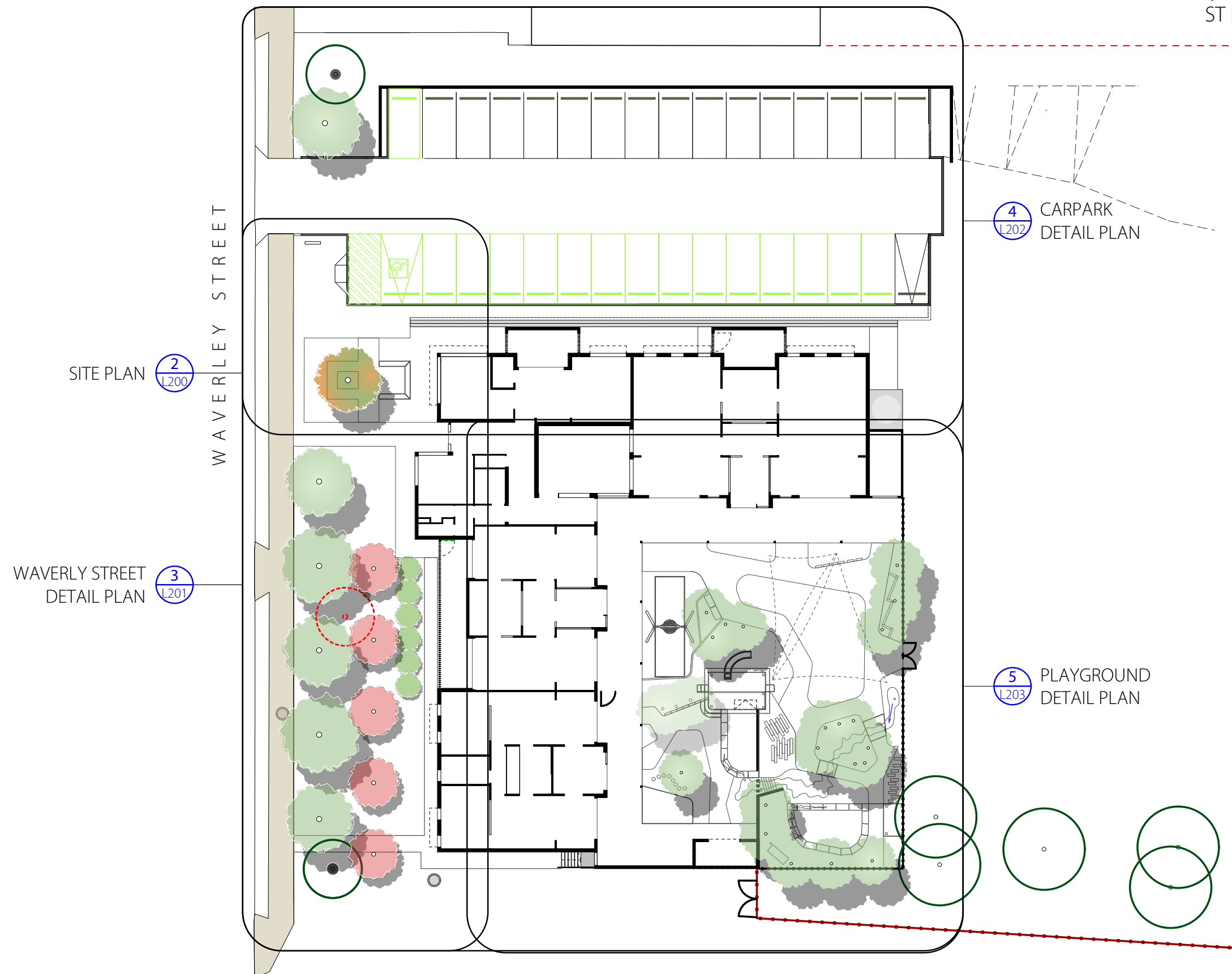
landscape documentation

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key diagram | L100

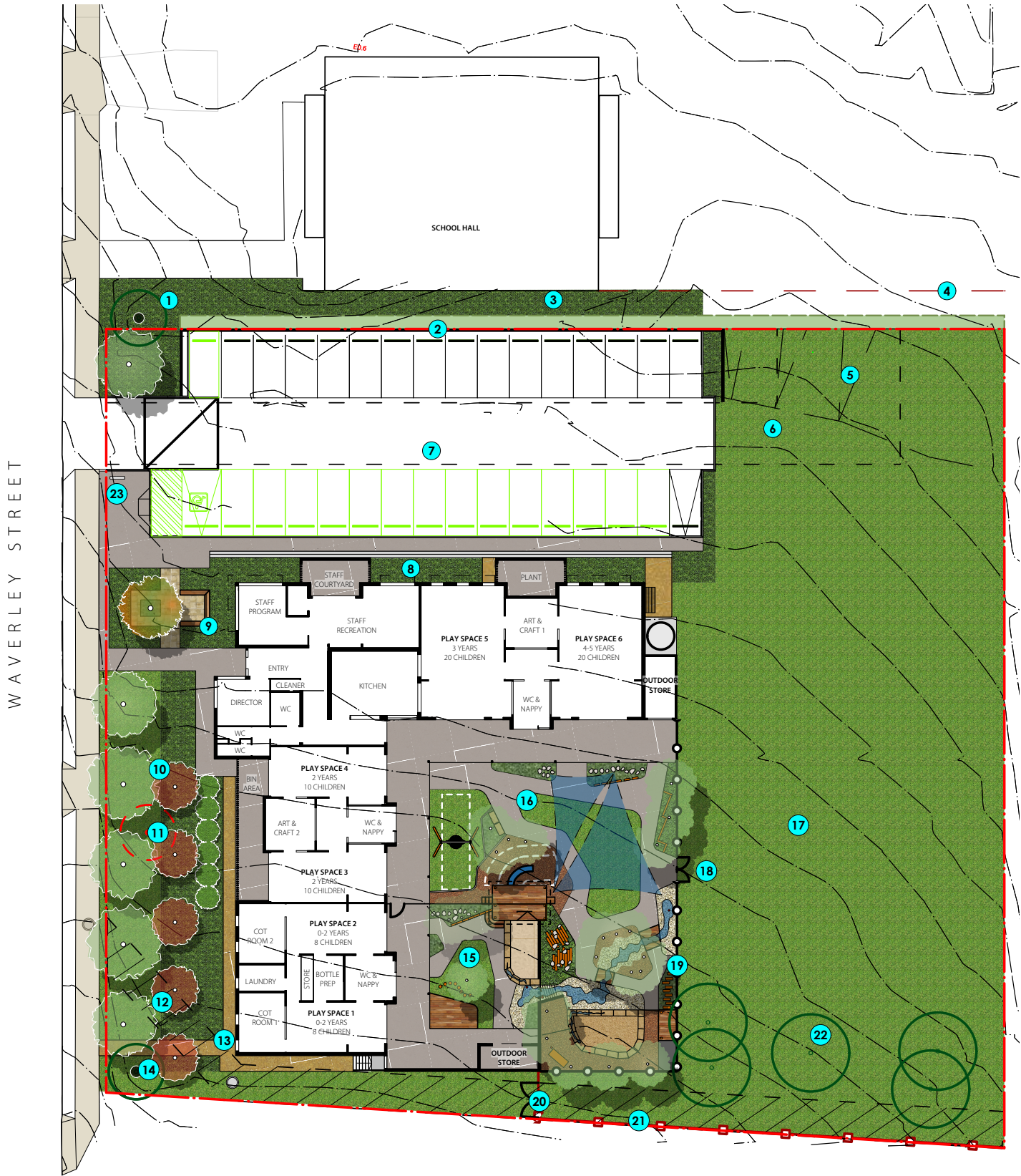
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1 KEY DIAGRAM
L100 Scale: 1:300

REV	DATE	COMMENTS
A	3/6/22	CLIENT REVIEW
REV	DATE	COMMENTS
PROJECT:		
ST NICHOLAS EEC - SCONE		
SITE:		
116 WAVERLEY STREET, SCONE		
CLIENT:		
DIOCESE OF MAITLAND NEWCASTLE		
T4163.5 - Scone St Nicholas Child Care - Revision C.vex 21/7/22		
DRAWN:	DATE:	SCALE:
AL / PW	31.03.10	@A3
JOB NUMBER:	PHASE:	DWG No: REV:
14163.5	DA	L100 A

site plan | L200
ST NICHOLAS EEC - SCONE



Notes - Site Plan

- 1 Existing tree to be retained.
- 2 Retaining wall and landscaped swale.
- 3 Landscaped batter between car park and hall - refer to carpark detail plan.
- 4 Existing fence to school to be retained.
- 5 Turfed batter,
- 6 Easement for vehicular access.
- 7 Carpark to Architectural documentation.
- 8 Feature planting to soften building.
- 9 Forecourt area- refer to Waverly Street detail plan.
- 10 Landscaped area - refer to Waverly Street detail plan.
- 11 Insignificant tree to be removed.
- 12 Easement.
- 13 Access and maintenance path.
- 14 Existing tree to be retained.
- 15 0-2 years outdoor play area - refer to playground detail plan.
- 16 3-5 years outdoor play area- refer to playground detail plan.
- 17 Open managed turf area as overflow play space.
- 18 Gate to serve as emergency egress, access to overflow area, and maintenance access for sandpit and mulch replenishing.
- 19 1.8m security palisade pool fence to playground.
- 20 Access gate.
- 21 Acoustic fence to Architectural documentation,
- 22 Existing trees to be retained, Existing spoil mound and vegetation under to be removed and replaced with level turfed area.
- 23 2.6m high, illuminated signage to Architectural documentation

Legend

- Lot boundary
- Mass planting
- Feature paving
- New paths
- Turf
- Decomposed granite
- Bench seat
- Easement
- Existing footpath
- Acoustic fence
- Existing tree retained
- Existing tree removed
- Proposed trees
- Existing level
- +213.550 Proposed level

B	20/7/22	ARCHITECTURAL CHANGES
A	3/6/22	CLIENT REVIEW
REV	DATE	COMMENTS

PROJECT:
ST NICHOLAS EEC - SCONE

SITE:
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3 WAVERLEY STREET DETAIL PLAN
L201 Scale: 1:200

waverly street - detail plan

ST NICHOLAS EEC - SCONE

L201

Notes - Waverly Street

- 1 V-drain to manage overland flow.
- 2 Feature paving to forecourt area with clear access to footpath and car park. Design complements layout of existing forecourt to school hall.
- 3 Feature tree in mass planting.
- 4 Timber bench seat for informal gathering / waiting area.
- 5 Level access from forecourt to footpath.
- 6 Existing path and verge to be retained and reinstated as required following construction works.
- 7 Access gate and screening to Architectural documentation.
- 8 Eucalyptus sideroxylon (Red Ironbark) trees to reinforce existing streetscape. Turf under to maintain clear sight lines and prevent snake habitat.
- 9 Insignificant tree to be removed and replaced with suitable species consistent with existing street trees to Waverly Street.
- 10 Lagerstroemia indica (Crepe Myrtle) trees to provide screening and softening of building. Trunks to be kept clear for crime prevention.
- 11 Shrubs to provide screening to bin area.
- 12 Mass planting of low maintenance native plants. Clear gravel area to perimeter to of building for maintenance and to discourage snake access and habitat.
- 13 Access and maintenance path in compacted decomposed granite.
- 14 Existing tree to be retained. Ground surface improved with landscaping to ensure tree health. Care to be taken to minimise disturbance to SRZ.
- 15 Easement - low landscaping only, to be kept clear of trees.
- 16 2.6m high, illuminated signage to Architectural documentation

Legend

- Lot boundary
- Mass planting
- Feature paving
- New paths
- Turf
- Decomposed granite
- Bench seat
- Easement
- Existing footpath
- Acoustic fence
- Existing tree retained
- Existing tree removed
- Proposed trees
- Existing level
- Proposed level



B	20/7/22	ARCHITECTURAL CHANGES
A	3/6/22	CLIENT REVIEW
REV	DATE	COMMENTS

PROJECT:
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carpark - detail plan

ST NICHOLAS EEC - SCONE

L202

Notes - Carpark

- 1 Existing tree on adjoining school property to be retained and protected during works, Care to be taken to avoid damage within SRZ.
- 2 Eucalyptus sideroxylon (Red Ironbark) trees to reinforce existing streetscape. Low mass planting under to maintain clear sight lines.
- 3 Underground detention basin to Engineers docuementation.
- 4 Existing path and turf to be retained and reinstated as required following construction works.
- 5 Forecourt area - refer to Waverly Street detail plan.
- 6 Feature planting to soften building.
- 7 Landscaped batter between car park and hall with low maintenance native plantings for slope stability.
- 8 Retaining wall and landscaped swale to accommodate level change and manage drainage.
- 9 Carpark to Architectural documentation.
- 10 Access to plant room.
- 11 Existing fence to school to be retained.
- 12 Turfed batter,
- 13 Easement for vehicular access.
- 14 Open managed turf area as overflow play space.
- 15 Clothesline and access path (compacted decomposed granite).
- 16 Water tank.
- 17 2.6m high, illuminated signage to Architectural documentation

Legend

- Lot boundary
- Mass planting
- New paths
- Turf
- Decomposed granite
- Bench seat
- Easement
- Existing footpath
- Acoustic fence
- Existing fence
- Existing tree retained
- Tree protection zone
- Structural root zone
- Existing tree removed
- Proposed trees
- Existing level
- Proposed level

B	20/7/22	ARCHITECTURAL CHANGES
A	3/6/22	CLIENT REVIEW
REV	DATE	COMMENTS

PROJECT:
ST NICHOLAS EEC - SCONE

SITE:
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WAVERLEY STREET

4 CARPARK DETAIL PLAN

L202 Scale: 1:200

ST NICHOLAS EEC - SCONE



JOB NUMBER: 14163.5 PHASE: DA DWG No: L203 REV: A

concept images | L301

ST NICHOLAS EEC - SCONE



Water play to sandpit and creek bed, timber bridges and open play structure



Basket swing with timber posts



Nature play planted areas with stepping stones, balancing logs and rocks



Tap and cascade for water play between age groups



Timber bridges over creek, water play area and rock bank



Central play element to feature timber structure with reference to local barn form, with play elements including slide, dividing wall to provide interaction between age groups, ladders and steps, ropes and open areas under



A 3/6/22 CLIENT REVIEW
REV DATE COMMENTS

PROJECT:
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planting palette

ST NICHOLAS EEC - SCONE

L302



Plant list - play space

- | | | | | | |
|--|--------------------------------|--|------------------|--|-------------------|
| 1. <i>Tristaniopsis laurina</i> | Water Gum | 10. <i>Grevillea lanigera</i> 'Mount Tamboritha' | Grevillea | 19. <i>Asplenium australasicum</i> | Birds Nest Fern |
| 2. <i>Banksia spinulosa</i> 'Birthday Candles' | Birthday Candles Banksia | 11. <i>Acer palmatum</i> | Japanese Maple | 20. <i>Dietes iridoides</i> | White Iris |
| 3. <i>Hibbertia scandens</i> | Snake Vine | 12. <i>Pistacia chinensis</i> | Chinese Pistacio | 21. <i>Pandorea jasminoides</i> | Bower Vine |
| 4. <i>Callistemon viminalis</i> 'Red Alert' | Callistemon Red Alert | 13. <i>Pennisetum alopecuroides</i> | Swamp Fox Tail | 22. <i>Dicksonia antarctica</i> | Tree Fern |
| 5. <i>Rosmarinus officinalis</i> | Rosemary | 14. <i>Cordyline stricta</i> | Cordyline | 23. <i>Gazania tomentosa</i> | Silver Gazania |
| 6. <i>Stachys byzantina</i> | Lamb's Ear | 15. <i>Trachelospermum jasminoides</i> | Star Jasmine | 24. <i>Melaleuca linariifolia</i> | Snow in Summer |
| 7. <i>Banksia integrifolia fastigiata</i> 'Sentinel' | Banksia 'Sentinel' | 16. <i>Liriope muscari</i> 'Variegata' | Liriope | 25. <i>Lomandra longifolia</i> 'Variegated Tanika' | Variegated Tanika |
| 8. <i>Ceratopetalum gummiferum</i> | New South Wales Christmas Bush | 17. <i>Dianella caerulea</i> 'Little Jess' | Dianella | | |
| 9. <i>Westringia fruticosa</i> | Coastal Rosemary | 18. <i>Ajuga reptans purpurea</i> | Carpet Bugle | | |

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REV DATE COMMENTS

PROJECT:
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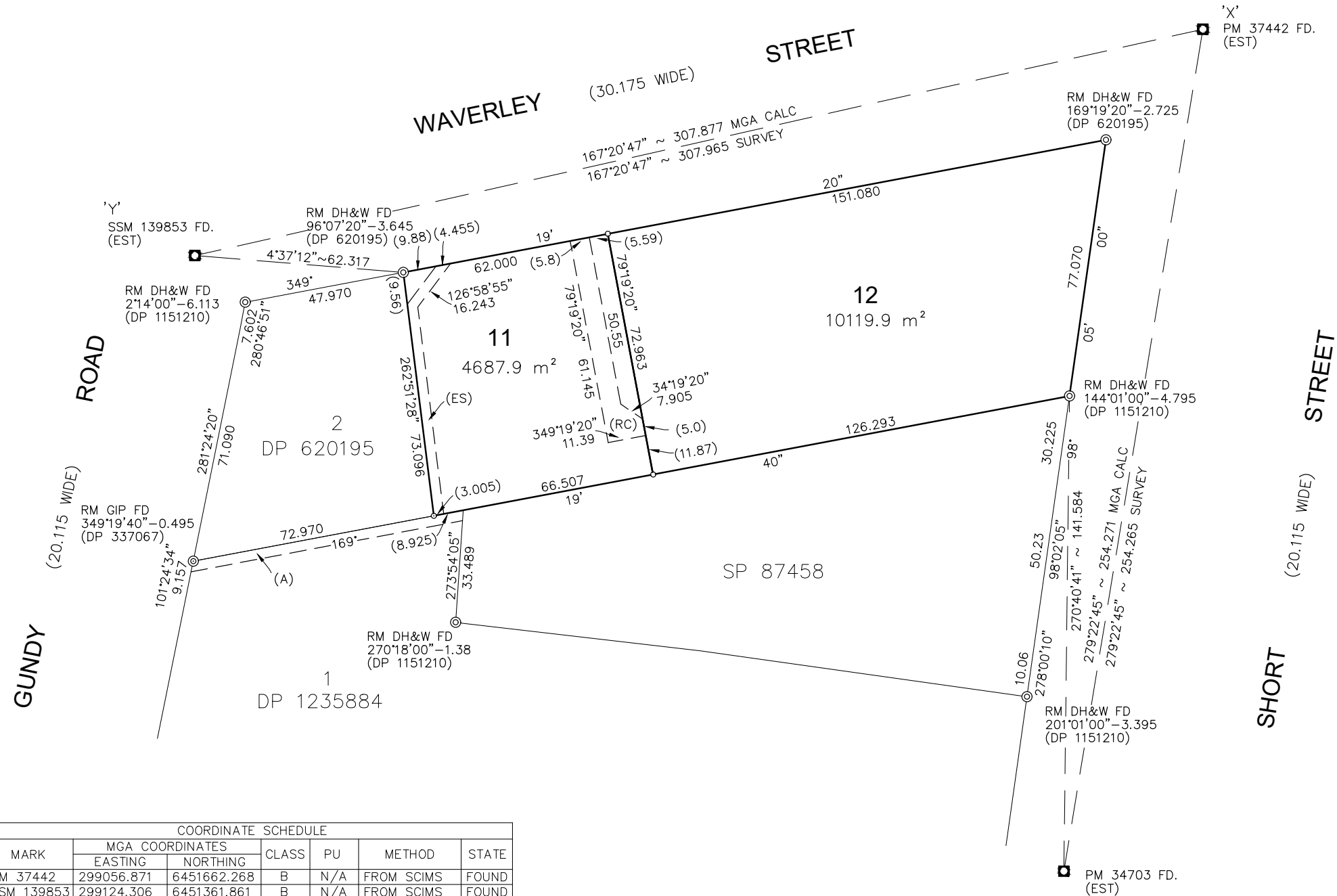

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DEPOSITED PLAN ADMINISTRATION SHEET		Sheet 1 of 2 sheet(s)
Office Use only	Office Use only	
Registered:	<h1>DRAFT</h1>	
Title System:		
PLAN OF SUBDIVISION OF LOT 1 DP 620195	LGA: UPPER HUNTER	
	Locality: SCONE	
	Parish: SCONE	
	County: BRISBANE	
<p align="center"><i>Survey Certificate</i></p> <p>I, <u>GEOFFREY ALLAN GOLLEDGE</u> of <u>PO Box 132, MAITLAND NSW 2320</u> a surveyor registered under the Surveying and Spatial Information Act 2002, certify that:</p> <p><i>*(a) The land shown in the plan was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, is accurate and the survey was completed on, or</i></p> <p><i>*(b) The part of the land shown in the plan (*being/*excluding **) was surveyed in accordance with the Surveying and Spatial Information Regulation 2017, the part surveyed is accurate and the survey was completed on, the part not surveyed was compiled in accordance with that Regulation, or</i></p> <p><i>*(c) The land shown in this plan was compiled in accordance with the Surveying and Spatial Information Regulation 2017</i></p> <p>Datum Line:</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p>Signature: Dated:</p> <p>Surveyor Identification No.: <u>1125</u></p> <p>Surveyor registered under the Surveying and Spatial Information Act 2002</p> <p><i>*Strike out inappropriate words.</i></p> <p><i>**Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</i></p>	<p align="center">Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	
<p align="center">Plans used in the preparation of survey/compilation:</p> <p>DP 620195</p> <p>DP 1151210</p> <p>DP 1235884</p>	<p align="center">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Registered Certifier, certify that the provisions of s.6.15 of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Registration number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p><i>*Strike through if inapplicable.</i></p>	
<p>Surveyor's Reference: 152.22</p>	<p>Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.</p>	
		<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>

PLAN FORM 6A (2019)	DEPOSITED PLAN ADMINISTRATION SHEET	Sheet 2 of 2 sheet(s)															
Registered:	Office Use only	Office Use only															
PLAN OF SUBDIVISION OF LOT 1 DP 620195	<h1 style="margin: 0;">DRAFT</h1>																
Subdivision Certificate number: Date of Endorsement:	This sheet is for the provision of the following information as required: • A Schedule of lots and addressess - See 60(c) <i>SSI Regulation 2017</i> • Statements of intention to create and release affecting interests in accordance with section 88B <i>Conveyancing Act 1919</i> . • Signatures and seals - see 195D <i>Conveyancing Act 1919</i> . • Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.																
<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 10%;">LOT</th> <th style="width: 20%;">STREET NUMBER</th> <th style="width: 20%;">STREET NAME</th> <th style="width: 20%;">STREET TYPE</th> <th style="width: 30%;">LOCALITY</th> </tr> </thead> <tbody> <tr> <td>11</td> <td></td> <td>WAVERLEY</td> <td>STREET</td> <td>SCONE</td> </tr> <tr> <td>12</td> <td></td> <td>WAVERLEY</td> <td>STREET</td> <td>SCONE</td> </tr> </tbody> </table>			LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY	11		WAVERLEY	STREET	SCONE	12		WAVERLEY	STREET	SCONE
LOT	STREET NUMBER	STREET NAME	STREET TYPE	LOCALITY													
11		WAVERLEY	STREET	SCONE													
12		WAVERLEY	STREET	SCONE													
<p>PURSUANT TO SECTION 88B OF THE CONVEYANCING ACT 1919, AS AMENDED, IT IS INTENDED TO CREATE: –</p> <ol style="list-style-type: none"> 1. EASEMENT FOR THE SEWAGE 3 WIDE 2. RIGHT OF CARRIAGEWAY 5.8 WIDE AND VARIABLE 																	
<small>If space is insufficient use additional annexure sheet</small>																	
Surveyor's Reference: 152.22																	



- (A) EASEMENT TO DRAIN WATER 3 WIDE (VIDE DP 1151210)
- (ES) EASEMENT FOR THE SEWAGE 3 WIDE
- (RC) RIGHT OF CARRIAGEWAY 5.8 WIDE AND VARIABLE




COORDINATE SCHEDULE						
MARK	MGA COORDINATES		CLASS	PU	METHOD	STATE
	EASTING	NORTHING				
PM 37442	299056.871	6451662.268	B	N/A	FROM SCIMS	FOUND
SSM 139853	299124.306	6451361.861	B	N/A	FROM SCIMS	FOUND
SSM 167104	299308.651	6451621.116	B	N/A	FROM SCIMS	FOUND
DATE OF SCIMS COORDINATES: 23-5-2022 MGA ZONE: 56 MGA DATUM: GDA2020						
COMBINED SCALE FACTOR: 1.000059						

<p>Surveyor: GEOFFREY ALLAN GOLLEDGE</p> <p>Date of Survey:</p> <p>Surveyor's Ref: 152.22</p>	<p>PLAN OF SUBDIVISION OF LOT 1 DP 620195</p>	<p>LGA: UPPER HUNTER</p> <p>Locality: SCONE</p> <p>Subdivision No:</p> <p>Lengths are in metres. Reduction Ratio 1: 1000</p>	<p>Registered</p>	<p>DRAFT</p>
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Created on 8/03/2022 11:32 AM





Upper Hunter Shire Council
135 Liverpool Street
PO Box 208
Scone NSW 2337
Telephone: 02 6540 1100
Fax: 02 6545 2671
Email: council@upperhunter.nsw.gov.au

Important Notice!
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Drawn By: Andrew Brown
Projection: GDA2020 / MGA zone 56
Date: 8/03/2022 11:32 AM

116 Waverley St Scone Sewer MH depths

Map Scale: 1:1699 at A4

SUBMISSION ON DEVELOPMENT APPLICATION

(Name withheld)

To General Manager,

We'd like to make a submission of objection to DA 137/2022, 116 Waverley St, Scone, proposed childcare centre. Our concerns are as follows:

- Increased Traffic:

Waverley St currently exists of residential housing, St Mary's Primary School, including before and after school care and Scone High close by on Gundy Road. Waverley St is also a connecting link from Gundy Road into the CBD for the local community.

The Street is heavily occupied during drop off and pick up times for school, including buses and cars, and many students of Scone High parking for the duration of the school day. The proposed 30space car park while is in accordance with the DCP, is not suitable for the street itself and has not taken into consideration the high traffic count as it currently stands. This childcare centre will have a negative impact on residents as parking becomes more difficult, traffic increasing with the risk of causing injury/accident. The lack of sight is heightened with cars parking out the front of the childcare and in the centre median as a drop off point.

- Increase Noise:

Offensive noise is defined in the *Protection of the Environment Operations Act 1997*: 'interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or rest of a person who is outside the place where the noise is coming from'. Staff, security and cleaners will arrive and leave outside of the operating hours of 7am and 6:30pm which will cause disturbance to residential neighbours. Guidelines in place to reduce noise in the car park are not enforced and merely a Band-Aid fix. There is no control of vehicle noise and all other noise that will be produced at this site. Local residents, many being shift workers, now have increased noise from four different places of education/childcare in the area making it an unpleasant place to live.

- Increase Crime:

The proposed facility will increase the opportunity for crime and the likelihood of it occurring to residential housing. This crime also includes graffiti.

- Light Pollution:

The illuminated sign pointing towards residential housing is not needed and will cause light pollution into the street. No resident wishes to have an illuminated sign beaming into their home disturbing their place of rest. Once business is closed, the sign should be turned off to not disturb residents at a minimum. Light pollution will have a negative health impact.

This DA will make it less pleasant to live in the area and we strongly oppose this development and it's location.

Planning & Infrastructure Services

ECSC.02.2

DEVELOPMENT APPLICATION NO. 41/2020 TAKE-A-WAY FOOD PREMISES

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Paul Smith - Senior Environmental Planner - Infosphere Tester

PURPOSE

On 27 March 2020, Council received Development Application No. 41/2020 for a takeaway food and drink premises at 2 Makybe Diva Street Scone (Lot 23 DP 1235763). An amended development application was submitted on 5 May 2022.

RECOMMENDATION

That Council refuse Development Application No. 41/2020 for a takeaway food and drink premises at 2 Makybe Diva Street Scone (Lot 23 DP 1235763) for the reasons in Attachment 1.

BACKGROUND

Council, at its meeting held on 22 March 2022 resolved to:

defer the determination of Development Application No. 41/2020 for a takeaway food and drink premises at 2 Makybe Diva Street Scone (Lot 23 DP 1235763) pending the submission of further information to address the issues raised in the planning assessment report.

The applicant made amendments to the development application on 5 May 2022, which did not adequately address issues of concern. The applicant was given a further opportunity to address issues of concern with a request for further information provided on 15 June 2022. A response was provided by the applicant on 21 September 2022.

REPORT/PROPOSAL

Applicant: John R Burton Contractors Pty Ltd (Originally Dolvent Advantage Pty Ltd)
Owner: John R Burton Contractors Pty Ltd
Location: 2 Makybe Diva Street Scone (Lot 23 DP 1235763)
Proposal: Takeaway Food and Drink Premises
Zone: IN2 Light Industrial

The development site comprises a 1,972m² existing lot in the light industrial zone with a 31.32m frontage to Makybe Diva Street. The amended development application proposes a takeaway food and drink premises comprising the following:

- Construction of new separate ingress and egress driveways on Makybe Diva Street;
- Construction and use of a take away food and drink premises building (total GFA 190m²);
- Construction and use of associated drive-thru area;
- Site landscaping;
- 22 total parking spaces including 1 accessible space;
- Signage; and
- Other minor works

Planning & Infrastructure Services

The amended plans did not include elevation plans, however Attachment 4 provides elevations for Revision 5 of the plans.

Given the location at the northern entrance to Scone/Kelly Street, it is a highly visible site that should exhibit high visual amenity. This objective is not delivered. Although the development is consistent with the future character for the estate, the amended development application proposes changes that reduce the landscaped area. This includes reducing the depth of landscaping within the front setback. No supporting landscape plan was provided. In this regard, it is considered that the development as now proposed will have an adverse impact on the streetscape.

The amended development application involves a minor reduction in the floor area and removes some seating (although the spaces are retained). Although the development proposal now complies with the off-street parking requirements set out in the UHDCP, this has been achieved by reductions in the landscaped area (which were already minimal). Further, given that the site is located close to the New England Highway and within the industrial estate, it is likely that the development would attract heavy vehicles (trucks and semi-trailers) and long vehicles (light vehicles with trailers/caravans/horse trailers). No provision has been made for off street parking for heavy vehicles or long vehicles. It also creates the potential that long vehicles will park in the car park and take up more than one off-street parking space. The lack of provision for long vehicles and heavy vehicles is likely to have off-site impacts with them parking on the road verge in Kelly Street and in Makybe Diva Street. The application does not adequately address this issue.

There are concerns that the use of the loading bay requires reversing of a 12.5m long delivery vehicle. The need to reverse across 10 car parking spaces and a pedestrian crossing continues to present a risk of vehicle conflict and pedestrian safety.

There are concerns in relation to the proposed operation of the loading bay and it is unlikely that the proposed delivery management plan (DMP) (Attachment 5) will be practical in this location given:

- the need for multiple heavy vehicle movements (loading/unloading, waste removal) across that part of the site most heavily used by pedestrians.
- the reliance on the staff of the premises to undertake traffic management duties- these staff may be young, inexperienced, casual labour etc, which make it extremely difficult to carry out this task with consistent competence and experience. The DMP might be more practical in another context, but unlikely to work in this context.
- the reliance on certain non-peak delivery windows which carry a high risk of not being met given the location of Scone within long delivery runs with the need to accommodate other delivery sites on the run, and the likelihood of travel delays etc.
- the nominated 0600-0800 delivery time is often a peak for trades/industrial take-away premises.

The conclusion of the DMP states a number of conditions that must apply for the VMP to operate safely. This includes:

Subject to the actions required of this delivery management being undertaken as described in this document the proposed food and beverage deliveries associated with the subject development can be safely undertaken using the proposed site accesses without the need for any additional traffic control.

As discussed above there are concerns about the ability of the DMP to be implemented.

Planning & Infrastructure Services

In view of the above issues, it is considered that the application is proposing to overdevelop the site.

OPTIONS

1. That Council refuse Development Application No. 41/2020 for a takeaway food and drink premises at 2 Makybe Diva Street Scone (Lot 23 DP 1235763) for the reasons in Attachment 1.
2. That Council approve Development Application No. 41/2020 for a takeaway food and drink premises at 2 Makybe Diva Street Scone (Lot 23 DP 1235763) subject to conditions of consent (refer to Attachment 6 for without prejudice conditions of consent).

CONSULTATION

The original development application was placed on public exhibition from 8 April 2020 to 27 April 2020. No submissions were received. The amended development application was not placed on public exhibition as there were no significant changes that would impact surrounding properties.

As previously reported:

The development application was referred to Transport for NSW (TfNSW) on 28 August 2020. A response was provided on 28 August 2020 raising a number of concerns about the development proposal (the issues are discussed in detail in the Section 4.15 Assessment Report in Attachment 2).

The development application was referred to the NSW Police Force on 15 July 2020. A response was provided on 16 November 2020. The Police do not object to the development application in principle, however suggest granting approval for a business to operate 24/7 with no other commercial development yet occurring to pose a risk to the business itself if it were to proceed (the issues are discussed in the Section 4.15 Assessment Report in Attachment 2).

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

- 2.4 Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.

b. Delivery Program

- Assessment of planning applications

c. Other Plans

Planning & Infrastructure Services

Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 provides that in determining a development application, a consent authority is to take into consideration a development control plan. The Upper Hunter Development Control Plan 2015 (Part 6 Industrial Development and Part 12a Access and Vehicle Parking) is applicable. The development application does not comply with the following outcomes to be achieved:

Landscaping

Landscaping of the development contributes to a high standard of environmental quality of both the development and to enhancing the general streetscape and amenity of the industrial area in which the development is placed.

The amended development application identifies areas as “Landscaped”. The landscape plan has not been updated to demonstrate how landscaping would be incorporated into the new design.

Landscaping provides visual relief

The landscaping as proposed is unlikely to provide visual relief. The amended development application proposes minimal landscaping (less than the original). The landscaping does not soften the impact of hard surfaces. It would result in having a hard pavement to most of the eastern, southern and western boundaries, with small portions identified as “landscaped”. This is not considered to enhance the streetscape or amenity of the area. Only 150m² of the 1959m² site area will be landscaped with unknown plant species.

A minimum of 50% of the front setback area of development is utilised for landscaping.

This is not achieved due to the large carpark expanse to the front of the building and three ‘islands’ of landscaping which are reduced even further by signage infrastructure and the internal footpath.

For new developments, a minimum depth of 3.0 metres of landscaping is provided within the front setback area (excluding driveway) across the full frontage of the site.

The amended development application proposes front landscaping, which has a minimum depth of approximately 1.2m and considered inadequate for providing visual relief.

Access and Vehicle Parking

The development considers the provisions of section 12a Access & vehicle parking, and the provisions UHSC Draft Engineering Guidelines for Subdivisions and Developments, as amended

Table 28 in Part 12a of the UHDCP makes the following specifications for Takeaway Food and Drink Premises:

- 1 space per 12m² of gross floor area

PLUS

- 1 space per three seats.

Planning & Infrastructure Services

The building has a gross floor area of 200m² and as such, 17 off-street parking spaces are required. The dining area has 12 seats and as such, 4 off-street parking spaces are required. In this regard, a total of 21 off-street parking spaces are required. The development proposes 22 off-street parking spaces and as such now appears to comply. However, although the amended development application meets the DCP parking requirements, this is achieved by only a minor reduction in the gross floor area (205m² to 190m²) and the removal of the seating from the plans. The space where proposed seating was shown on Plan Version 5 is still available and it is estimated that at least an additional 8 seats could be installed. The parking requirements have also been achieved with the loss of front landscaping space such that the development now does not satisfy the outcomes to be achieved for landscaping within the front setback.

Loading/unloading bays are designed to ensure that vehicles can manoeuvre into and out of all loading/unloading areas without conflicting with the movement of vehicle and pedestrian traffic on site or in the adjacent streets.

The development application includes a loading bay that is designed to cater for a 12.5m long Single Unit (SU) truck. However, the location and design of the loading bay requires the truck to reverse across the car park to the rear of parked vehicles and the likely path of pedestrian movement. It also requires sharp and awkward turns relying on the skill of the truck driver. The applicant proposes that the risk of traffic and pedestrian conflict can be minimised by imposing a condition limiting delivery times to the “morning shoulder” period (6.00am to 8.00am). However, such a condition would be hard to enforce and given that it is a 24 hour/ 7 days a week operation it is possible that vehicles and pedestrians would be present.

Utilities and Services

Each lot that includes a building incorporates a minimum 40,000 litre water storage that is capable of providing a non-potable supply for toilet flushing and garden watering purposes.

The applicant has indicated that given the small scale nature of this development (compared to an industrial shed) the provision of a 40,000 litre water storage tank for on-site use is not necessary. However, no alternative water storage has been proposed.

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development application fees of \$1,787.68 have been paid.

c. Legislative Implications

An assessment of the development application has been undertaken pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (see Attachment 2).

d. Risk Implications

Council determinations of development applications and modifications in relation to local development can be appealed by the applicant in the Land and Environment Court where they are not satisfied with the outcome of a determination. There is a risk that the applicant may appeal the determination.

Planning & Infrastructure Services

Council determinations of development applications and modifications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied.

e. Sustainability Implications

The development would be subject to Section J of the Building Code of Australia.

f. Other Implications

Nil

CONCLUSION

The development application does not satisfy the requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Upper Hunter Shire Development Control Plan 2015. Important elements have not been adequately addressed and there are concerns about the development in relation to the adequacy of off-street parking, the potential for vehicle and pedestrian conflict within and out of the site and the lack of landscaping. Overall, the development as proposed in this amended application is inappropriate given the prominent location of the site as part of the northern approach to Scone. Accordingly, it is recommended that the development application be refused for the following reasons:

- The proposal does not comply with critical elements of the Upper Hunter Development Control Plan 2015
- The proposal has been assessed as unsatisfactory against Section 4.15 of the Environmental Planning & Assessment Act 1979.
- The applicant has been given an opportunity to amend the development application to address the issues however, the issues remain unresolved.

ATTACHMENTS

- 1 [1](#) DA 41/2020 - Reasons for Refusal
- 2 [2](#) DA 41/2020 - Section 4.15 Assessment - Revised
- 3 [3](#) DA 41/2020 - Plans - Version 6
- 4 [4](#) DA 41/2020 - Front and Rear Elevation - Prior to amendment
- 5 [5](#) DA 41/2020 - Delivery Management Plan
- 6 [6](#) DA 41/2020 - Without Prejudice Conditions of Consent

DA 41/2020 (Amended Application) – Reasons for Refusal

- a) Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development application does not satisfy the Upper Hunter Development Control Plan 2015 as the loading/unloading bay is not designed to ensure that vehicles can manoeuvre in and out without conflicting with the movement of vehicles and pedestrians on the site.
- b) Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development application does not satisfy the Upper Hunter Development Control Plan 2015 as there is insufficient provision for access for pedestrians and cyclists.
- c) Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development application does not satisfy the Upper Hunter Development Control Plan 2015 as there is insufficient provision of landscaping.
- d) Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the development is likely to cause traffic conflict and have adverse impacts on pedestrian safety and access.
- e) Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the development is likely to have an adverse impact on the streetscape and visual amenity of the precinct and the northern approach to the Scone township.
- f) Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is not suitable for the development due to the limited area available for off-street parking, landscaping, loading/unloading and vehicle manoeuvring.

REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



ADDRESS: LOT: 23 DP: 1235763
2 Makybe Diva Street Scone

APPLICATION No: DA 41-2020

PROPOSAL: Takeaway food and drink premises

PLANS REF:	DRAWINGS NO.	DRAWN BY	DATE	RECEIVED
PLANNING RELATED DRAWINGS / INFO				
Amended Plans				
Site Analysis Revision 6 Page 1 of 9	HAZKEM		05.04.2022	28.01.2022
Proposed Food Store Site Plan Revision 6 Page 2 of 9	HAZKEM		05.04.2022	28.01.2022
Vehicle Path Revision 6 Page 3 of 9	HAZKEM		05.04.2022	28.01.2022
Service Truck Path Revision 6 Page 4	HAZKEM		05.04.2022	28.01.2022
Layout Revision 5 Page 5 of 9	HAZKEM		05.04.2022	28.01.2022
Signage Elevation Detail Revision 2 Page 6 of 9	HAZKEM		11.05.2021	28.01.2022
Not Amended				
Elevation Revision 5 Page 7 of 9	HAZKEM		11.08.2021	27.09.2021
Elevation Revision 5 Page 8 of 9	HAZKEM		11.08.2021	27.09.2021
Food Store Perspective Revision 4 Page 9	HAZKEM		11.08.2021	27.09.2021
Landscape Plan Issue B Pages 1-6	MARA		24.03.2020	
Civil Plans Issue A	Northrop		23.03.2020	

OWNER: John R Burton Family Trust P/L

**REPORT ON DEVELOPMENT APPLICATION
CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS**

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



APPLICANT: John R Burton Family Trust P/L
AUTHOR: Paul Smith
DATE LODGED: 27 July 2020
AMENDED: 28 January 2022 and then further amended on 5 May 2022 with the submission of Plan Version 6
ADD. INFO REC'D:
DATE OF REPORT: 13 July 2020

SUMMARY OF FACTS

ISSUES: Off-street parking, lack of landscaping, does not comply with the Upper Hunter Development Control Plan 2015.
SUBMISSIONS: No submissions were received.
RECOMMENDATION: Refusal

LOCATION MAP



DESCRIPTION OF PROPOSAL

The development site comprises a 1,972m² existing lot in the light industrial zone with a 31.32m frontage to Makybe Diva Street. The amended development application proposes a takeaway food and drink premises including the following:

- Construction of new separate ingress and egress driveways on Makybe Diva Street;
- Construction and use of a take away food and drink premises building – 21.16m x 9.8m x 5m high (total GFA 200m²);
- Construction and use of associated drive-thru area;
- Site landscaping;
- 20 total parking spaces including 1 accessible space and 2 waiting bays;
- Signage; and
- Other minor works

RELEVANT HISTORY

The land has been a vacant industrial lot.

REFERRALS

- **Water & Sewer**
Water and Waste comments have been received together with recommended conditions of consent. In particular, is the need to include the provision of adequate liquid trade waste facilities.
- **Engineering/Stormwater Drainage**

The amended development application was referred to the Infrastructure Services Department

(Asset Management). There remain concerns that the use of the loading bay requires reversing for a 12.5m long delivery vehicle. The need to reverse across 10 car parking spaces and a pedestrian crossing continues to present a risk of vehicle conflict and pedestrian safety. The applicant has submitted a delivery management plan which proposes that deliveries will occur during off-peak periods 6.00am to 8.00am and 9.00am to 11.00am. It is not clear how these have been identified as "off-peak". It seems likely that the period from 6.00am to 8.00am would be a high-peak period for these types of premises as the travelling public are likely to be seeking breakfast. In addition, it includes a proviso that the delivery times can be nominated by the operator – possibly to account for the deliveries being made when the delivery vehicle arrives.

External referrals for concurrence

▪ Transport for NSW

The development application was referred to Transport for NSW (TfNSW) which provided the following response to the referral on 28 August 2020:

□ *It is noted that the site analysis plan assumes direct access from the NEH corridor and fourth leg of the roundabout to 1 Makybe Diva Street (Lot 25) however these accesses are not existing and are the subject of TfNSW objection to that DA. TfNSW requires that these accesses are removed from the updated site analysis plan.*

□ *The swept path diagram of a 12.5m Single Unit (SU) truck demonstrates maneuverability into the site from the proposed entry driveway. TfNSW requires submission of a swept path diagram which demonstrates that the SU truck will be able to exit the site from the proposed exit driveway without encroaching opposing traffic lane on Makybe Diva Street.*

□ *TfNSW requires that an 88B "restriction for access" is created along the common boundary of Lot 23 DP:1235763 (subject site) and Lot 30 DP:1235763 to protect the road corridor from any future access proposals. Council to be the consent authority to revoke/modify/vary such instruments however, TfNSW will need to co-endorse any documents prior to lodgement at Land Registry Services (LRS).*

Planning Comment: The applicant has submitted an amended plan that removes the fourth leg of the roundabout to No. 1 Makybe Diva Street, notwithstanding DA 76/2020 for the highway service centre has now been granted consent. The applicant has submitted a swept path plan for the 12.5m delivery vehicle. It shows that it does not cross the centre line of Makybe Diva Street, however to achieve this the turning arc shows the vehicle coming into close contact with the kerb and traffic island.

In relation to access along the common boundary of Lot 23 and Lot 30 DP 1235763 it is recommended that should Council see fit to approve the development application a condition of consent is imposed that requires such an 88B instrument to be made and endorsed by the proponent prior to the issue of any Occupation Certificate.

In addition, TfNSW recommends that the following matters should be considered by Council in determining this development:

- *TfNSW has no proposal that requires any part of the property.*

Planning Comment: Noted

- *TfNSW considers that the development has a potential to attract pedestrian and cyclist movements from the industrial subdivision and proposed development at 1 Makybe Diva Street (lot 25). Given the volume and nature of traffic on Makybe Diva Street, Council should consider provision of a footpath and crossing facility to cater for these movements.*

Planning Comment: Plan Version 6 shows the inclusion of a pedestrian path into the premises, however cyclist access still has not been provided.

- TfNSW supports the provision of proposed 2.4m high colorbond fence along the common boundary of the subject site with Lot 30 DP:1235763 to discourage pedestrians from jaywalking onto the road reserve. Council should however consider appropriateness of the location of proposed waiting bays (19 & 20) given that the fencing would restrict accessibility to the passenger side of waiting vehicles.

Planning Comment: The applicant has not provided details of the 2.4m high colourbond fence and there are concerns about the visual amenity impacts of such a fence in this location. Should the application be approved, it is recommended that the following condition of consent be imposed: Prior to the issue of a Construction Certificate the person acting on this consent must submit plans for the erection of a 1.8m high pedestrian safety fence along the Kelly Street site frontage. The applicant has agreed to the condition of consent.

- The review of swept path diagrams indicate that the proposed driveway widths of 7.5m could potentially be reduced to accommodate more on-street parking. TfNSW would however defer to Council's determination regarding appropriate driveway widths for the development.

Planning Comment: It would appear that the 12.5m long delivery vehicle already has difficulty exiting the site. In this regard, reducing the widths is not considered appropriate.

- The proposed exit driveway splay appears to conflict with the recently installed '50' speed limit signage as part of the roundabout construction. Council should ensure that the driveway avoids existing signage or the latter is relocated to an appropriate location.

Planning Comment: Should Council approve the development application it is recommended that a condition of consent is imposed that requires (subject to relevant Roads Act approvals) that the sign be relocated.

- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity. TfNSW recommends that Council includes a condition of consent requiring approval of a Construction Traffic Management Plan (CTMP) by Council and TfNSW prior to the issuance of a construction certificate.

Planning Comment: Noted. Should the application be approved, a relevant condition of consent could be imposed requiring the submission of a Construction Traffic Management Plan (CTMP).

- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the Austroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections) and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveway promotes safe vehicle movements.

Planning Comment: Noted. This has been considered.

- Discharged stormwater from the development shall not exceed the capacity of the New England Highway (H9) stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise TfNSW of any adjustments to the existing system that are required prior to final approval of the development.

Planning Comment: The proponent has submitted a stormwater management plan which shows that stormwater will be directed to an OSD tank with a capacity no less than 10m³. This will then be discharged to a pit at the south-western corner which then is discharged to the NEH drainage system. The proponent advises that further details on stormwater will be provided at the Construction Certificate stage. Should the application be approved, it is recommended that the following condition of consent is imposed in relation to on-site stormwater detention:

On-site detention must be provided to ensure that the maximum discharge of stormwater

collected from the undeveloped site, which would occur during a 1 in 5 year storm of 1-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 20 year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

For small areas up to 0.5 hectares, determination of the required cumulative storage may be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 later re published in a modified form in 1997.

Engineering calculations, design and certification shall be certified by an appropriately qualified and practising Hydraulic Engineer and submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

- Council should ensure that the applicant is aware of the potential for road traffic noise to impact development on the site, in particular, noise generated by the New England Highway, a classified State road (H9). In this regard, the developer, not TfNSW, is responsible for providing noise attenuation measures in accordance with the NSW Road Noise Policy 2011, prepared by the department previously known as the Department of Environment, Climate Change and Water.

As part of the amended development application the proponent submitted a letter from Northrop Consulting Engineers that confirms that the discharge from the site would not exceed the capacity of the New England Highway stormwater drainage system.

Planning Comment: The comments that have been provided are considered sufficient.

- While it is acknowledged that concurrence is not required to be provided by TfNSW for the new signage proposed in the subject application under Clause 18 of the State Environmental Planning Policy 64 (SEPP 64), the following advice is for Council to consider:
 - All signs should meet the criteria contained in the Department of Planning's TfNSW Corridor Outdoor Advertising and Signage Guidelines (November 2017) including, but not limited to, Section 3.3.3 Illumination and reflectance.
 - Council should ensure that all signs meet the requirements of Schedule 1 Assessment Criteria of the State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage.
 - Please advise the applicant that TfNSW may direct the screening, modification or removal of a structure if, in the opinion of TfNSW, the structure is considered a traffic hazard under Section 104 of the Roads Act 1993.

Planning Comment: The proposed signage has been assessed in accordance with Section 3.3.3 of TfNSW Corridor Outdoor Advertising and Signage Guidelines (November 2017). Based on the information provided by the applicant, the proposed signage satisfies the criteria for illumination and reflectance. The signage has been assessed against the SEPP 64 criteria in Attachment A. Should the application be approved, it is recommended that an advisory note be placed on the notice of determination to the effect that that TfNSW may direct the screening, modification or removal of a structure if, in the opinion of TfNSW, the structure is considered a traffic hazard under Section 104 of the Roads Act 1993.

- **NSW Police Service**

The development application was referred to the NSW Police Force on 15 July 2020. The following comments were received:

The proposed development is for a 24hrs, 7 days a week takeaway food and drink premises with a dual lane drive-through. Access to the development will be from the New England Highway. In the

Upper Hunter Shire Council, there are no other businesses that operate on a 24 hrs, 7 days a week basis. Such an approval poses an increased risk of crime, similar to the risk to service stations operating similar hours in other areas.

The main offence is Fraud – fraudulent use of stolen credit cards through Pay wave facilities. Armed Robberies are always a risk and this business' isolation may increase the likelihood of being targeted. It is better to address identified safety issues at a planning stage rather than after the building is operational.

I have perused the plans and documents supplied by Upper Hunter Shire Council. Hunter Valley Police do not object to this development application in principle, but we do believe granting approval for a business to operate 24/7 with no other commercial development yet occurring to pose a risk to the business itself if it were to proceed. We also wish to mention some target hardening recommendations should approval be granted. The Crime Prevention Through Environmental design report that was supplied does not address some after construction safety measures. Hunter Valley Police make the following comments and recommendations for the proposed Development Application:

Territorial Reinforcement

Due to the development's isolation and proposed operating hours, Hunter Valley Police are concerned that the location will become a late-night meeting venue after the closure of licensed premises in the area. This poses the risk of street racing and anti-social behaviour, including dangerous driving and burnout displays. Similar behaviour is being addressed in the Hunter Economic Zone near Cessnock, where street racers have taken advantage of otherwise vacant streets. Policing this behaviour places a significant burden on Police resources. It is also noted that Makybe Diva Street leads directly to the unsupervised railway crossing where previous issues have been experienced of people cutting the locks and crossing the lines.

RECOMMENDATION:

To have a Plan of Management for staff to quickly and effectively address any issues that occur.

Surveillance

Natural surveillance is achieved when normal space users can see and be seen by others. This highlights the importance of building layout, orientation and location; the strategic use of design; landscaping and lighting. Natural surveillance is a by-product of well-planned, well-designed and well-used space.

Technical/mechanical Surveillance is achieved through mechanical/electronic measures such as CCTV, help points and mirrored building panels.

Technical/mechanical surveillance is commonly used as a 'patch' to supervise isolated, higher risk locations. Formal (or Organised) Surveillance is achieved through the tactical positioning of guardians. An example would be the use of on-site supervisors at higher risk locations.

General Comments:

- *Buildings facing towards public and semi-public areas provide natural surveillance and informal supervision (eyes on the street).*
- *The Entry point should be designed to maximize surveillance opportunities to and from these areas from both inside as well as outside. Keeping front window decals/ signage to a minimum.*
- *Laminated glass walls and windows facilitate supervision of common entry areas.*
- *At the time of development to the inclusion of CCTV cameras*

Police make the following Recommendations for Surveillance:

Service station/ Convenience store– higher risk of crime business. The isolation of this development may make it a target for hold ups and for fraud offences. Therefore, the requirement for Technical/mechanical Surveillance measures are required.

- *Surveillance equipment (CCTV) to enhance the physical security of the business's and*

assist in the identification of people involved in anti-social or criminal behaviour. Hunter Valley Police do not support the use of **'dummy cameras'** in this type of business.

• Cameras should be installed both in and around the business to maximize surveillance opportunities. Cameras to be of high-grade digital quality so as to facilitate identification and adjudication of patrons, offenders and incidents occurring within the subject premise.

- Cameras should monitor the cashier's area, high cost merchandise areas with poor natural supervision and entry/exit doors. Cameras should be covering fuel bowsers to assist with identification of vehicles and offenders involved in Fail to Pay offences.
- TV monitors should enable staff to monitor activities on the camera.
- Recording equipment should be installed away from the counter area to avoid tampering
- CCTV footage be kept for a minimum of 21 days.
- Appropriate warning signs to be displayed advising patrons of CCTV in use.
- Store windows are not obstructed with merchandise that may hinder surveillance into or out of the buildings.

Lighting

- High quality, vandal resistant lamps are less likely to require replacement or maintenance. Lighting can be used to direct users to the public areas of the development.
- Security /Sensor lighting for areas not in use after dark can detect movement and highlight unwanted activity. This increases the risk to offenders being detected.
- Maintenance plan needs to be developed.

Landscaping

- Matured vegetation should allow clear sight lines. "to see and be seen" Shrubs should not provide easy concealment.
- Maintenance plan needs to be developed.

Access Control

Access control treatments restrict, channel and encourage people and vehicles into, out of and around the development. Way-finding, desire-lines and formal/informal routes are important crime prevention considerations. Access control is used to increase the time and effort required to commit crime and to increase the risk to criminals. Natural access control includes the tactical use of landforms and waterways features, design measures including building configuration; formal and informal pathways, landscaping, fencing and gardens. Technical/Mechanical access control includes the employment of security hardware and Formal (or Organised) access control includes on-site guardians such as employed security officers.

General Comments:

- The use of well-defined footpaths and vegetation can define grey areas.
- Access control should be set in place to exclude unauthorized access to restricted areas, particularly to the office areas.
- Clear signs and the use of lighting at night, encourages people to move in authorized areas only.
- * Plans indicate Point of Sale area and food cabinets are accessible.
- * There are well defined entry and exit driveways

Police make the following recommendations for Access Control

- The entry/exit points for this development should be fitted with single cylinder locksets (Australia and New Zealand Standards – Locksets), which comply with the Building Code of Australia.
- Counters should be designed to reduce the opportunity for assault of staff and unauthorized access to behind counter areas by having the 'Point of Sale area' as its own secured lockable area and with anti-jump barriers to restrict any persons from jumping the counter or having unauthorised access to behind the counter. Consider the width, height and location of the counters.
- Doors to restricted areas like the office area, loading bay and other zones where the general public access is restricted, they should be fitted with a security access pad or key lock to

restrict unauthorized access.

- For businesses handling cash, A safe designed and installed to the Australian Standards can provide additional security to money and other valuables. A drop safe for use in the business to ensure minimal amount of cash kept in till.
- Keeping in mind that this business could be the only 24hrs business in this area, Police recommend a monitored intruder alarm system, to enhance security measures by incorporating a duress facility into the system to enable staff to activate the system manually in the event of an emergency, such as a robbery.

Staff should be able to control the main customer entry/exit door from behind the service counter so that they can control customer entry within later hours of trading.

Spaces/Activity Management

Space/Activity management strategies are an important way to develop and maintain natural community control. Space management involves the formal supervision, control and care of the development. All space, even well planned and well-designed areas need to be effectively used and maintained to maximize community safety. Places that are infrequently used are commonly abused. There is a high correlation between urban decay, fear of crime and avoidance behaviour.

General Comments:

- There is currently no street activity in the area at night.
- * Locals and people moving through the area will make use of the proposed takeaway especially after hours as there is limited other businesses open.
- * Similar developments in the Police District have seen 24 hour business like this become a gathering and meeting place for younger drivers, which has led to noise, anti-social behaviour and driving complaints.
- * The special parking space is to the right of the shared bay

Police make the following recommendations for Space/Activity Management:

- The development of the site maintenance plan, provisions should include the picking up of discarded rubbish.
- As malicious damage (graffiti) is often an offence caused to such developments, strong consideration must be given to the use of graffiti resistant materials, particularly on the fences to reduce such attacks or assist in the quick removal after such attacks.
- A graffiti removal needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally with a twenty-four to forty-eight-hour period.
- Develop a plan of action to deal with unauthorised gathering of groups and vehicles especially to the north of the development where natural surveillance is limited, and has a potential for dangerous driving

ADDITIONAL COMMENTS ON THE APPLICATION:

Heavy vehicle Movement.

As the Proposed development could be the only 24 hr business where takeaway food is available, there is a potential for heavy vehicle drivers stopping to purchase something to eat and drink. The concerns are the surrounding streets don't facilitate the movements of heavy vehicles. There is an added concern that heavy vehicles who wish to move back onto the Scone bypass, will be required to stop at a sign posted Stop line and then accelerate onto the bypass which is a 100km/h zone. The only other route open is for the heavy vehicles to continue through the township of Scone. Such a situation increases the risk of collision on the by-pass.

Conclusion

The New South Wales Police have a vital interest in ensuring the safety of members of the community and their property. By using the recommendations contained in this evaluation, any

person who does so acknowledges that:

1. It is not possible to make areas evaluated by the NSW Police Force absolutely safe for members of the community or their property
2. It is based upon the information provided to the NSW Police Force at the time the evaluation was made,
3. The evaluation is a confidential document and is for use by the consent authority or organizations referred to on page 1 only,
4. The contents of this evaluation are not to be copied or circulated otherwise than for the purposes of the consent authority or organization referred to on page 1.

Planning Comment: The issues raised by the NSW Police Force have been given consideration and their concerns about the operation of a 24 hour / 7 days per week take-away food and drink premises are noted. There are particular concerns about the isolation of the area, the potential for crime and anti-social behaviour and inadequate provision for trucks which are likely to be a user of the site. In this regard, it is possible that trucks will park on the verge of Kelly Street (just after the roundabout) or in Makybe Diva Street in order to make use of the premises. Notwithstanding the Upper Hunter Development Control Plan 2015 does not specify any particular requirements for truck parking for such developments. It is appropriate, where possible, to adopt the Police recommendations as conditions of consent, should the application be approved.

SUBMISSIONS

Surrounding properties were notified of the development proposal between 8 April 2020 and 27 April 2020. An advertisement was placed in the Hunter Valley News on 8 April 2020. No submissions were received by Council. The amended development application was not exhibited given that there were no submissions on the original.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

ENVIRONMENTAL PLANNING INSTRUMENTS

UPPER HUNTER LOCAL ENVIRONMENTAL PLAN 2013	
	COMMENT
Land Use Table	
Zoning classification	IN2 Light Industrial Zone
Zoning objectives	<ul style="list-style-type: none"> • To provide a wide range of light industrial, warehouse and related land uses. • To encourage employment opportunities and to support the viability of centres. • To minimise any adverse effect of industry on other land uses. • To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area. • To support and protect industrial land for industrial uses. <p>The development is consistent with the zone objectives.</p>
Zoning permissibility	The proposal is permissible as a takeaway food and drink premises in the IN2 Industrial zone. Takeaway food and drink premises are defined in the LEP Dictionary as means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises. The development proposal includes

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	a dining area with 40 in-house dining seats with tables and a drive-thru facility.
Clauses (Part 4)	
Height of buildings (Clause 4.3)	Not applicable.
Floor space ratio (Clause 4.4 and 4.5)	<p>(1) <i>The objectives of this clause are as follows—</i></p> <ul style="list-style-type: none"> (a) <i>to ensure that proposals for new buildings are assessed with due regard to the context of surrounding development,</i> (b) <i>to ensure that the bulk and scale of proposed buildings are compatible with surrounding or intended future development,</i> (c) <i>to provide sufficient floor space for high quality development for the foreseeable future,</i> (d) <i>to regulate density of development and generation of vehicular and pedestrian traffic,</i> (e) <i>to ensure the preservation of reasonable amenity on surrounding land.</i> <p>(2) <i>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</i></p> <p>The floor space ratio development standard for the site is 1:1.</p>
Part 6 – Additional Local Provisions	
Earthworks (Clause 6.1)	Earthworks will be required to prepared the site for construction. These are unlikely to have a major impact.
Essential Services (Clause 6.10)	<p><i>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—</i></p> <ul style="list-style-type: none"> (a) <i>the supply of water,</i> (b) <i>the supply of electricity,</i> (c) <i>the disposal and management of sewage,</i> (d) <i>stormwater drainage or on-site conservation,</i> (e) <i>suitable vehicular access.</i> <p>Essential services including water supply, sewerage, electricity, stormwater drainage is available to the lot. The site has direct access to a public road (Makybe Diva Street).</p>

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (Infrastructure) 2007	<p>104 Traffic-generating development</p> <p>(1) <i>This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves—</i></p> <ul style="list-style-type: none"> (a) <i>new premises of the relevant size or capacity, or</i> (b) <i>an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.</i> <p>(2) <i>In this clause, relevant size or capacity means—</i></p> <ul style="list-style-type: none"> (a) <i>in relation to development on a site that has direct vehicular or pedestrian access to any road (except as provided by paragraph (b))—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or</i> (b) <i>in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</i> <p>(2A) <i>A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this</i></p>
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	<p><i>Policy provides may be carried out without consent unless the authority or person has—</i></p> <ul style="list-style-type: none"> <i>(a) given written notice of the intention to carry out the development to RMS in relation to the development, and</i> <i>(b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.</i> <i>(3) Before determining a development application for development to which this clause applies, the consent authority must—</i> <ul style="list-style-type: none"> <i>(a) give written notice of the application to RMS within 7 days after the application is made, and</i> <i>(b) take into consideration—</i> <ul style="list-style-type: none"> <i>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, RMS advises that it will not be making a submission), and</i> <i>(ii) the accessibility of the site concerned, including—</i> <ul style="list-style-type: none"> <i>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</i> <i>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</i> <i>(iii) any potential traffic safety, road congestion or parking implications of the development.</i> <p>The site is for a takeaway food and drink premises with a drive through facility located within 90m of the New England Highway. The development application was referred to TfNSW on 3 August 2020. The response was previously discussed.</p>
SEPP No. 44 – Koala Habitat Protection	Not applicable.
SEPP No. 55 – Remediation of Land	<p><i>(1) A consent authority must not consent to the carrying out of any development on land unless—</i></p> <ul style="list-style-type: none"> <i>(a) it has considered whether the land is contaminated, and</i> <i>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and</i> <i>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</i> <p>The land has a history of rural use prior to being rezoned to IN2 Light Industrial in about 2007. Council does not have any records that would suggest a contaminating activity would have occurred on the site. The applicant submitted as Preliminary Site Investigation (JBS&G, 31 August 2020) which concludes “there is no evidence of contamination point sources as associated with the historical land use”.</p>
SEPP No. 64 – Advertising and Signage	<p>The development application proposes a number of signs including a pylon signs, wall signs and canopy signs. Clause 8 requires:</p> <p><i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</i></p> <ul style="list-style-type: none"> <i>(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and</i> <i>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.</i> <p>The following signage is proposed:</p> <p>+ 1 x Internally illuminated pylon sign (8m high x 2.4m wide); + 2 x Internally illuminated freestanding entry/exit directional signs (1m high x 0.550m);</p>

+ 2 x Non-illuminated freestanding directional sign (1m high x 0.550m);
 + 1 x Internally illuminated fascia sign (3.1m x 0.450m); and,
 + 2 x Internally illuminated freestanding menu signs at the drive-thru (1.5m high x 0.765m).

The proposed signage is considered to be consistent with the objectives of this policy. An assessment under Schedule 1 has been undertaken and is provided in Attachment A.

REGIONAL ENVIRONMENTAL PLANNING POLICIES

There are no REP's applicable to the site.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPI's applying to the land.

DEVELOPMENT CONTROL PLANS

<i>Development control plan</i>	<i>Considered?</i>	<i>Comment (only if necessary)</i>
Upper Hunter Development Control Plan 2015	YES	This has been considered in Attachment B. A number of non-compliances have been identified:
Section 94A Levy Contributions Plan 2008	YES	The development has an estimated value of \$861,591. In this regard a 1% levy is applicable - \$8,615.91.
Upper Hunter Section 94 Contributions Plan 2017	NA	
Upper Hunter Servicing Plan for Water Supply and Sewerage	Yes	

PLANNING AGREEMENTS

There are no planning agreements relevant to the proposal.

REGULATIONS

Environmental Planning and Assessment Regulation 2021

Section 24 of the Regulation requires that a development application must—

- (a) *be in the approved form, and*
- (b) *contain all the information and documents required by—*
 - (i) *the approved form, and*
 - (ii) *the Act or this Regulation, and*

The approved form includes the Application Requirements which is on the Planning Portal and requires a development application to be accompanied by elevations and sections showing proposed external finishes and heights of any proposed buildings. Such plans were provided as part of the original development application, however the amended development application was not accompanied by elevation plans of the proposed building based on the Revision 5 floor plan. Notwithstanding, there would

appear to be only a small change to the elevations. Should Council be of a view to grant consent then it would be appropriate to include a condition that requires the submission of amended elevation plans prior to the issue of any Construction Certificate.

LIKELY IMPACTS OF THE DEVELOPMENT

Context and Setting

Given the location at the northern entrance to Scone/Kelly Street, it is a highly visible site that should exhibit high visual amenity. This objective is not delivered. Although the development is consistent with the future character for the estate. The amended development application proposes changes that reduce the landscaped area. This includes reducing the depth of landscaping within the front setback. No supporting landscape plan was provided. In this regard it is considered that the development as now proposed will have an adverse impact on the streetscape.

Built Form

The development involves the erection of a 21.16m x 9.8m x 5m high approximately rectangular shaped building, comprising concrete wall panels with paint finish. The built form is considered appropriate for the area and the functionality of the premises.

Potential Impact on Adjacent Properties

The development is on the urban fringe of the Scone town ship. There are no adjoining residential premises and the nearest dwelling is approximately 140m to the west (a rural dwelling). In this regard the development is unlikely to adversely impact on adjacent properties.

Access, Transport and Traffic

Access to the site is from the New England Highway via Makybe Diva Street which is a sealed Council maintained road. The Traffic and Parking Assessment (Intersect Traffic, March 2020) concludes:

Having carried out this traffic and parking assessment for the construction of a 40 seat food and drink premises with take away drive through service lane on Lot 23 DP 1235763 – 2 Makybe Diva Street, Scone it is recommended that the proposal can be supported from a traffic and parking impact perspective as it will not adversely impact on the local and state road network and the development is considered compliant with all relevant Upper Hunter Shire Council, Australian Standards and NSW Roads and Maritime Services requirements in regard to access, on-site car parking and servicing.

The amended development application involves a minor reduction in the floor area and removes some seating (although the spaces are retained), although the seating could be reinstated at a later date. Although the development proposal now complies with the off-street parking requirements set out in the UHDCP this has been achieved by reductions on the landscaped area (which were already minimal). Further it is likely that given the location close to the New England Highway and within the industrial estate that the development would attract heavy vehicles (trucks and semi-trailers) and long vehicles (light vehicles with trailers/caravans/horse trailers). No provision is made for off street parking for heavy vehicles or long vehicles. It also creates the potential that long vehicles will park in the car park and take up more than one off-street parking space. The lack of provision for trucks and long vehicles is likely to have off-site impacts with them parking on the road verge in Kelly Street and in Makybe Diva Street. The applicant has not adequately addressed this issue.

There are concerns that the use of the loading bay requires reversing for a 12.5m long delivery vehicle. The need to reverse across 10 car parking spaces and a pedestrian crossing continues to present a risk of vehicle conflict and pedestrian safety.

There are concerns in relation to the proposed operation of the loading bay and doubts that the proposed delivery management plan (DMP) is practical in this location given:

- the need for multiple heavy vehicle movements (loading/unloading, waste removal) across that part of the site most heavily used by pedestrians.

- the reliance on the staff of the premises to undertake traffic management duties- these staff may be young, inexperienced, casual labour etc, which make it extremely difficult to carry out this task with consistent competence and experience. The DMP might be more practical in another context, but unlikely to work in this context.
- the reliance on certain non-peak delivery windows which carry a high risk of not being met given the location of Scone within long delivery runs with the need to accommodate other delivery sites on the run, and the likelihood of travel delays etc.
- the nominated 0600-0800 delivery time is often a peak for trades/industrial take-away premises.

The conclusion of the DMP states a number of conditions that must apply for the VMP to operate safely. This includes:

Subject to the actions required of this delivery management being undertaken as described in this document the proposed food and beverage deliveries associated with the subject development can be safely undertaken using the proposed site accesses without the need for any additional traffic control.

As discussed above there are concerns about the ability of the DMP to be implemented.

Water

The development has the potential to generate stormwater from roof surfaces and hardstand areas. Stormwater will be conveyed by a series of pipes to an on-site detention tank (30m³) at the front of the premises. Overflow water will discharge into easement at the rear of the lot and then into the table drain in the New England Highway to the west of the site.

Soils

Erosion and sedimentation are likely to occur during the construction stage of the development. This could have an adverse impact on infrastructure and watercourses. In this regard should the application be approved, it is recommended that a condition is placed on the consent that requires the installation of erosion and sediment control measures during construction and until such time that the site is appropriately rehabilitated.

Waste

The development is likely to generate waste in both the construction and operational stages. A Waste Management Plan has been submitted. In relation to the operational stage the plan does not give consideration to the generation of liquid trade waste from the food preparation process including the cleaning and washing of equipment and surfaces that are likely to contain waste from the food preparation process. In this regard should the development application be approved it is recommended that a condition of consent is imposed that requires the proponent to enter into a liquid trade waste agreement and install relevant infrastructure (grease arrestors etc) prior to any Occupation Certificate.

Noise & Vibration

The proposed highway service centre has the potential to have adverse noise impacts on nearby residences. The applicant submitted a Noise Assessment (Muller Acoustic Consulting, March 2020). The noise assessment considers operational noise and construction noise. This models the likely noise (sound power level) produced by different aspects of the service station operation – mechanical condenser, refrigeration plant, truck deliveries, fuel deliveries and car idle, start up and drive off. Sleep disturbance noise has also been considered for night period (10.00pm – 7.00am). The Noise Assessment concludes:

The results of the Noise Assessment demonstrate that emissions from the project would satisfy the relevant Project Noise Trigger Levels (PNTL) at all assessed receivers for all assessment periods once recommendations provided in this report are implemented. Furthermore, sleep disturbance is not anticipated, and maximum noise events are predicted to remain below the EPA trigger level for sleep disturbance and awakenings.

The construction phase has the potential to generate noise from the operation of vehicles, plant and machinery and power tools. The construction noise criteria are met at all receivers, however the Acoustic Assessment recommends the following mitigation measures:

- where reasonable and feasible, implement boundary fences/retaining walls as early as possible to maximise their attenuation benefits to surrounding receivers;
- toolbox and induction of personnel prior to shift to discuss noise control measures that may be implemented to reduce noise emissions to the community;
- where possible use mobile screens or construction hording to act as barriers between construction works and receivers;
- all plant should be shut down when not in use. Plant to be parked/started at farthest point from relevant assessment locations;
- operating plant in a conservative manner (no over-revving);
- selection of the quietest suitable machinery available for each activity;
- avoidance of noisy plant/machinery working simultaneously where practicable;
- minimisation of metallic impact noise;
- all plant are to utilise a broadband reverse alarm in lieu of the traditional high frequency type reverse alarm; and
- undertake letter box drops to notify receivers of potential works.

In this regard should the application be approved, it is recommended that prior to the issue of a Construction Certificate a Construction Noise Management Plan is prepared and approved by the Certifying Authority.

Safety, Security & Crime Prevention

The applicant has submitted a Crime Prevention through Environmental Design assessment. This acknowledges that the 24 hours a day, 7 days a week operation has the potential to create opportunity for crime or anti-social behaviour at the site particularly during night time hours. The development application was referred to the NSW Police Force which raised concerns about the proposed takeaway food premises given the isolated location and its potential to be a target for crime. A number of conditions of consent are suggested to minimise crime risk.

Construction

The construction phase has the potential to cause erosion and sedimentation, air quality issues associated with dust and plant emissions, noise and loss of visual amenity. These have been considered in the previous section and appropriate conditions are recommended should the application be approved.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is considered unsuitable for the scale of the development with insufficient area available for required off-street parking, delivery vehicle turning space and pedestrian and cycle access.

THE PUBLIC INTEREST

The proposal is not considered to be in the public interest given the potential for traffic conflict and impacts on road safety.

SUMMARY OF LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL		CONSIDERED
1	Statutory controls	YES
2	Policy controls	YES

3	Design in relation to existing building and natural environment	YES
4	Landscaping/open space provision	YES
5	Traffic generation and car parking provision	YES
6	Loading and servicing facilities	YES
7	Physical relationship to and impact upon adjoin development (views, privacy, overshadowing, etc.)	YES
8	Site Management issues	YES
9	All relevant section 4.15 considerations of Environmental Planning and Assessment Act 1979	YES
10	Section 89 LGA 93 including Clause 12 considerations of Local Government Regulations 1993	NA

CONSISTENCY WITH THE AIMS OF PLAN

It is considered that the development is not fully consistent with the specific aims of the plan and the objectives of the zone.

SUBMITTORS CONCERNS

No submissions were received.

CONCLUSION

The development application was submitted on 27 March 2020. The original application was referred to Council on 22 March 2022 which resolved to "defer the determination of Development Application No. 41/2020 for a takeaway food and drink premises at 2 Makybe Diva Street Scone (Lot 23 DP 1235763) pending the submission of further information to address the issues raised in the planning assessment report". An amended development application was submitted on 5 May 2022 and the applicant was given a further opportunity to address issues of concern with a request for further information provided on 15 June 2022. A further response was provided on 21 September 2022, which did not adequately address issues of concern.

The development application does not satisfy the requirements of Section 4.15 of the Environmental Planning and Assessment Act 1979 and the Upper Hunter Shire Development Control Plan 2015. Important elements have not been adequately addressed and there are concerns about the development in relation to the adequacy of off-street parking, the potential for vehicle and pedestrian conflict, large vehicle movement within and out of the site and the lack of landscaping. Overall the development as proposed in this amended application is inappropriate given the prominent location of the site as part of the northern approach to Scone.

RECOMMENDATION

PURSUANT TO SECTION 4.16/4.17 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED) Council refuse Development Application No. 41/2020 for a takeaway food and drink premises at No. 2 Makybe Diva Street Scone (Lot 23 DP 1235763) for the following reasons:

- a) Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development application does not satisfy the Upper Hunter Development Control Plan 2015 as the loading/unloading bay is not designed to ensure that vehicles can manoeuvre in and out without conflicting with the movement of vehicles and pedestrians on the site.
- b) Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development application does not satisfy the Upper Hunter Development Control Plan 2015 as there is insufficient provision for access for pedestrians and cyclists.
- c) Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development application does not satisfy the Upper Hunter Development Control Plan 2015 as there is insufficient provision of landscaping.

- d) Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the development is likely to cause traffic conflict and have adverse impacts on pedestrian safety and access.
- e) Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the development is likely to have an adverse impact on the streetscape and visual amenity of the precinct and the northern approach to the Scone township.
- f) Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is not suitable for the development due to the limited area available for off-street parking, landscaping, loading/unloading and vehicle manoeuvring.

REASONS FOR RECOMMENDATION

- The proposal does not comply with critical elements of the Upper Hunter Development Control Plan 2015
- The proposal has been assessed as unsatisfactory against Section 4.15 of the Environmental Planning & Assessment Act 1979.
- The applicant has been given an opportunity to amend the development application to address the issues however they remain unresolved.

PAUL SMITH
SENIOR ENVIRONMENTAL PLANNER

**Attachment A - State Environmental Planning Policy No 64 – Advertising Schedule 1
Assessment Criteria**

1 Character of the area•	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Not specifically as there is not particular theme. However it is consistent with the industrial used that allows for takeaway food and drink premises.
2 Special areas•	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No
3 Views and vistas•	
Does the proposal obscure or compromise important views?	No
Does the proposal dominate the skyline and reduce the quality of vistas?	No
Does the proposal respect the viewing rights of other advertisers?	Yes. There are no other businesses in the estate that have advertising signage.
4 Streetscape, setting or landscape•	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	No
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No.
Does the proposal screen unsightliness?	No

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No
Does the proposal require ongoing vegetation management?	No
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes
Does the proposal respect important features of the site or building, or both?	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	No
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No
7 Illumination•	
Would illumination result in unacceptable glare?	<p>The documentation submitted by the applicant advises that the signage will not result in unacceptable glare and will be illuminated depending on the environmental light.</p> <p>Should the application be approved, it is also recommended that a condition of consent is imposed as follows:</p> <p>At all times all external lighting shall comply with AS4282-1997 Control of the obtrusive effects of outdoor lighting.</p>
Would illumination affect safety for pedestrians, vehicles or aircraft?	No
Would illumination detract from the amenity of any residence or other form of accommodation?	<p>There are residences located at Lot 2 DP 5949 – approx. 164m west, Lot 343 DP 605113 – approx. 240m north-west and Lot 341 DP 605113 – approx. 450m north-west. At these distances and set against the backdrop of other development in the area such as the sale yards and lights from the northern end of the</p>

	Scone township the illumination is unlikely to detract from the existing amenity.
Can the intensity of the illumination be adjusted, if necessary?	No.
Is the illumination subject to a curfew?	No.
8 Safety	
Would the proposal reduce the safety for any public road?	No
Would the proposal reduce the safety for pedestrians or bicyclists?	No
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No

Attachment B: Consideration of Upper Hunter Development Control Plan 2015 - Part 6 – Industrial Development

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments
Design & siting			
A. Lot size, dimensions and shape	Yes	NA	
B. Building setbacks	Yes	Yes	
C. Building height	Yes		
D. Floor space ratio	Yes		
E. Building general design	Yes	Yes	
F. Building near water and sewer services	Yes		The sewer easement is located within the lot at the rear. Based on the site plan the proposed building will be sited a minimum of 3m from the rear of the lot.
G. Industrial retail outlets	NA		
H. Fencing	Yes		
I. Noise	Yes		
J. Outdoor lighting	Yes		
K. Landscaping	No		A landscaping plan consistent with the amended development application has not been provided. The site plan show minimal landscaping without any detail. The Outcomes to be achieved are:

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments
			<p><i>Landscaping of the development contributes to a high standard of environmental quality of both the development and to enhancing the general streetscape and amenity of the industrial area in which the development is placed.</i></p> <p>The amended development application identifies areas as "Landscaped". The landscape plan has not been updated to demonstrate how landscaping would incorporated into the new design.</p> <p><i>Landscaping provides visual relief.</i></p> <p>The landscaping proposed is unlikely to provide visual relief. The amended development application proposes minimal landscaping (less than the original). The landscaping does not soften the impact of hard surfaces. It would result in having a hard pavement to the most of the eastern, southern and western boundaries, with small portions identified as "landscaped". This is not considered to enhance the streetscape or amenity of the area. Only 150m² of the 1959m² site area will be landscaped with unknown plant species.</p> <p><i>A minimum of 50% of the front setback area of development is utilised for landscaping.</i></p> <p>This is not achieved do to the large carpark expanse to the front of the building and three 'islands' of landscaping with are reduced even further by signage infrastructure and the internal footpath.</p> <p><i>For new developments, a minimum depth of 3.0 metres of landscaping is provided within the front setback</i></p>

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments
			<p>area (excluding driveway) across the full frontage of the site.</p> <p>The amended development application proposes front landscaping, which has a minimum depth of approximately 1.2m and considered inadequate for providing visual relief.</p> <p><u>Design Guidelines</u></p> <ul style="list-style-type: none"> • Landscaping areas should be planted and maintained with suitable drought tolerant trees, shrubs and groundcovers. <p>No information has been provided about the landscape plant species associated with amended development application.</p> <ul style="list-style-type: none"> • Landscaping should take into account the screening of electricity infrastructure. <p>No information has been provided about electricity infrastructure.</p> <ul style="list-style-type: none"> • Low maintenance landscaping should be used, incorporating species appropriate for the scale of buildings on the site. <p>No information provided. The original plan contained a maintenance plan.</p> <ul style="list-style-type: none"> • Landscaping should use locally indigenous species. <p>No information provided – the original landscape plan contained a range of native indigenous species.</p> <ul style="list-style-type: none"> • Parking areas should incorporate landscaping to provide shade and soften the visual impact of parking facilities. <p>A relatively small amount of landscaped area is shown around the car park, unlikely to be sufficient for plants that will provide shade or soften the visual impact of the area.</p>

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments
			<ul style="list-style-type: none"> The side and rear setback areas should be landscaped if visible from a public area. <p>The eastern side setback areas is not landscaped and the western side setback is partially landscaped. Both setback areas would be visible from Makybe Diva Street.</p>
L. Advertising and signage	Yes	Yes	<p>The development application proposes 6 internally illuminated signs. These will mostly be located within the site and enclosed within the 2.4m high colorbond fence. The pylon sign will protrude and be visible. Given the location away from residential areas it is considered not necessary to require an automatic timing device to extinguish the illumination during specified hours to avoid light spill into surrounding areas.</p>
M. Traffic and Access	Yes		
N. Off street parking	No		<p>Table 28 in Part 12a of the UHDCP makes the following specifications for Takeaway Food and Drink Premises:</p> <p>1 space per 12m² of gross floor area PLUS 1 space per three seats.</p> <p>The building has a gross floor area of 190m² and as such, 16 off-street parking spaces are required.</p> <p>The dining area has 12 seats and as such 4 off-street parking spaces are required. In this regard, a total of 20 off-street parking spaces are required. The development proposes 22 off-street parking spaces and therefore complies.</p>

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments
			<p>The loading/unloading bay is not designed to ensure that vehicles can manoeuvre in and out without conflicting with the movement of vehicles and pedestrians on the site.</p> <p>The development application brings the development closer to meeting the DCP parking requirements, however this is achieved by only a minor reduction in the gross floor area (205m² to 190m²) and the removal of the seating from the plans. The spaces where proposed seating was shown on Plan Version 5 is still available and it is estimated that at least an additional 8 seats could be installed.</p> <p>The parking requirements have also been achieved with the loss of front landscaping space such that the development now does not satisfy the outcomes to be achieved for landscaping within the front setback.</p>
O. Utilities and services	No		<p>The site has access to relevant utilities – water, sewer, stormwater, electricity and telecommunications. The Outcomes to be achieved also require that:</p> <p>Each lot that includes a building incorporates a minimum 40,000 litre water storage that is capable of providing a non-potable supply for toilet flushing and garden watering purposes.</p> <p>The applicant has indicated that given the small scale nature of this development (compared to an industrial shed) the provision of a 40,000 litre water storage tank for on-site use is not necessary, no alternative size was proposed to partly comply.</p> <p>It is also an outcome to be achieved that: <i>The impact of trade waste on Council's sewerage infrastructure is minimised.</i></p> <p>The applicant advised that the proposed development will not</p>

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments
			create trade waste. However as a food premises the activities (eg washing and cleaning cooking equipment) have the potential to generate liquid trade waste that could impact on the public sewerage system. In this regard, should the application be approved, it is recommended that prior to the issue of any Construction Certificate the applicant enters into a liquid trade waste agreement with Council and that an appropriate system is in place prior to the issue of any Occupation Certificate.
P. Stormwater management	Yes		
Q. Geotechnical	Yes		
R. Waste minimisation and management	Yes		

6b Scone Business Park

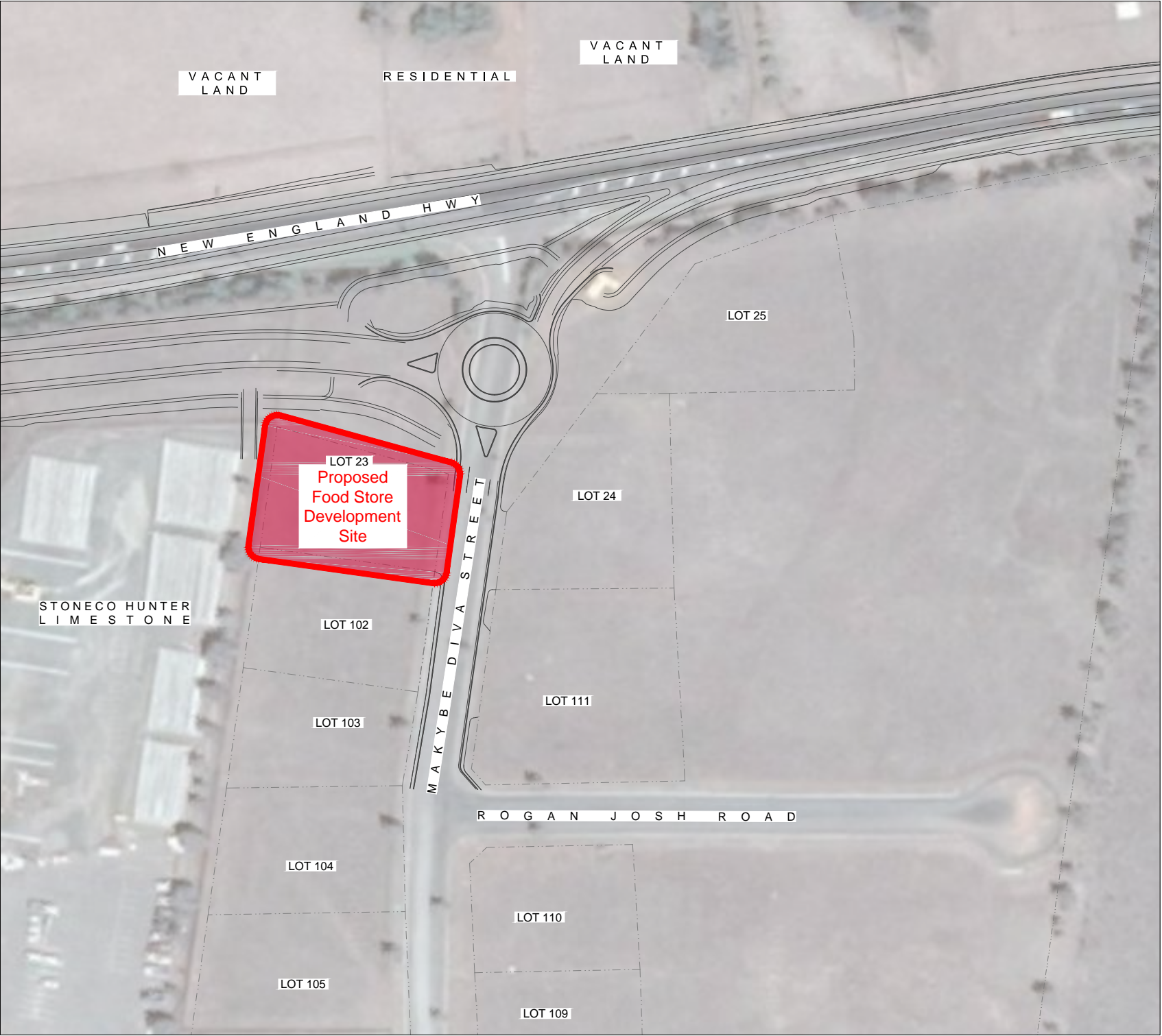
Outcomes to be achieved	Compliance with Design guidelines (Yes/No)	Comments
A. Lot size, dimensions and shape	Yes	
B. Building setbacks	Yes	
C. Fencing along rail corridor	NA	
D. Landscaping		
E. Activation of the New England Highway	NA	The land no longer has frontage to the New England Highway.

Outcomes to be achieved	Compliance with Design guidelines (Yes/No)	Comments
F. Open storage and work areas	NA	

Attachment C: Photographs of the Site







A Site Analysis Plan
TP1 Scale: nts

Drawing List	
Dwg. No.	Drawing Title
Architectural	
TP1	SITE ANALYSIS AND DRAWING LISTS
TP2	PROPOSED FOOD STORE SITE PLAN
TP3	SITE FOOD STORE VEHICLE PATH
TP4	SITE FOOD STORE SERVICE TRUCK PATH
TP5	FOOD STORE LAYOUT
TP6	SIGNAGE ELEVATION DETAIL

Schedule Of Areas	
Site Area:	1959 M²
Food Store	190 M²
Landscaping Area	135 M²
Service Yard Area	41 M²
Car Parking Spaces	23
Drive Through Queue Length	10 cars
Loading Bay	1
Bike Rack	5
Store Seating Number	12

revision

No.	REVISION	DATE	APP
0	initial hazzkem issue	21.01.20	-
1	site analysis plan, dwg, list & schedule amendment	10.02.20	-
2	site analysis plan amendment	24.02.20	-
3	schedule of areas amendment	04.03.20	-
4	site analysis plan amendment	11.05.21	-
5	schedule of area amendment	13.12.21	-
6	schedule of area amendment	05.04.22	-
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PROJECT: Commercial Development

CLIENT: Yukon Projects

ADDRESS: Lot 23, Makybe Diva St., Scone, NSW

north

DIAL 1100
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DETAILS

DRAWING TITLE:
SITE ANALYSIS AND
DRAWING LISTS

DRAWING No: TP1

REVISION No: 6

DATE OF
ISSUE: JAN 2020

No. IN SET: 1 of 6

DRAWN: JP

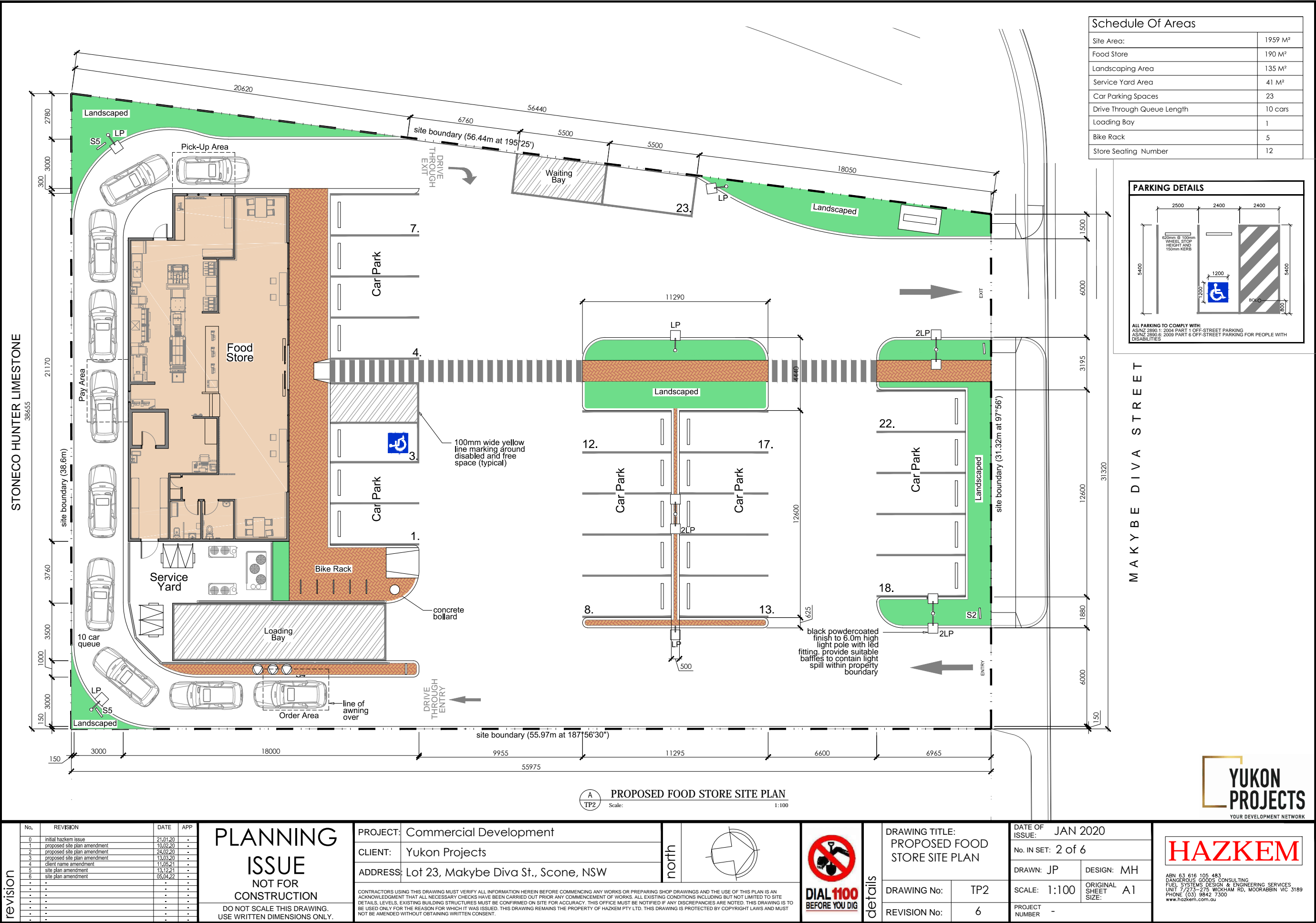
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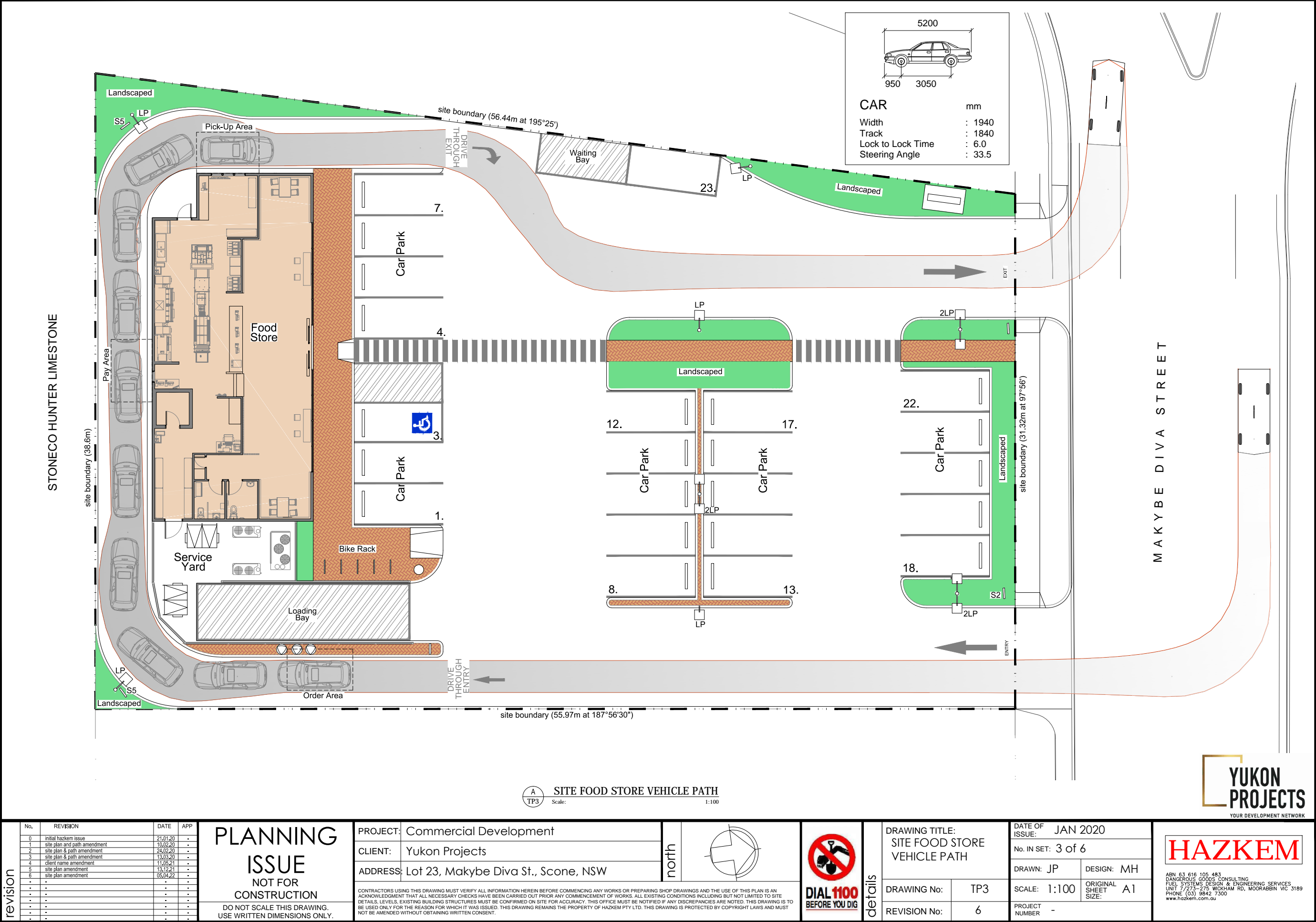
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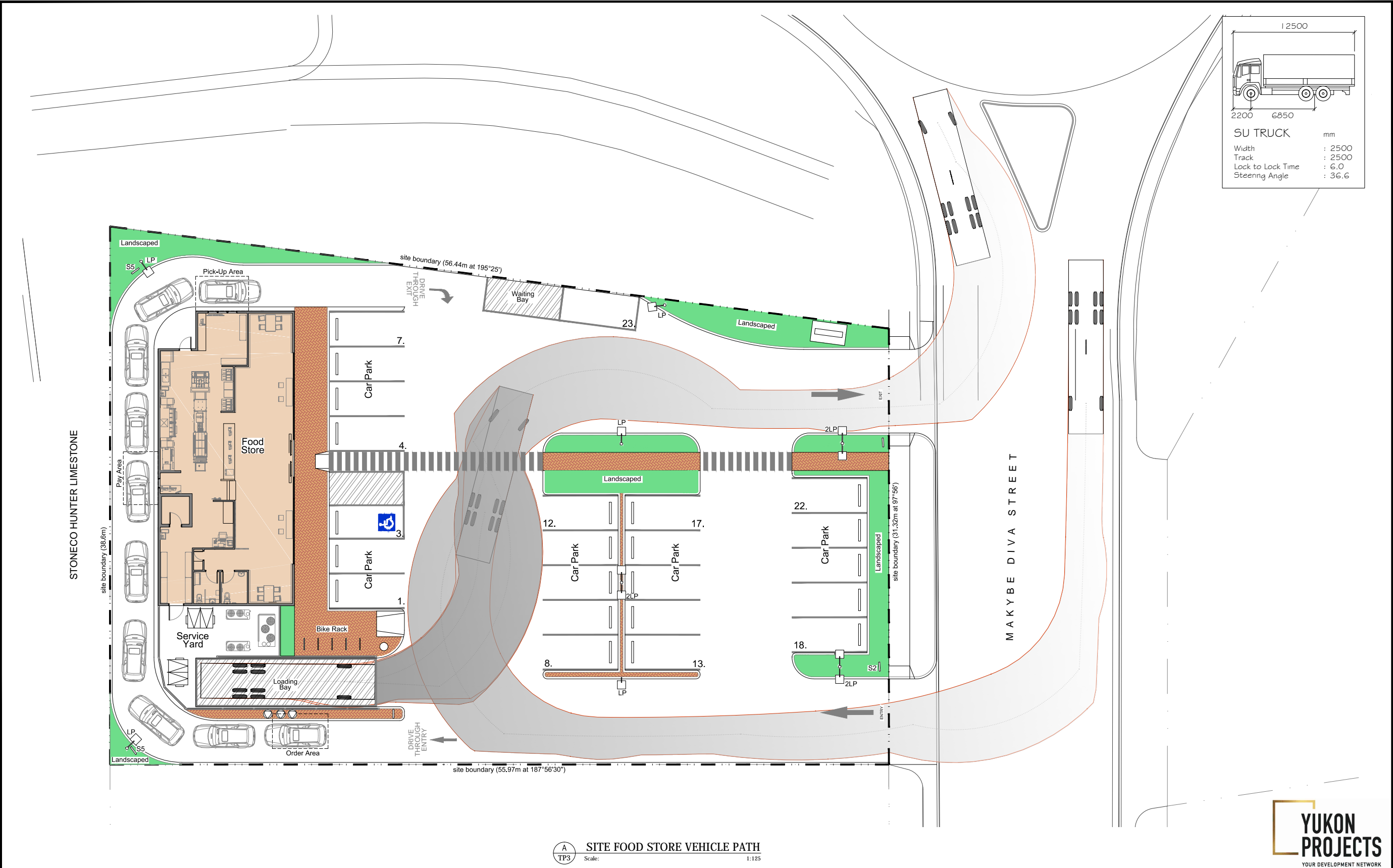
ORIGINAL
SHEET
SIZE: A1

PROJECT
NUMBER -

ABN 63 616 105 483
DANGEROUS GOODS CONSULTING
FUEL SYSTEMS DESIGN & ENGINEERING SERVICES
UNIT 7/275-275 WICKHAM RD, MOORABBIN VIC 3189
PHONE (03) 9842 7300
www.hazkem.com.au







A SITE FOOD STORE VEHICLE PATH
Scale: 1:125

No.	REVISION	DATE	APP
0	initial hazkem issue	21.01.20	-
1	drawing sheet amendment	10.02.20	-
2	site plan & path amendment	24.02.20	-
3	site plan & path amendment	13.03.20	-
4	truck path amendment	11.05.21	-
5	truck path amendment	13.12.21	-
6	site plan amendment	05.04.22	-
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north

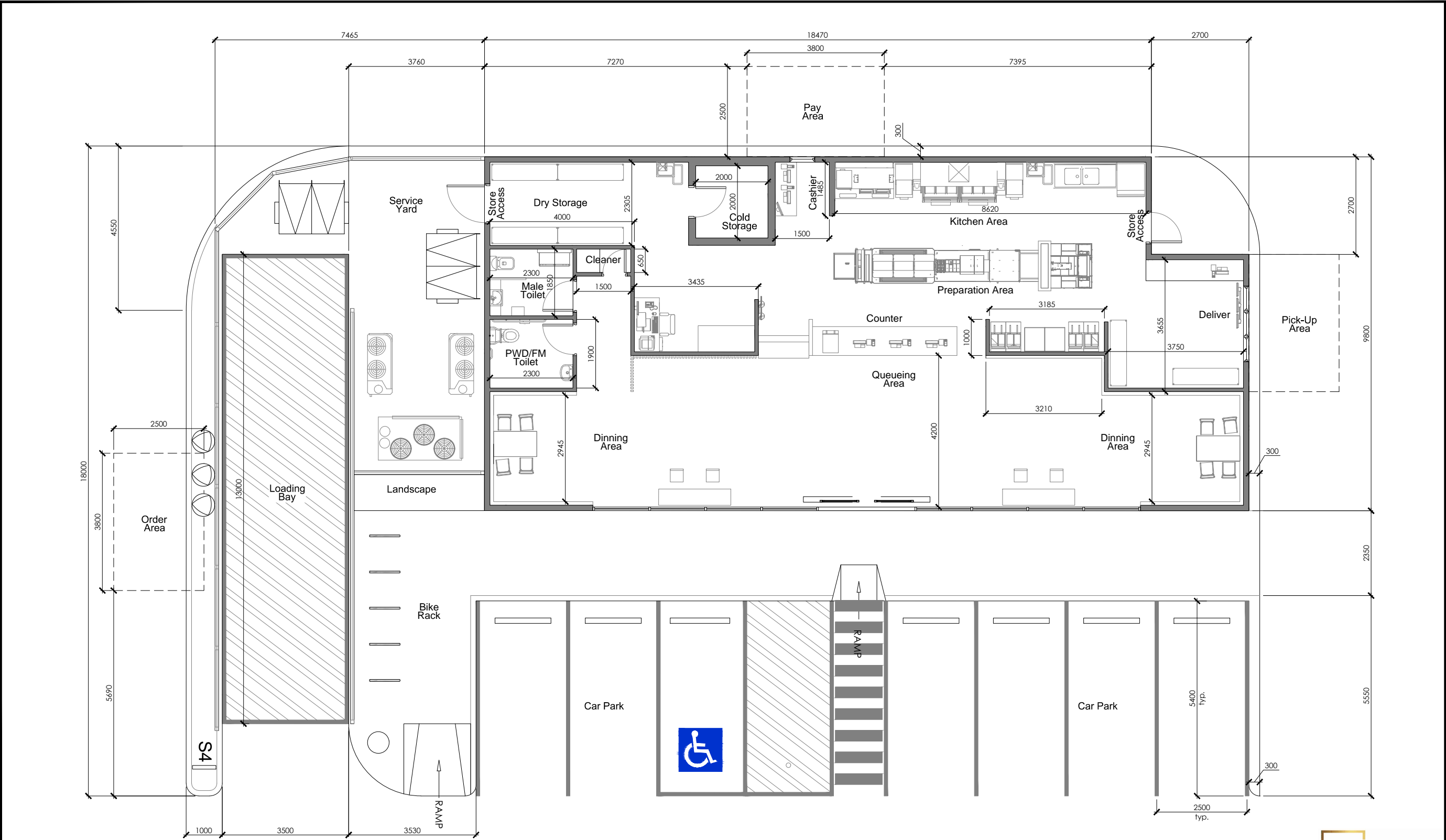
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DRAWING TITLE: SITE FOOD STORE SERVICE TRUCK PATH		DATE OF ISSUE: JAN 2020	
		No. IN SET: 4 of 6	
		DRAWN: JP	DESIGN: MH
DRAWING No:	TP4	SCALE: 1:125	ORIGINAL SHEET SIZE: A1
REVISION No:	6	PROJECT NUMBER	-

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YOUR DEVELOPMENT NETWORK

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A FOOD STORE LAYOUT
TP4 Scale: 1:50



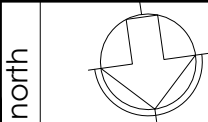
revision	No.	REVISION	DATE	APP
	0	initial hazkem issue	21.01.20	-
	1	drawing sheet & food store layout amendment	10.02.20	-
	2	food store layout amendment	24.02.20	-
	3	food store layout amendment	13.03.20	-
	4	client name amendment	11.05.21	-
	5	details amendment	05.04.22	-

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PROJECT: Commercial Development
CLIENT: Yukon Projects
ADDRESS: Lot 23, Makybe Diva St., Scone, NSW

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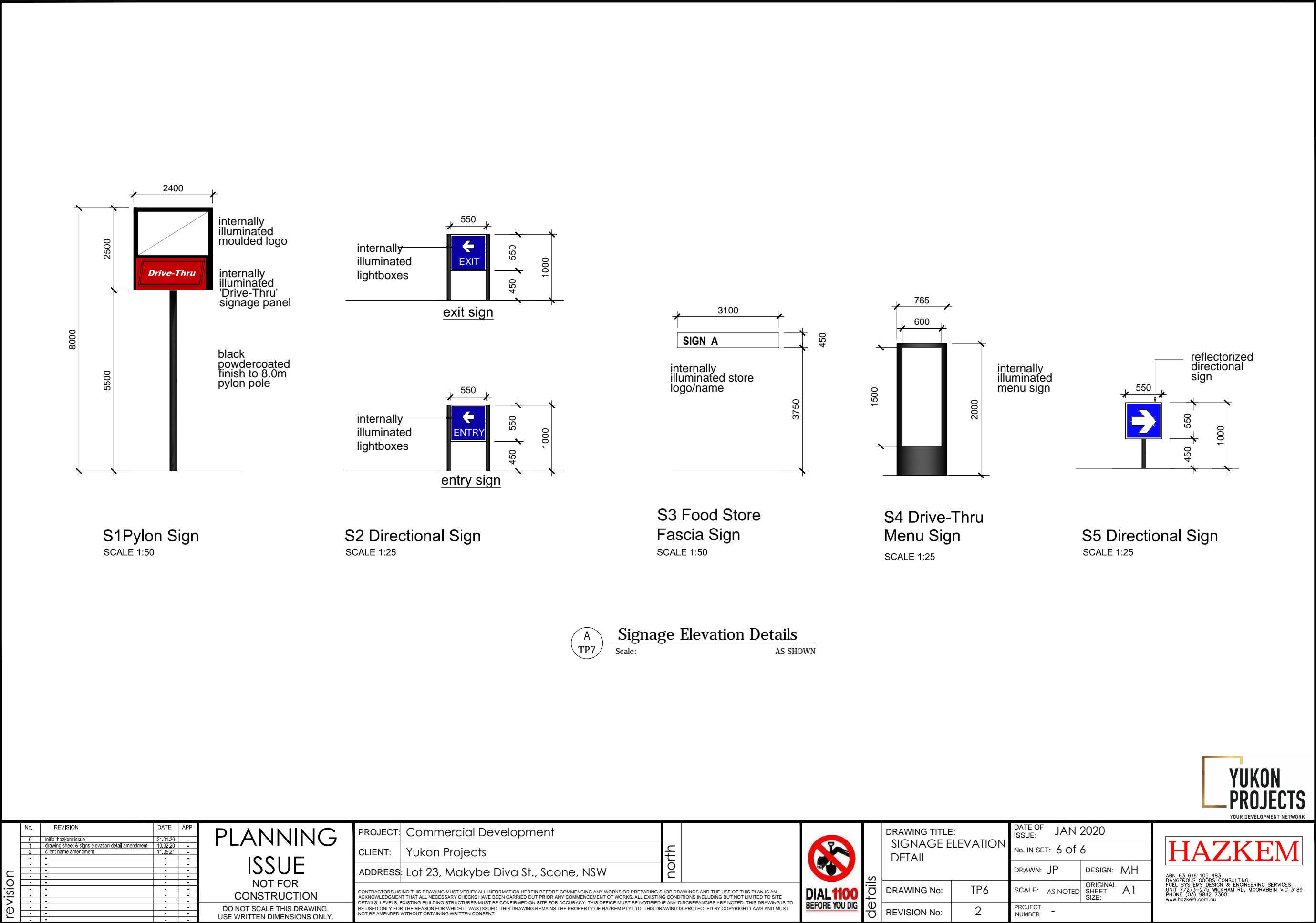


DRAWING TITLE: FOOD STORE LAYOUT	
DRAWING No:	TP5
REVISION No:	5

DATE OF ISSUE: JAN 2020	
No. IN SET: 5 of 6	
DRAWN: JP	DESIGN: MH
SCALE: 1:50	ORIGINAL SHEET SIZE: A1
PROJECT NUMBER	-

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DELIVERIES – FOOD AND DRINK PREMISES

LOT 23 DP 1235763
2 MAKYBE DIVA STREET, SCONE

PREPARED FOR: YUKON PROJECTS

APRIL 2022

Delivery Management Plan

This Delivery Management Plan (DMP) outlines the practices to be initiated throughout food and beverage deliveries to the proposed food and drink premises located at 2 Makybe Diva Street, Scone. The access for all deliveries is to occur at the proposed separated entry and exit driveways off Makybe Diva Street.

The largest vehicle which enters the site, a heavy rigid vehicle (HRV) will enter the site legally in a forward direction through the entry access and proceed to the loading bay before reversing into the loading bay from the adjoining car park aisle. When exiting the vehicle will drive forward and out through the site exit driveway in a legal manner. It can also be concluded that if a HRV vehicle can suitably manoeuvre through the site then the smaller vehicles such as an MRV (waste collection vehicle) and other food and beverage deliveries (SUV) can also use the site safely and conveniently as they have a tighter turning circle than a HRV vehicle.

Delivery Detail

The maximum sized vehicle which will enter the site is a 12.5 metre heavy rigid vehicle (HRV) food and beverage delivery vehicle.

These deliveries are scheduled and provide a time for delivery. Deliveries are restricted to between 6:00am to 8:00am and 9:00am to 11:00am and can be nominated by food and drink premises operator. This will ensure minimal disruption at the site entries as recommended by TfNSW and to ensure the safety of staff and patrons during these off-peak times. Deliveries to the site are scheduled on an as-needed basis. Generally, only 2 to 3 deliveries per day will occur though only 1 delivery per week will occur in a HRV with most deliveries occurring in smaller medium rigid (MRV) and small rigid vehicles (SRV).

Vehicle Path

The food and beverage delivery vehicles will utilise the site accesses as shown in the swept path diagram in **Figure 1**. The swept paths shown on the plans are for a 12.5 metre long heavy rigid vehicle, being the largest vehicle to enter and exit the site and show suitable entry and exit from the site without any conflict with raised medians or proposed car parks.

Vehicle Management

While the food and beverage deliveries are relatively infrequent there is still a need to ensure public safety when handling the deliveries. Therefore, the important issues to consider ensuring public safety are.

1. Minimise travel length and manoeuvring off the public road network.
2. Minimise conflict points with light vehicles and pedestrians; and
3. Undertake servicing during 'quiet' periods for both the local road network and site operations.

If these measures can be achieved there is no need to utilise additional resources in the way of traffic control to manage deliveries. Traffic control can be a burden to the food and drink operator, relying on available trained staff therefore should be avoided if possible. With deliveries able to be scheduled at non-peak traffic and operating periods i.e. 6:00 am – 8:00 am and 9:00 am – 11:00 am there would be no need for on-site traffic control as the delivery strategy would be suitably safe without it.

Note all drivers within the site during delivery must still obey normal road rules and ensure they drive in a safe manner in complete control of their vehicles at relevant speeds suited to the conditions of the site. All traffic movements should be restricted to a maximum 10 km/h and

drivers must give way to other vehicles as per the governing road rules and internal signage. Drivers should be particularly aware of the possibility of pedestrians within the site and be prepared to undertake all measures available to avoid conflict with pedestrians, cyclists, and all other vehicles in the site. The swept path for a car using the drive through lane is shown in the plans in **Attachment 1** demonstrating suitable manoeuvrability through the site.

The responsibility for the implementation, review and modification of this delivery management plan lies with the food and drink premises manager at the time of delivery. Note this delivery management plan would not apply to deliveries undertaken in light vehicles or SRV's.

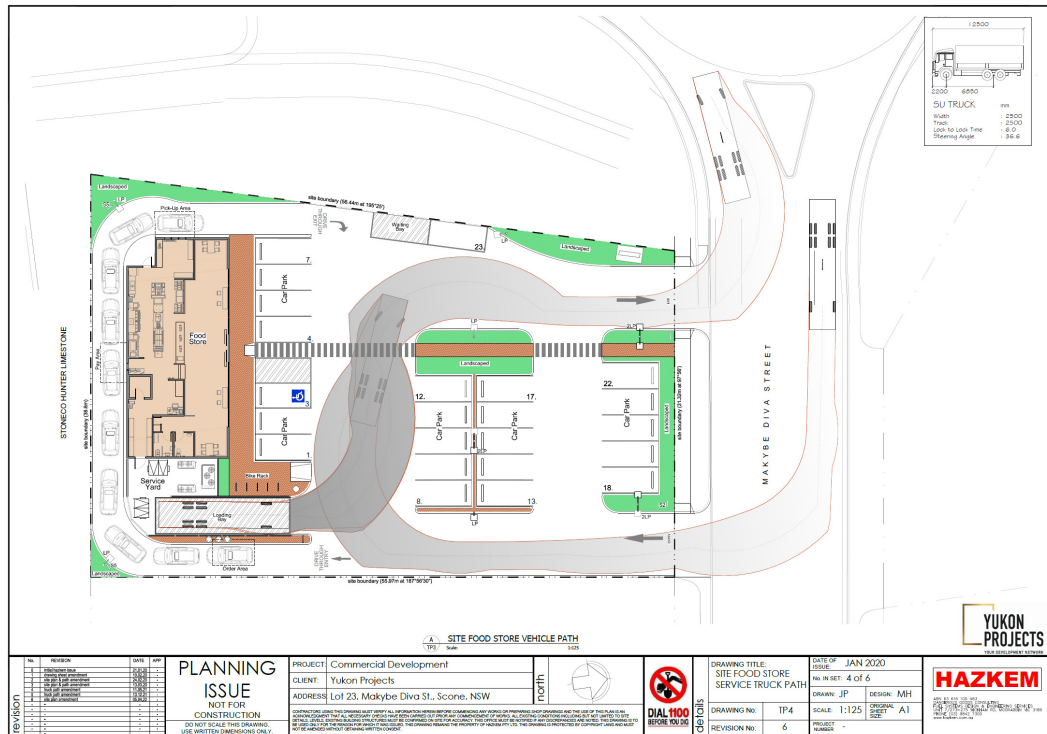


Figure 1 – Vehicle swept paths – 12.5 metre Heavy Rigid Vehicle

Delivery Procedure

The following procedures govern the delivery management.

Staff procedure to be utilised during a delivery is as follows:

- ◆ Driver to inform site manager / staff that delivery vehicle is on the way 30 minutes prior to the scheduled delivery.
- ◆ Site manager or employee assigned for deliveries to ensure any required aisle closures are undertaken using traffic cones.
- ◆ Food and drink premises employee assigned for management of deliveries is to ensure all other site traffic is suitably separated from the delivery operation; and
- ◆ Food and drink premises employee assigned for deliveries to co-ordinate egress from site by the delivery vehicle and remove any traffic cones used during delivery.

Delivery driver procedure to be utilised during delivery is as follows:

- ◆ Contact Food and Drink premises Manager to inform of delivery time 30 minutes prior to scheduled delivery.
- ◆ Truck arrives on site through the site entry on Makybe Diva Street, in a forward motion, and turns into the site, see vehicle swept paths at **Figure 1**.
- ◆ Once delivery is complete the truck exits the site in a forward direction via the separate site exit to Makybe Diva Street.

Additional requirements:

- ◆ Delivery vehicle is to be limited to a maximum size of a 12.5 metre Heavy Rigid Vehicle (HRV) as shown on the swept paths in **Figure 1**.
- ◆ Maximum traffic speed within the site during deliveries is 10 km/hr.
- ◆ Deliveries will only occur between 6:00am and 8:00am and 9:00am and 11:00am to minimise any potential traffic conflict both on and off site. Food and Drink Premises manager to ensure all food and beverage deliveries are ordered for delivery within these time frames.
- ◆ A copy of this Delivery Management Plan is to be kept on site at all times.
- ◆ A copy of this Delivery Management Plan is to be given to the delivery companies and drivers.
- ◆ Staff involved in deliveries are to be kept up to date on delivery procedures; and
- ◆ Safety vests and traffic cones to be kept onsite at all times.

AS2890.1-2004 – Parking facilities – Part 1 Off-street car parking compliance

The dimensioned site plan provided in Attachment 1 below show the car park layout being compliant with AS2890.1-2004 – Parking facilities – Part 1 Off-street car parking as per below and noting the car parking is Class 3 – short term parking.

- ◆ Car park widths are 2.6 metre except the accessible spaces which is 2.4 metres wide and compliant with AS2890.6 – 2009 – Parking facilities – Part 6 – Off-street car parking for people with disabilities.
- ◆ Car park lengths are 5.5 metres including for the unobstructed parallel parking waiting bays.
- ◆ Aisle widths are 6.6 metres and 9.955 metres; and
- ◆ Entry and exit driveways aisles are 6 metres wide therefore suitable for two way traffic flow.

Conclusion

Subject to the actions required of this delivery management being undertaken as described in this document the proposed food and beverage deliveries associated with the subject development can be safely undertaken using the proposed site accesses without the need for any additional traffic control. It is also important that all drivers using the site during deliveries including the delivery driver, obey the normal road rules, drive to the posted speed limit or conditions as relevant, and be aware of the potential for pedestrian and light vehicle conflicts within the site. All drivers have a duty of care to drive safely in full control of their vehicle and in accordance with the relevant conditions.

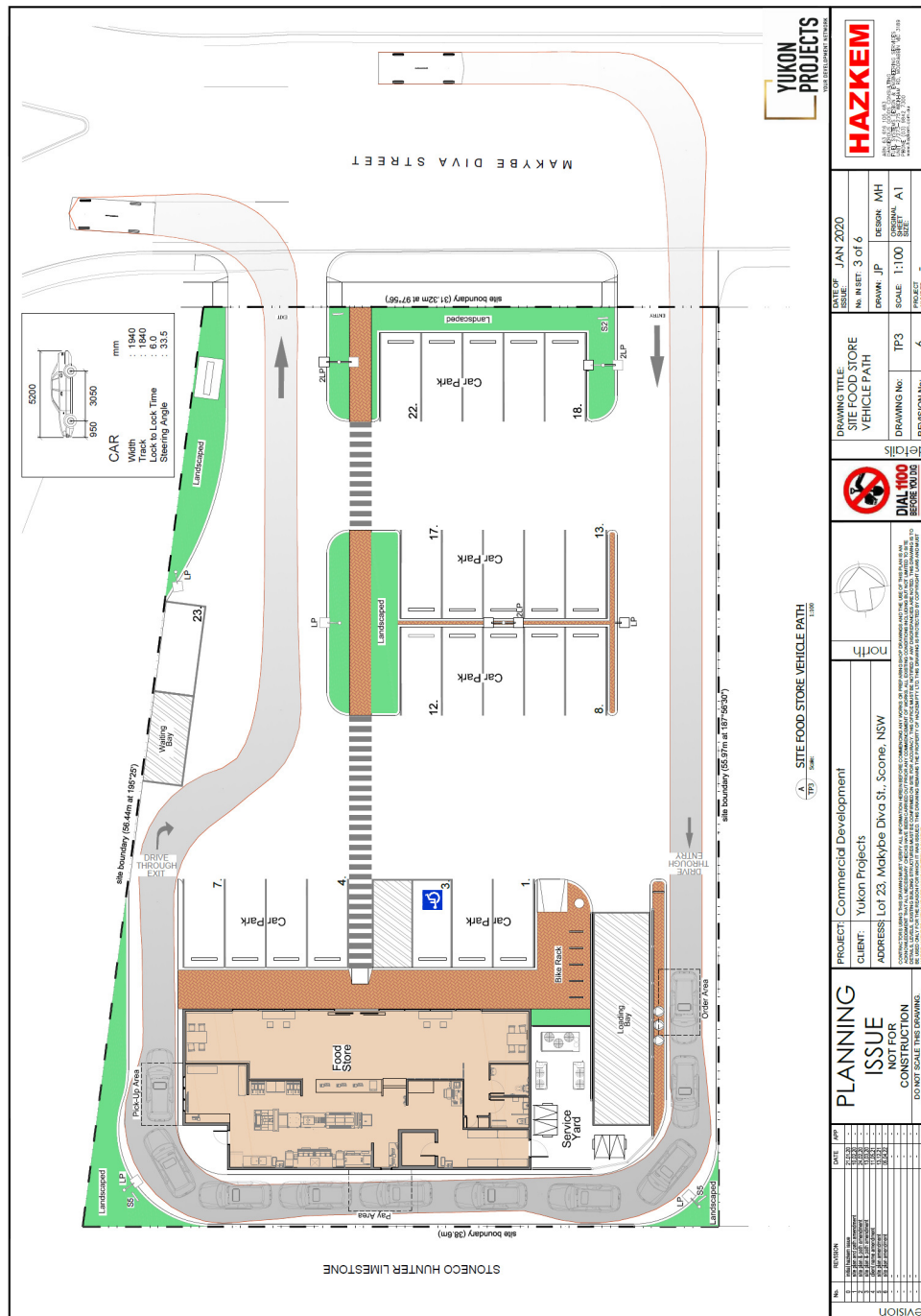
Recommendation

Having prepared this Delivery Management Plan for food and beverage deliveries for the operation of a food and drink premises on Lot 23 DP 1235763 – 2 Makybe Diva Street, Scone it is recommended that the proposed delivery strategy can be supported with all deliveries being undertaken in vehicles up to a 12.5 m HRV during the hours of 6:00am – 8:00am and 9:00am – 11:00am utilising the proposed separated entry and exit site accesses. This is the preferred strategy as it represents the safest i.e. 'less risky' options for servicing of the site for food and beverage deliveries.



**JR Garry BE (Civil), Masters of Traffic
Director
Intersect Traffic Pty Ltd**

[illegible]



DA 41/2020 (Amended Application) – Without Prejudice Conditions of Consent**Identification of approved plans:**

- The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects dated 25 March 2020 (by KDC) except where amended by the following conditions.

JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE
Site Analysis	1	6	HAZKEM	05.04.2022
Proposed Food Store Site Plan	2	6	HAZKEM	05.04.2022
Vehicle Path	3	6	HAZKEM	05.04.2022
Service Truck Path	4	6	HAZKEM	05.04.2022
Food Store Layout	5	5	HAZKEM	05.04.2022
Signage Elevation Detail	6	2	HAZKEM	11.05.2021
Elevation	7	5	HAZKEM	11.08.2021
Elevation	8	5	HAZKEM	11.08.2021
Food Store Perspective	9	4	HAZKEM	11.08.2021
Documents				
Traffic and Parking Assessment Ref: 19/186	-	-	Intersect Traffic	March 2020
Waste Management Plan Ref: 200052.1	-	-	KDC	March 2020
Noise Assessment MAC191022-01RP1			Muller Acoustic Consulting	March 2020
Crime Risk Assessment Ref: 200052.1	-	-	KDC	25 March 2020
Landscape Plan Ref: 1970	-	B	MARA	24.03.2020
Delivery Management Plan	-	-	Intersect Traffic	April 2022

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

General Operational Conditions:

Site Management Plan

5. The development shall be carried out in accordance with the approved Site Management Plan (refer to further condition). The following shall apply:
 - a) If from time to time, and in accordance with these conditions, the Applicant (whether of its own volition or in accordance with recommendations made pursuant to these conditions) proposes any amendments to the management plan referred to in this condition then those proposed amendments shall be submitted by the Applicant to the Council for approval.
 - b) An amendment to a plan under condition does not take effect until:
 - i. the Council has approved the amendments; and
 - ii. the Applicant has made any further amendments required by the Council (acting reasonably) as a condition of approving the amendments.
 - c) If there is any inconsistency between these conditions of consent and any of the following:
 - i. the Statement of Environmental Effects;
 - ii. the supporting documents; or
 - iii. the management plans
 then the conditions of consent shall prevail.

Operational conditions imposed under the *Environmental Planning And Assessment Act* and regulations and other relevant legislation:

8. All building work must be carried out in accordance with the provisions of the National Construction Code Series.
- (Reason: Prescribed by legislation)

Conditions to be complied with prior to the issue of the construction certificate:

Construction Environmental Management Plan

9. Prior to the issue of any Construction Certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Certifying Authority for approval for each stage (or combined). The CEMP must include:
- a) The CEMP must include management strategies for the potential risks to on-site workers and visitors, off-site receptors, and the environment from the contamination identified in the updated Site Investigation (if applicable).
 - b) The environmental site management measures must remain in place and be maintained throughout the period of the development.
 - c) The CEMP must address all environmental aspects of the development's construction phases, and include where relevant, but not be limited to, the following:
 - i. Project Contact Information
 - ii. Site Security Details
 - iii. Timing and Sequencing Information
 - iv. Site Soil and Water Management Plan
 - v. Noise and Vibration Control Plan
 - vi. Air quality monitoring and management
 - vii. Health and Safety Plan
 - viii. Incident Management Contingency
 - ix. Unexpected Finds Protocol
 - d) The CEMP must be kept on site from the commencement and for the duration of the proposed works, and must be available to Council officers upon request.
 - e) The CEMP provided to Council must exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

Elevation Plans

10. Prior to the issue of any Construction Certificate fully dimensioned elevation plans that reflect the amended development plans must be submitted to the Principal Certifier for approval.

(Reason: To ensure consistency with the development.)

Stormwater

11. The stormwater system shall be constructed to an appropriate standard in compliance with the Council's *Engineering Guidelines for Subdivisions and Developments*.

Detailed engineering drawings of the proposed stormwater drainage system for each stage of the development including the detention basin/tanks shall be submitted to and approved by the Certifying Authority prior to the release of any Construction Certificate.

(Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties and public infrastructure)

Section 94A Contributions

12. Prior to the issue of any Construction Certificate for Stage pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of **\$8,615.91** is required to be paid to Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

(Reason: To ensure that the proposed development makes an appropriate contribution to facilities in the Upper Hunter Local Government Area)

Cleanliness and maintenance of food preparation areas

13. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:

- (a) The Food Act (as amended)
- (b) The Food Regulation (as in force);
- (c) AS4674 (Design, Construction and Fit-Out of Food Premises);
- (d) The Clean Air (Plant and Equipment) Regulation;
- (e) AS 1668 Part 2;
- (f) The Protection of the Environment Operations Act; and
- (g) The National Construction Code Series;

The relevant matters to be taken into account under this approval relate to:

- i. construction, materials and finishes;
- ii. installation of fixtures, fittings and equipment;
- iii. washing facilities, other facilities and special requirements;
- iv. mechanical ventilation and exhaust discharges; and
- v. temperature control

Detailed plans and specification of work demonstrating that these design requirements have been met shall be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

Lighting Plan

14. Prior to the issue of any Construction Certificate a lighting plan must be submitted to the Certifying Authority for approval. The plans must show and include specifications that:
- a) lighting is provided to pedestrian paths, side and rear laneways and building entries, that ensures a clear line of sight along pedestrian routes and that does not adversely affect the residential amenity of neighbours.
 - b) Lighting fixtures are of low energy design, integrated in the building walls, and readily maintained by the owner. Sensor spotlights are not to be used for the lighting of pedestrian areas.
 - c) Demonstrated compliance with *Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting* and AS/NZS1158 *Lighting for roads and public spaces*

d) illuminated signs are fitted with devices that allows the level of illumination to be adjusted.

(Reason: To ensure there is adequate lighting for the safety of users which does not adversely impact on the amenity of adjoin residents.)

Pedestrian Safety Fence

15. Prior to the issue of a Construction Certificate the person acting on this consent must submit plans for the erection a 1.8m high pedestrian safety fence along the site frontage.

Alternatively the existing post and rail fence may be modified including by attaching chain link / mesh wire to render it such that patrons/pedestrians cannot penetrate through or over the fence.

(Reason: To prevent pedestrians from jay-walking onto from the site onto the New England Highway off-ramp.)

Trade Waste

16. The Owner of the property shall enter into a trade waste agreement with Upper Hunter Shire for the disposal of all trade waste generated by the development. Documentary evidence demonstrating compliance with this condition shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

Note: This includes food premises which will require a grease trap or a grease arrestor.

(Reason: To protect the environment from contamination)

On-site Stormwater Detention

17. On-site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a 1 in 5 year storm of 1-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 20 year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

For small areas up to 0.5 hectares, determination of the required cumulative storage may be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 later re published in a modified form in 1997.

Engineering calculations, design and certification shall be certified by an appropriately qualified and practising Hydraulic Engineer and submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development)

Conditions that must be addressed prior to commencement:

Erosion and Sediment Control

18. All erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities in accordance with *Soils and Construction: Managing Urban Stormwater* ('the Blue Book') until the site is stabilised and landscaped.

The installation is to be approved by the Principal Certifying Authority prior to further

commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

Site Facilities

19. Site facilities

- (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) before work commences. Any such hoarding or fence is to be removed when the work has been completed.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees.
- (c) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (d) Adequate toilet facilities must be provided on the work site. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or an approved temporary chemical closet.

The provision of toilet facilities must be completed before any other work is commenced.

The installation of the site facilities shall be approved by the Principal Certifying Authority prior to further commencement of site works and prior to the first inspection.

(Reason: To ensure the health and safety of the community and workers on the site)

Site Works/Construction Signage

20. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

(Reason: Statutory requirement)

Conditions that must be complied with during demolition and building work:

Construction Hours

21. Any person acting on this consent shall ensure that:-

- (a) building construction activities are only carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
 - ii. on a Saturday—8.00am to 5.00pm.
 - (b) building construction activities must not be carried out on a Sunday or a public holiday unless prior approval has been obtained
 - (c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

Dust Management

22. The site preparation work and construction shall be carried out in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All project related activities on the site shall be undertaken with the objective of minimising visible emissions of dust from the site. All vehicles leaving the site must have the loads covered such as to prevent dust emissions.

Should visible dust emissions attributable to the demolition and construction occur, the development person acting on the consent shall identify and implement all practical dust mitigation measures, including the cessation of demolition and construction activities, as appropriate, such that emissions of dust are minimised.

(Reason: To ensure the development operations does not cause excessive dust.)

Aboriginal Artefacts

23. In the event that any artefacts of cultural heritage significance are unearthed outside or within the immediate areas during construction, site works must cease and the NSW Office of Environment and Heritage (OEH) EnviroLine (phone 131 555), must be informed immediately. The site is to be recorded and management strategies put in place for protection before any further work can commence in the area.

(Reason: To ensure that measures are in the event that items of Aboriginal cultural significance are unearthed.)

Conditions which must be complied with prior to the issue of any occupation certificate:

Car Parking

24. Prior to the issue of any Occupation Certificate all off-street car-parking spaces shall be constructed, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice. The pavement of the access ways and parking areas is to be designed to tolerate loads of the heaviest vehicle to access and use the site.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

Bicycle Parking Facilities

25. Prior to the issue of any Occupation Certificate bicycle parking facilities must be provided to the parking space fronting elevation of each retail building in accordance with AS 2890.3: 1993

Bicycle Parking Facilities.

(Reason: To ensure provision is made for on-site bicycle parking.)

Operation of Mechanical Plant

26. All sound producing plant, equipment, machinery, fittings, ducting, refrigeration systems associated with the development, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the background level in any octave band from 63.0 HZ centre frequencies inclusive, and not more than 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence.

For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1 - 1989.

A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Certifying Authority demonstrating compliance with this condition prior to the issuing of any Occupation Certificate for Stage 1, Stage 2 and Stage 3.

(Reason: To ensure that noise generated from the development does not result in offensive noise to any other party)

Stormwater

27. Prior to the issue of any Occupation Certificate the stormwater system must be constructed and operational in accordance with the approved plans. An appropriately qualified and practising Civil Engineer shall provide signed Works-as-Executed drawings and certification to the Certifying Authority that the stormwater drainage system has been constructed in accordance with this consent and the provisions of AS3500.

(Reason: To ensure there is adequate stormwater drainage in place for the development.)

Mechanical exhaust ventilation

28. The mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifier, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issuing of any Occupation Certificate.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

Disposal information

29. Upon completion of works and prior to the issue of any Occupation Certificate the person

entitled to act on this consent shall provide to Council the following information;

- (a) the total tonnage of all waste and excavated material disposed of from the site;
- (b) the disposal points and methods used; and
- (c) a copy of all disposal receipts is to be provided

(Reason: To ensure responsible disposal of waste material.)

Site Management Plan

30. Prior to the issue of any Occupation Certificate the person acting on this consent must submit a Site Management Plan to the Certifying Authority. The Site Management Plan must include a copy of the Notice of Determination and consent conditions and address the following provisions for:

- a) cleaning and picking up litter from the fast food outlet outside the perimeter of the development site, on nearby footpaths and roads.
- b) removal of graffiti within 24-48 hours
- c) repair and maintenance of signage
- d) repair and maintenance of buildings and other structures
- e) maintenance of landscaping to ensure passive surveillance
- f) cleaning and maintaining gross pollutant devices

(Reason: To ensure provision is made to ensure space management.)

Restriction for Access

31. Prior to the issue of any Occupation Certificate a restriction on the use of the use of the land pursuant to Section 88B of the Conveyancing Act 1919 shall be established on Lot 23 DP 1235763 to the benefit of Lot 30 DP 1235763 to prevent future access. The restriction shall name the Upper Hunter Shire Council as the sole authority empowered to release or modify the same:

(Reason: To protect the road corridor from any future access proposals.)

Section 64 Contributions

32. Prior to the issue of any Occupation Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1:

Upper Hunter Shire Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2:

A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation or Subdivision Certificate relating to the development.

Conditions that must be complied with at all times:

Vehicle Speeds

33. At all times vehicle speed within the site shall be limited to 10km/hr. Standard "10km/hr" signage shall be installed and maintained at all entrances and within each of the internal movement areas.

(Reason: To minimise the noise generated by vehicle movement and ensure pedestrian safety.)

Lighting

34. At all times the illumination of the external signs shall comply with AS4282-1997 *Control of the obtrusive effects of outdoor lighting* and must be fitted with a device that can control the level of illumination.

(Reason: To ensure the illumination does not cause unacceptable glare that impacts on the amenity of nearby residents.)

Loading within site

35. At all times all loading and unloading operations shall be carried out wholly within the confines of the site and within loading bays designated on the approved plans.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity.)

Landscaping

36. At all times the landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.

(Reason: To ensure the visual amenity of the streetscape is maintained.)

Special conditions relating to crime prevention:

Surveillance

37. Surveillance equipment (CCTV) shall be provided to enhance the physical security of the business's and assist with the identification of people involved in anti-social or criminal behaviour. Cameras must be of high-grade digital quality so as to facilitate identification and adjudication of patrons, offenders and incidents occurring within the premises. The following must be applied:

- a) Cameras installed in and around the business to maximise surveillance opportunities.
- b) Cameras monitoring the cashier's area, high cost merchandise areas with poor natural supervision and entry/exit doors.
- c) Video monitors enabling staff to monitor activities on the camera.
- d) Recording equipment is installed away from the counter area such as to avoid tampering.
- e) CCTV footage kept for a minimum of 21 days.
- f) Appropriate warning signs displayed advising patrons of CCTV in use.
- g) Store windows not obstructed with merchandise that may hinder passive surveillance into or out of the buildings.

Documentary evidence demonstrating compliance with the above requirements shall be

submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

(Reason: To ensure appropriate surveillance measures are in place to deter crime and anti-social behaviour.)

Lighting

38. At all times all lighting to the internal roads, car park and pedestrian movement areas shall comply with AS/NZS1158 *Lighting for roads and public spaces*.

(Reason: To ensure an effective level of lighting to facilitate passive surveillance of the outdoor publicly accessible spaces.)

39. At all times security sensor lighting must be installed and operational to areas within the site that are not in use between evening and day times hours.

(Reason: To ensure there is adequate and effective surveillance of all areas.)

Landscaping

40. At all times mature vegetation should allow clear sightlines to allow people to see and be seen.

(Reason: To ensure landscaping allows effective passive surveillance within the site.)

Access Control

41. The following must be applied:

- a) The main entry/exit points for this development be fitted with single cylinder locksets (AS/NZS – lock sets), which comply with the Building Code of Australia.
- b) Doors to restricted areas like the BACK OF HOUSE area, office, airlock and other zones where the general public access is restricted fitted with a security access pad or key lock to restrict unauthorised access.
- c) Counters designed to reduce the opportunity for assault of staff and unauthorised access to the behind counter area by having the 'Point of Sale' area as its own secured and lockable area with anti-jump barriers to restrict any person from jumping the counter or having unauthorised access to the counter.
- d) A monitored intruder alarm system be installed and a duress facility be incorporated into the system to enable staff to activate the alarm system manually in the event of an emergency or robbery.
- e) For service station/convenience store staff: be able to control the main customer entry/exit point from behind the service counter so that they can control customer entry within the later hours of trading.
- f) For businesses handling cash, a safe designed and installed to the Australian Standards could be used to provide additional security to money and other valuables. A drop safe for use in the service station/convenience store to ensure a minimum amount of money is kept in the cash register.
- g) The bin storage area gates locked when area is not in use.

Documentary evidence demonstrating compliance with the above requirements shall be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

Space/Activity Management

42. Prior to the issue of any Occupation Certificate a barrier/fencing to restrict access to the rear of the convenience store building must be installed.

Planning & Infrastructure Services

**ECSC.02.3 *MODIFICATION OF DEVELOPMENT CONSENT NO. 55/2020 -
COMMERCIAL ALTERATIONS AND ADDITIONS, SERVICED
APARTMENTS AND CAFE***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

PURPOSE

On 29 June 2022, Council received an application to modify Development Consent No. 55/2020 for commercial alterations and additions, serviced apartments and a café at Lot 80 DP 601823, 180 Kelly Street, Scone. The application is being referred to Council as the modified proposal does not comply with the car parking requirements of the Upper Hunter Development Control Plan 2015.

RECOMMENDATION

That Council modify Development Consent No. 55/2020 for commercial alterations and additions, serviced apartments and a café at Lot 80 DP 601823, 180 Kelly Street, Scone subject to the conditions of consent in Attachment 1.

BACKGROUND

Council, at its meeting held on 30 November 2020, approved Development Application No. 55/2020 for Commercial Alterations/Additions – Serviced Apartments at 180 Kelly Street Scone (Lot 80 DP 601823) subject to conditions of consent.

REPORT/PROPOSAL

Applicant: David Casson

Owner: Aerial Speed Icons Pty Ltd

Location: 180 Kelly Street Scone (Lot 80 DP 601823)

Proposal: Modify Development Consent No. 55/2020 - Commercial alterations and additions, serviced apartments and café.

Zoning: B2 Local Centre

The application is seeking to modify Development Consent No. 55/2020 as follows:

- Modify layout of rooms and increase number of rooms from 40 to 41.
- Provide three accessible rooms on ground floor.
- Delete proposed lift and install small goods lift.
- Increase number of accessible car parking spaces from two to three.
- Replace roof to Liverpool Street balcony.
- Replace walls, floor and roof structure in proximity to old laundry to make suitable for accommodation.
- Signage to be incorporated into new awning structure.
- Minimise changes to Kelly Street façade.
- New location for rear entrance.
- New accessible entrance off Kelly Street.
- New fire door off Liverpool Street to comply with the Building Code of Australia.
- Replace entire roof structure and sheeting.
- Erection of new storage building in car parking area.
- Removal of two trees.

Planning & Infrastructure Services

In relation to car parking, the proposed development, as modified, requires a total of 53 off-street car parking spaces under the Upper Hunter DCP 2015. The modified development proposes 32 off-street parking spaces and as such there is a deficiency of 21 parking spaces.

The approved development currently has a shortfall of 19 parking spaces.

Given that the modification will further increase the shortfall in parking by two spaces, a condition of consent is recommended requiring the payment of a development contribution for those spaces in accordance with the Upper Hunter Development Contributions Plan.

A detailed assessment of the application is provided in Attachment 2 while plans of the modified development are provided in Attachment 3.

OPTIONS

1. Modify Development Consent No. 55/2020 for commercial alterations and additions, serviced apartments and a café at Lot 80 DP 601823, 180 Kelly Street, Scone subject to the conditions of consent in Attachment 1.
2. Refuse to modify Development Consent No. 55/2020 for commercial alterations and additions, serviced apartments and a café at Lot 80 DP 601823, 180 Kelly Street, Scone, stating the reasons for refusal.

CONSULTATION

The application was placed on public exhibition from 6 July 2022 to 20 July 2022 accordance with the Upper Hunter Community Participation Plan. No submissions were received by Council.

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

- 2.4 Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.
- 2.5 Provide efficient and effective advisory, assessment and regulatory services focused on being customer 'friendly', responsive and environmentally responsible.

Thriving Economy

Strengthening our vibrant industries and economy while seizing emerging opportunities.

- 3.3 Provide attractive and functional town centres and support revitalization of the towns and villages including investment in built heritage and improvement of existing buildings.
- 3.2 Encourage retail and commercial business to increase local employment opportunities.

Planning & Infrastructure Services

b. Delivery Program

- Assessment of planning applications

c. Other Plans

The application has been assessed against the Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Development Control Plan 2015 (refer to Attachment 2).

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development Application fees of \$1,187.80 have been paid.

Developer contributions under Council's Section 94A Plan are not applicable as the proposal is for the adaptive reuse of a heritage item. Accordingly, Condition No. 9 of the development consent has been deleted.

A condition of consent is recommended requiring the payment of a development contribution of \$20,189.88 for the shortfall in parking in accordance with the Upper Hunter Development Contributions Plan.

c. Legislative Implications

An assessment of the application has been undertaken pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979 (see Attachment 2).

d. Risk Implications

Council determinations of development applications and modifications in relation to local development can be appealed by the applicant in the Land and Environment Court where they are not satisfied with the outcome of a determination. There is a risk that the applicant may appeal the determination.

Council determinations of development applications and modifications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied.

e. Sustainability Implications

The proposed development, as modified, will ensure the long-term sustainability of a heritage item and will contribute to the revitalisation of the Scone town centre. Furthermore, the development will be required to comply with Section J of the Building Code of Australia which requires energy efficient measures to be incorporated into the building.

f. Other Implications

Nil



Planning & Infrastructure Services

Planning & Infrastructure Services

CONCLUSION

The modified proposal has been assessed as satisfactory against Section 4.55(2) of the Environmental Planning and Assessment Act 1979, the Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The modified proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent for the following reasons:

- The modified development is substantially the same as the original development.
- The proposed development, as modified, is consistent with the objectives of the applicable environmental planning instruments, being; Upper Hunter Local Environmental Plan 2013 and applicable State Environmental Planning Policies.
- The proposed development, as modified, is consistent with the objectives of the Upper Hunter Shire Development Control Plan 2015.
- The proposed development, as modified, is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, as modified, has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, as modified, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development, as modified, is a suitable and planned use of the site and its approval is in the public interest.

ATTACHMENTS

- 1 [↓](#) DA 55/2020 - Recommended Conditions of Consent
- 2 [↓](#) DA 55/2020 - Section 4.15 Planning Assessment Report
- 3 [↓](#) DA 55/2020 - Plans
- 4 [↓](#) DA 55/2020 - Stormwater Management Plan

DA 55/2020 – Modification – Recommended Conditions of Consent

Deferred commencement conditions:

In accordance with section 4.16(3) of the Act the consent will not operate until the applicant has provided information to the satisfaction of the Council that the following condition can be complied with. Upon receipt of written information from the applicant in relation to the condition in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of the consent.

1. A black and white or digital photographic survey, prepared in accordance with the guidelines for archival recording published by Heritage NSW, is to be submitted to Council.

The photographic survey is to be submitted in an unbound report format, which is to contain:

- (a) A front cover marked with:
 - the name/location of the property;
 - the date of the survey;
 - the name of the Company or persons responsible for the survey.
- (b) A layout plan of the existing building; identifying rooms and features shown in the photographs.
- (c) Photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan in accordance with the Heritage Office Guidelines requirements.
- (d) Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs are to be included in the photographic survey report.

Three (3) copies of the complete set of documents provided in accordance with this conditions are to be remitted to the Council.

(Reason: To provide a historical record of heritage significant works on the site for archival purposes)

2. Deleted.

In accordance with Clause 95(3) of the regulation, a twenty four (24) month period is given from the date of the "deferred commencement" notice to lodge plans and evidence that satisfactorily address the required details. If not, then the "deferred commencement" will lapse and a new development application will be required.

Schedule B

Identification of approved plans:

1. The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects dated April 2022 (by Casson Planning and Development Services), except where amended by the following conditions.

JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE
Site Plan 02128	DA100	B	RP	29/09/2022
Basement - General Arrangement	DA110	C	RP	02/09/2022

Ground Floor – General Arrangement	DA120	C	RP	02/09/2022
First Floor – General Arrangement	DA130	B	RP	02/09/2022
Roof General Arrangement	DA140	B	RP	02/09/2022
Sections	DA200	A	RP	27/04/2022
Elevations (1)	DA300	B	RP	29/09/2022
Elevations (2)	DA301	B	RP	29/09/2022
3D Perspectives (1)	DA950	B	RP	29/09/2022
3D Perspectives (2)	DA951	B	RP	29/09/2022
Ground Floor Demolition	DA111	A	RP	29/09/2022
First Floor Demolition	DA121	A	RP	29/09/2022
Roof Plan Demolition	DA 131	A	RP	29/09/2022
Elevations (1) Demolition	DA 310	A	RP	29/09/2022
Elevations (2) Demolition	DA 311	A	RP	29/09/2022
Alterations and Additions Golden Fleece Apartments	4	-	TFB Constructions	18.08.2020
Location Plan	2	-	TFB Constructions	18.08.2020
Existing Ground Floor and First Floor Plan	3		TFB Constructions	18.08.2020
Ground Floor Plan	4	-	TFB Constructions	18.08.2020
First Floor Plan	5	-	TFB Constructions	18.08.2020
Elevations	6	-	TFB Constructions	18.08.2020
Site Plan	7	-	TFB Constructions	18.08.2020
Disabled WC Plan	8	-	TFB Constructions	18.08.2020
Site Analysis Plan	9	-	TFB Constructions	18.08.2020
Stormwater Management Plan	1-9	A/B/C	RHM Consulting Engineers	17.09.2020, 26/04/2022.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

Operational conditions imposed under the environmental planning and assessment act and regulations and other relevant legislation:

- All building work must be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: Prescribed by legislation)

Ancillary matters to be completed prior to the issue of the construction certificate:

- Outdoor lighting shall comply with Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting. Detailed plans and specification of work demonstrating that these design requirements have been met shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure compliance with acceptable standards for the external lighting of the site)

4. The works shall comply with the recommendations of the BCA Report prepared by Codewise Certifiers dated ~~13 May 2020~~ 1 December 2022. Detailed plans and specification of work demonstrating that these design requirements have been met shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: Prescribed by legislation)

5. Deleted

- 5A. A total of 3 car-parking spaces for use by persons with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads shall be clearly shown on the plans which shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

(Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)

6. Deleted

- 6A. A total of 32 off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. Detailed drawings prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

7. In relation to the demolition or alteration of the existing building (or part of a building) on the site:

- (a) a report prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) is to be submitted to the Principal Certifier, with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works and if they exist on site their location and quantity. Hazardous materials include but shall not be limited to lead in paints, ceiling dust, glass fiber insulation and asbestos based products). Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and WorkCover requirements.
- (b) should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to the Principal Certifier with the Construction Certificate application and set out in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:
 - i. The type of hazardous material;
 - ii. The level or measurement of the hazardous material in comparison to National Guidelines;
 - iii. Proposed methods of containment; and
 - iv. Proposed methods of disposal.
- (c) Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-

containing material in a place at which construction work is being carried out, where unacceptably high levels of lead are found in a premises to be demolished soil samples from site are to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. This will determine whether remediation of the site is necessary.

- (d) the demolition must be undertaken in accordance with AS2601.
- (e) any works involving asbestos based products must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice. (Refer to the information publications provided in your approvals package for more specific information)
- (f) all work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of AS 4361.2-1998: Guide to lead paint management - Residential and commercial buildings. Particular attention must be given to the control of dust levels on the site. Details demonstrating compliance with these requirements shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

Notes:

- i. Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au.
- ii. Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.

(Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily)

- 8. A Waste Management Plan shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate. The plans should include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, all landfill removed from the site, haulage routes, design of on-site wind proof waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

(Reason: To encourage the minimisation of waste and recycling of building waste)

- 9. Deleted.

- 10. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:
 - a) The Food Act (as amended);
 - b) The Food Regulation (as in force);
 - c) AS4674 (Design, Construction and Fit-Out of Food Premises);
 - d) The Clean Air (Plant and Equipment) Regulation;
 - e) AS 1668 Part 2;
 - f) The Protection of the Environment Operations Act; and,
 - g) The National Construction Code Series; The relevant matters to be taken into account under this approval relate to:
 - i. construction, materials and finishes;
 - ii. installation of fixtures, fittings and equipment;
 - iii. washing facilities, other facilities and special requirements;
 - iv. mechanical ventilation and exhaust discharges; and
 - v. temperature control.

Detailed plans and specification of work demonstrating that these design requirements have been met shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

11. The Owner of the property shall enter into a trade waste agreement with Upper Hunter Shire for the disposal of all trade waste generated by the development. Documentary evidence demonstrating compliance with this condition shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

Note: This includes food premises which will require a grease trap or a grease arrestor.

(Reason: To protect the environment from contamination)

12. The café doors shall swing inwards, and not obstruct the footpath. No approval is given or implied for the foot way dining or pedestrian ramp within the road reserve. The pedestrian ramp shall be fully constructed within the site. Documentary evidence demonstrating compliance with this condition shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure safe and unobstructed access to the footpath)

Water and Sewer Contributions

13. Prior to the issue of Construction Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

Note1:

Upper Hunter Shire Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2:

A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation Certificate relating to the development.

Contributions

- 13A. A contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, services/facilities detailed in column A and, for the amount detailed in column B shall be made to Council.

Contribution type (a)	Amount per parking Space (B) (\$)	Total (C)
Car Parking	\$10,094.94	\$20,189.88
Total contribution		\$ 20,189.88

Documentary evidence shall be submitted to the Principal Certifier confirming that the contribution has been paid prior to determination of the application for Construction Certificate, where applicable.

The level of contributions shall be in accordance with Council's Fees and Charges at the time of payment.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

Conditions that must be addressed prior to commencement:

14. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with The Blue Book published by Landcom provisions on Erosion and Sediment Control, or a suitable and effective alternative method. All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised. The installation is to be approved by the Principal Certifier prior to further commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

15. Site facilities

- (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) before work commences. Any such hoarding or fence is to be removed when the work has been completed.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees.
- (c) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (d) Adequate toilet facilities must be provided on the work site. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or an approved temporary chemical closet. The provision of toilet facilities must be completed before any other work is commenced.

The installation of the site facilities shall be approved by the Principal Certifier prior to further commencement of site works and prior to the first inspection.

(Reason: To ensure the health and safety of the community and workers on the site)

16. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and,

- (c) showing the name, address and telephone number of the Principal Certifier for the work.

Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed. The installation is to be approved by the Principal Certifier prior to further commencement of site works.

(Reason: Statutory requirement)

17. A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed use. Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to this development consent. It is recommended that you discuss the requirements for achieving compliance with this condition with an Accredited Certifier - (Building), who will be able to assist in advising of any action or works that may be required in the particular circumstances.

(Reason: Statutory requirement)

18. No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

(Reason: Prescribed – Statutory)

Conditions that must be complied with during demolition and building work:

19. The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

20. Any person acting on this consent shall ensure that:-
- (a) building construction activities are only carried out during the following hours:
 - i. between Monday to Friday (inclusive) - 7.00am to 5.00pm,
 - ii. on a Saturday—8.00am to 5.00pm.
 - (b) building construction activities must not be carried out on a Sunday or a public holiday unless prior approval has been obtained
 - (c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

21. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development.

(Reason: To ensure the protection of existing public infrastructure)

Conditions which must be complied with prior to the issue of any occupation certificate:

22. Provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Part 1 prior to the issue of any Occupation Certificate.

(Reason: Equitable access for people with a disability)

23. The applicant shall, upon completion of the development works, submit to the Principal Certifier the works-as-executed drawing (W.A.E.) and certification from a practicing civil engineer or registered surveyor that the works have been executed in accordance with AS3500, prior to the release of any Occupation Certificate. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures.

A CCTV inspection survey must be undertaken of the completed drainage works that are to revert to Council's care and control, and a DVD forwarded to Council to support the certification.

(Reason: To demonstrate works have been carried out in accordance with the consent)

24. All required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall fully constructed, sealed, line marked, sign posted, numbered and in accordance with the consent prior to the issue of any Occupation Certificate.

(Reason: To ensure that adequate facilities to service the development are provided on site.)

25. The building is not to be used or occupied until a final inspection has been carried out and an Occupation Certificate / or Final Inspection Letter has been obtained from the Principal Certifying Authority / or Consent Authority.

(Reason: Prescribed - Statutory.)

26. Prior to the issue of any Occupation Certificate a sealed driveway shall be constructed from the kerb and gutter/ edge of bitumen to the edge of the garage/ property boundary in accordance with the profile on the approved plans. The crossover and layback shall be constructed in accordance with Council's standard vehicle layback SVL-001.

Note: Approval under Section 138 of the Roads Act 1993 is required prior to the commencement of any works within the road reserve.

(Reason: To facilitate appropriate vehicular access to the site.)

- 26A. The premises, including the construction and installation of all equipment, fixtures and fittings must comply with the requirements of The Food Act 2003, Food Regulation 2004, Food Standards Code and Australian Standard 4674 for the Design, Construction and Fit-out of Food Premises. Where Council is not nominated as the Principal Certifying Authority a Certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines is to be provided before the issue of the Occupation Certificate.

Conditions that must be complied with at all times:

27. At all times the trade waste water shall be disposed of in accordance with the requirements of the trade waste agreement between the Owner/operator and Upper Hunter Shire Council.

(Reason: To ensure compliance with Upper Hunter Shire Council's requirements and to protect the environment.)

28. At all times no parking spaces, loadings bays or vehicular access ways or access thereto shall be restricted, constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.

(Reason: To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards.)

REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



ADDRESS: LOT: 80 DP: 601823
180 Kelly Street Scone

APPLICATION No: DA 55-2020-2

PROPOSAL: S4.55(2) Modification – Modify Design and Layout

PLANS REF:

DRAWINGS	SHEET NO.	REVISION	DATE	
PLANNING RELATED DRAWINGS / INFO				
Site Plan 02128	DA100	B	29/09/2022	
Basement - General Arrangement	DA110	C	02/09/2022	
Ground Floor – General Arrangement	DA120	C	02/09/2022	
First Floor – General Arrangement	DA130	B	02/09/2022	
Roof General Arrangement	DA140	B	02/09/2022	
Sections	DA200	A	27/04/2022	
Elevations (1)	DA300	B	29/09/2022	
Elevations (2)	DA301	B	29/09/2022	
3D Perspectives (1)	DA950	B	29/09/2022	
3D Perspectives (2)	DA951	B	29/09/2022	
Ground Floor Demolition	DA111	A	29/09/2022	
First Floor Demolition	DA121	A	29/09/2022	
Roof Plan Demolition	DA 131	A	29/09/2022	
Elevations (1) Demolition	DA 310	A	29/09/2022	
Elevations (2) Demolition	DA 311	A	29/09/2022	

OWNER: Aerial Speed Icons Pty Ltd

APPLICANT: Mr D K Casson

**REPORT ON DEVELOPMENT APPLICATION
CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS**

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



5 Stanstead Close
Scone NSW 2337

AUTHOR: Paul Smith
DATE LODGED: 29 June 2022
AMENDED:
ADD. INFO REC'D:
DATE OF REPORT: 20 July 2022

SUMMARY OF FACTS

ISSUES:	Building Height, Heritage, Floor Space, Flood Risk, Building near Services
SUBMISSIONS:	Nil
RECOMMENDATION:	Approval

LOCATION MAP



DESCRIPTION OF PROPOSAL

Proposed modification of DA55-2020-1, determined on 30 November 2020 which was for Proposed Serviced Apartments including Café.

The proposed modification consists of the following building design and layout changes: -

Rooms

- Layout now provides for 41 rooms which provides flexibility in meeting operational minimum of 40 rooms and additional room for an on-site manager if deemed necessary.
- Three accessible units are required and provided downstairs
- Removal of lift from previous plans

Carpark

- An additional accessible car space is required (3 in place of 2) which has resulted in an overall reduction of one car space – total provided now is 32

Lift

- Lift is no longer a BCA requirement with all accessible units on the ground floor. • A service lift is provided for staff to use for laundry, cleaning etc

Replacement of Structure in Old Laundry

- Walls, floor and roof structure in proximity to old laundry being replaced to make suitable for accommodation
- A structural report in 2021 determined work was required in this area and the alterations will address these matters while being compatible with the overall building design

Roof to Liverpool Street balcony

- 2021 structural assessment highlighted problems
- Roof to be replaced with light weight frame and compatible materials

Rear Entrance

- New location for rear entrance
- Provides suitable accessible pathway from the carpark
- Signage to be incorporated into the awning structure

Front Entrance – Kelly Street

- New entrance addresses issues raised in the development consent
- Minimises changes to front Kelly St façade (existing window to be used for new doorway)
- Provides accessible access to the building off Kelly St, including the café / wine bar.

Entry from Liverpool Street – Fire Fighting Requirements

DA-[document number]/[document year]

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- A compliant firefighting entrance to the building off Liverpool St is required to provide access to the interior stairs.
- Location of the entrance based on available street hydrant coverage and location

Roof Replacement

- The entire roof structure and sheeting is to be replaced following the structural assessment
- The replacement materials will be like for like, with compliant gutters and downpipes

Gate at Entrance to Kelly Street Shop

- The old shop is being converted into two rooms
- The existing entrance door will be converted to window for ventilation purposes.
- The existing shop will be maintained as a display window
- A simple security gate will be placed in line with the building to provide security and privacy to this room. It will be in darker grey tones to be less visually prominent

Air Conditioning Plant

- AC plant to be placed at rear of the building at ground level with appropriate screening

Solar Panels

- AC plant to be placed at rear of the building at ground level with appropriate screening
- The system will be placed on the north facing part of the roof and will not be visible from the street

Other Services on Roof

- The system will be placed on the north facing part of the roof and will not be visible from the street

Storage Building

- A new storage building is proposed which will replace the existing structure in the carparking area
- Construction and finishes will ensure the building has a low visual prominence in relation to the main building
- The building is adjacent to the new waste compound and will have privacy fixed louvred screening around the gated access
- Building will store linen, housekeeping supplies, goods for café and wine bar

Landscaping

- Landscaping will be simple and classic as shown on attached plans
- Screening to services will be consistent throughout the project

Tree Removal

- Two trees will be required to be removed – pine tree facing Liverpool Street and tree near rear boundary where storage shed will be erected

Café/Wine Bar

- The café is less than 10% of ground floor area
- No cooking on site will be undertaken – no exhaust system required
- Wine bar to operate in accordance with existing license 'after hours' when café is closed

Public Toilets

- Two unisex toilets now provided to cater for patronage of café and wine bar

Staff Toilet

- Staff WC provided at rear of the 'old shop'

RELEVANT HISTORY

The land contains the existing 'Golden Fleece Hotel' which was constructed in the 1930's and accommodation at the rear of the hotel was added to the building in the 1950's.

Development Applications that are registered for this site include:

DA 356/2007-1 Development Application lodged 08/11/2007 - Commercial Addition – Colourbond Roof and Shade Sails over existing Out

DA 71/2008-1 Development Application lodged 07/04/2008 - Beauty Salon

DA 55/2020-1 Development Application lodged 18/05/2020 - Serviced Apartments including Café

The current application is for a proposed modification of DA55-2020-1, determined on 30 November 2020 for Proposed Serviced Apartments including Café which includes a modification to the design and layout of the approved development.

REFERRALS

- **Water & Waste**

The development application was referred to Council's Infrastructure Services (Water and Sewer). The advice received is that the "development should proceed, no specific conditions required".

- **Heritage Advisor**

The development application was referred to Council's Heritage Advisor who responded with the following:

1. *The Statement of Heritage Impact (SOHI) dated 2 May 2020 should include more detailed assessment of the impact of modifications and proposed demolition. The modification work needs to be assessed in detail in the Statement of Heritage Impact. This should refer back to the plans where modifications and demolition are required to be shown. An assessment of the significance of the sheds proposed to be demolished and impact of removal is required. Where new work and demolition is proposed, the Statement of Heritage Impact needs to assess this impact and identify the area on plan.*
2. *A demolition plan and elevations are required to fully assess and understand the extent of work proposed and proposed modifications. Modifications are required to be shown separately. All new work should be shown and noted on plan and elevations. Modifications are required to be shown and noted separately.*
3. *All demolition of early fabric should be replaced to match existing. If this is not the case then the fabric and detail need to be shown and assessed in the SOHI.*
4. *The original entry area and stairs should not be replaced by a new unit as this will have a detrimental impact on the significance of this building. This area should be retained as an entry and stair area and the stair conserved or reconstructed.*
5. *A materials and finishes schedule is required to be submitted with the DA. All new hardware to existing windows and doors is required to supplement existing hardware and hence conserve the existing hardware.*
6. *The assessment should include the impact of the removal of trees and the significance of these trees. An arborist should assess the significance of these trees if these are mature trees.*
7. *A landscape plan is required to show replacement of the mature tree canopy.*

These matters have now been addressed or are deemed unwarranted given that the application is seeking to modify an existing consent. It is noted that some of these issues were considered as part of the original development application approved by Council.

- **Engineering/Stormwater Drainage/Access**

Council's Infrastructure Services Department (Assets) has raised no objection to the modified development subject to conditions of consent.

- **Environmental Health**

The development application was referred to Council's Environmental Health Officer who has made the recommendation that the development application be approved subject to conditions of consent.

External referrals for concurrence

No external referrals.

SUBMISSIONS

The development application was placed on public exhibition from Wednesday 6 July 2022 to Wednesday 20 July 2022 in accordance with the Upper Hunter Community Participation Plan.

No submissions were received by Council.

MATTERS FOR CONSIDERATION - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 4.55 (2)

Other modifications A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and

The modified development is considered to be substantially the same as the original development consent.

(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

(c) it has notified the application in accordance with—

(i) the regulations, if the regulations so require, or

No condition of consent has been imposed as required by an approval body (ie the development application was not Integrated Development).

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

The modification was placed on public exhibition.

(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

No submissions were received.

SECTION 4.55 (3)

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

ENVIRONMENTAL PLANNING INSTRUMENTS

UPPER HUNTER LOCAL ENVIRONMENTAL PLAN 2013

	COMMENT
Land Use Table	
Zoning classification	B2 Local Centre
Zoning objectives	<p>The proposed development is consistent with the objectives of the B2 Local Centre zone</p> <ul style="list-style-type: none"> • To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. • To encourage employment opportunities in accessible locations. • To maximise public transport patronage and encourage walking and cycling.
Zoning permissibility	The proposal is permissible as Tourist and Visitor Accommodation in the B2 Local Centre zone.
Clauses (Part 4)	
Height of buildings (Clause 4.3)	<p>Consistent</p> <p>The existing Building has an overall existing building height of 10.84m (ridge), the ancillary proposed storage shed has a building height of 3.68m which is consistent with the maximum building height of 13m in this zone.</p>
Floor space ratio (Clause 4.4 and 4.5)	<p>Consistent</p> <p>The proposed development does not propose any change to existing floor space.</p>
Part 5 – Miscellaneous provisions	
Heritage conservation (Clause 5.10)	<p>Consistent</p> <p>The proposal has been the subject of a Statement of Heritage Impact prepared by Studio Two Architecture & Design (see Attachment 3).</p> <p>The document has been amended to review the proposed amendments to the design and has the following summary (p25).</p> <p>The heritage significant buildings considered in this Statement of Heritage Impact are buildings that are representative of and contribute to Scone's diversity as a regional town with a rich history typifying European settlement in the Hunter region.</p> <p>The aim of the proposed development at 174- 180 Kelly Street is to alter the floor plans significantly while retaining and preserving the qualities of the facades, and hence continuing to contribute to the heritage precinct in which the building is located.</p> <p>As the façade is altered via only sensitive and sympathetic aspects the impact on the neighbouring buildings is extremely minimal.</p> <p>The intent adopted in the concept design of the new work follows the principles of The Burra Charter, The Australia ICOMOS Charter for Places of Cultural Significance, 2013.</p> <p>In regard to the aims of the DCP, the proposed re-development of the Golden Fleece Hotel is therefore deemed to be "compatible with the significance of heritage conservation areas heritage items and</p>

	archaeological items" located in the immediate proximity of the site.
Flood Planning (Clause 5.21)	Consistent The land is identified as flood prone land. The proposed modification of the existing development consent is unlikely to change the impact that flooding would have on the existing building.
Part 6 – Additional Local Provisions	
Airspace operations (Clause 6.7)	Consistent The existing building has an RL220.770 (ridge), it is unlikely that the modification of the existing development would impact on airspace operations as it does not change the building height.
Essential Services (Clause 6.10)	Consistent The existing building is provided with essential services.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (Industry and Employment) 2021	<p>Chapter 3 Advertising and Signage applies to the proposed development.</p> <p>Schedule 5 Assessment Criteria</p> <p>1 Character of the area</p> <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? <p>Comment – The proposed minor change to the signage from 'Golden Fleece Hotel' to 'Golden Fleece Apartments' at both street frontages is consistent with the character of the locality and with the particular theme for outdoor advertising.</p> <p>2 Special areas</p> <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? <p>Comment – The proposed minor signage changes are unlikely to impact on the local heritage item or conservation area.</p> <p>3 Views and vistas</p> <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? <p>Comment – The proposed signage is attached to the existing building and includes the removal of the wording 'Hotel' and changing to 'Apartments'.</p> <p>4 Streetscape, setting or landscape</p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising?
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	<ul style="list-style-type: none"> • Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management? <p>Comment – The proposed signage does not protrude above the building, it is proposed to be the same scale and colour as the existing signage and does not require any vegetation management.</p> <p>5 Site and building</p> <ul style="list-style-type: none"> • Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both? <p>Comment – The removal of the word 'hotel' and the addition of the word 'apartment' is compatible with the scale, proportion and characteristics of the building.</p> <p>6 Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? <p>Comment – The proposed signage does not include any associated devices or logos.</p> <p>7 Illumination</p> <ul style="list-style-type: none"> • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew? <p>Comment – The proposed signage is not illuminated.</p> <p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? <p>Comment – The proposed signage is unlikely to affect safety of a public road, pedestrian or cyclist, or obscure sightlines from public areas.</p>
SEPP (Exempt and Complying Development Codes) 2008	Part 2, Division 1, Subdivision 26 Minor Building Alterations (Internal) and Subdivision 27 Minor Building Alterations (External) does not apply to the proposed development as the works are not considered to be minor alterations.

REGIONAL ENVIRONMENTAL PLANNING POLICIES

There are no REP's applicable to the site.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPI's applying to the land.

DEVELOPMENT CONTROL PLANS

<i>Development control plan</i>	<i>Considered?</i>	<i>Comment (only if necessary)</i>
Upper Hunter Development Control Plan 2015	YES	<p>Part 5 Commercial The proposed development is consistent with this part.</p> <p>Part 8 Other Development The proposed development is consistent with this part under Section 8a Tourist and Visitor Accommodation and Section 8b Advertising and Signage.</p> <p>Part 9 Heritage Conservation The proposed development is consistent with this part.</p> <p>Part 10 Natural Hazards The proposed development is consistent with this part under Section 10a Floodplain Management.</p> <p>Part 11 Environment Protection The proposed development is consistent with this part under Section 11h Waste Minimisation and Management.</p> <p>Part 12 Specific Infrastructure Issues The amended proposal includes an additional accessible car parking space which reduces the the number of spaces to 32. With one additional room and the additional accessible parking space, the modified proposal will result in an additional shortfall in parking of 2 spaces, taking the total parking deficiency to 11 spaces. Notwithstanding, the proposal involves alterations to an existing hotel, which included 29 accommodation rooms and bar and dining. Accordingly, this historical situation has been considered in the overall parking provision. Further, whilst parking was previously provided, it was informal, and the formalisation of the car park is likely to improve utilisation. It is considered that the additional parking shortfall is acceptable under the circumstances.</p>
Section 94A Levy Contributions Plan 2008	YES	In accordance with Council's Section 94A Plan, developer contributions cannot be levied on development that involves the adaptive reuse of a heritage item. As such, it is proposed to delete Condition No. 9 of the development consent, which requires the payment of a developer contribution.

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Upper Hunter Development Contributions Plan 2017	YES	A condition of consent is recommended requiring the payment of a developer contribution of \$20,189.88 in respect of the increased shortfall in off-street parking spaces.
Development Servicing Plan for Water Supply and Sewerage	YES	

PLANNING AGREEMENTS

There are no planning agreements relevant to the proposal.

REGULATIONS

There are no provisions in the regulations relevant to the proposal.

LIKELY IMPACTS OF THE DEVELOPMENT

Context and Setting

Minimal Impact – The proposed modified development is consistent with the context and setting of the site.

Built Form

Minimal Impact – The proposed design, materials, colours and finishes of the modified development are consistent with the requirements for built form in the locality.

Potential Impact on Adjacent Properties

Minimal Impact – The proposed modified development is unlikely to have an adverse impact on adjoining development.

Access, Transport and Traffic

Minimal Impact – The proposed modified design and layout of the development is unlikely to have an adverse impact on the access, transport and traffic within the locality.

Public Domain

Minimal Impact – The proposed modified design and layout of the development is unlikely to impact on the public domain.

Utilities

Minimal Impact – The proposed modified design and layout of the development is unlikely to impact on the utilities connected to the site.

Heritage

Minimal Impact – The proposed modified design and layout of the development is unlikely to adversely impact on the local heritage significance of the existing building or the conservation area.

Other Land Resources

Minimal Impact – The site is not affected by other land resources.

Water

Minimal Impact – The proposed modified design and layout of the development does not impact the water provisions of the existing site include stormwater drainage from the site.

Soils

Minimal Impact – The proposed modified design and layout of the development is unlikely to adversely impact on the soil characteristics of the locality.

Air/Microclimate

Minimal Impact – The proposed modified design and layout of the development is unlikely to impact the air quality or microclimate in the locality.

Flora and Fauna

Minimal Impact – The proposed modified design and layout of the development includes the removal of a pine tree facing Liverpool Street and a tree on the rear boundary of the site. The site is not identified as containing any threatened species of flora and fauna and it is unlikely that the removal of these trees would have a detrimental impact on threatened species of flora and fauna in the locality.

Waste

Minimal Impact – The proposed modified design and layout of the development including use of the building will reduce the amount of waste generated onsite and the ongoing operation of the building is proposed to store waste within Council waste management bins for ongoing Council waste collection.

Energy

Minimal Impact – The proposed modified design and layout of the development is unlikely to change the energy needs of the site or adjoining development.

Noise & Vibration

Minimal Impact – The proposed modified design and layout of the development is unlikely to increase noise impacts during future operations of the sit, The removal of the bar, kitchen, dining areas may reduce potential noise levels associated with such activities in the locality and future construction noise impacts will be temporary.

Natural Hazards

Minimal Impact – The proposed modified design and layout of the development is unlikely to change existing flood impact to the site.

Technological Hazards

Minimal Impact – The proposed modified design and layout of the development includes the addition of a fire exit from the buildings first floor.

Safety, Security & Crime Prevention

Minimal Impact – The proposed modified design and layout of the development is consistent with the four (4) principles of Safer By Design being surveillance, access control, territorial reinforcement and space management.

Social Impact on the Locality

Minimal Impact – The proposed development will have a positive social impact on the locality by providing improved accommodation facilities to tourists and visitors which are not currently available.

Economic Impact on the Locality

Minimal Impact – The proposed development will have a positive economic impact on the locality during the construction and operations phases. The proposal will generate short-term construction jobs and sustain long-term employment for cleaning services, management and café staff.

Site Design and Internal Design

Minimal Impact – The proposed modified design and layout of the development is consistent with the shape and size of the existing lot, is consistent with the building materials and finishes required in the locality, reduces building fire risk, provides access and facilities for the disabled, does not change the existing building height and scale and is likely to comply with the BCA.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does proposal fit in the locality?

The proposed modified development suits the locality and is unlikely to have an adverse impact on adjoining development. The proposal is compatible with surrounding land uses. .

Are the site attributes conducive to the development?

The proposed development does not change the existing flood impact to the site, is unlikely to have an adverse impact on the heritage significance of the local building item or the conservation area, is unlikely to impact on the soil characteristics of the locality. The land is not identified as containing threatened species of flora and fauna, is not agricultural land and is not affected by other land resources.

THE PUBLIC INTEREST

The proposed development is consistent with the Environmental Planning and Assessment Act 1979, Section 4.55 (2) Other Modifications and is substantially the same development to which consent was originally granted under DA 55/2020-1. The proposed development, as modified, is considered to be in the public interest as it will improve safety and accessibility for the building occupants, facilitate the adaptive reuse of a heritage item and have a positive economic impact on the Scone town centre.

SUMMARY OF LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL		CONSIDERED
1	Statutory controls	YES
2	Policy controls	YES
3	Design in relation to existing building and natural environment	YES
4	Landscaping/open space provision	YES
5	Traffic generation and car parking provision	YES
6	Loading and servicing facilities	YES
7	Physical relationship to and impact upon adjoin development (views, privacy, overshadowing, etc.)	YES
8	Site Management issues	YES
9	All relevant S79C considerations of Environmental Planning and Assessment Act 1979	YES
10	Section 89 LGA 93 including Clause 12 considerations of Local Government Regulations 1993	YES

CONSISTENCY WITH THE AIMS OF PLAN

It is considered that the development is consistent with the specific aims of the plan and the objectives of the

zone and of the controls.

As such, consent to the development may be granted.

SUBMITTORS CONCERNS

No submissions were received.

CONCLUSION

The application has been assessed as satisfactory against Section 4.55(2) of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The modified proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent.

RECOMMENDATION

PURSUANT TO SECTION 4.55(1A) OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT Council, as the consent authority, modify Development Consent No. 55/2020 subject to the amended conditions of consent in Attachment 1.

REASONS FOR RECOMMENDED DECISION

- The modified development is substantially the same as the original development.
- The proposed development, as modified, is consistent with the objectives of the applicable environmental planning instruments, being; Upper Hunter Local Environmental Plan 2013 and applicable State Environmental Planning Policies.
- The proposed development, as modified, is consistent with the objectives of the Upper Hunter Shire Development Control Plan 2015.
- The proposed development, as modified, is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, as modified, has appropriate management and mitigation of impacts through conditions of consent.
- The proposed development, as modified, subject to the recommended conditions, will not result in unacceptable adverse impacts upon the natural or built environments.
- The proposed development, as modified, is a suitable and planned use of the site and its approval is in the public interest.

PAUL SMITH,
SENIOR ENVIRONMENTAL PLANNER,

Attachment A: Upper Hunter Development Control Plan 2015 – Compliance Table – Part 8a – Tourist and Visitor Accommodation

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
A. Site location and development design	Yes	Yes	
B. Rural scenic character	NA	NA	
C. Outdoor advertising			No outdoor advertising is proposed. There will be a minor alteration to the existing sign to "Golden Fleece Apartments."
D. Heritage			
E. Access and parking	No		<p>The Outcomes to be achieved are:</p> <ul style="list-style-type: none"> <i>Convenient and sufficient safe access, egress and parking is provided to service the development.</i> <p>Vehicular access to the proposed car park is via an entry from Liverpool Street this has a width of 3.5m and should be sufficient for entry by the largest vehicle likely to access the site. A separate egress will be provided via a 4.36m wide driveway that intersects with Main Street.</p> <p>The car park is considered to be satisfactory having regard to Australian Standard AS2890.1-2004 – Parking Facilities.</p> <p><u>Number and type of vehicle parking spaces</u></p> <p>The DCP requires that adequate parking for visitors, employees and users of specific land uses is provided on the development site and that parking is provided at a rate and type specified in Table 28 car parking requirements.</p>

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			<p>The development is characterised as Motel Accommodation and a café.</p> <p>Motel accommodation requires 1 space per unit and 1 space per two employees. The development proposes the creation of 41 motel rooms and in this regard 41 off-street parking spaces are required.</p> <p>There are estimated to be 5 staff including administration and cleaning staff. Therefore, 2 off-street spaces are required for staff parking, equating to a total of 43 off-street spaces required.</p> <p>Cafes premises are required to have 1 space per 7m² of gross floor area. The café has a floor area of 66m² and as such requires 10 off-street parking spaces. Therefore, the total number of spaces required on site is 53.</p> <p>The development proposes 32 off-street parking spaces and as such there is a deficiency of 21 parking spaces.</p> <p>The approved development currently has a shortfall in parking of 19 spaces.</p> <p>Given that the modification will further increase the shortfall in parking by two spaces, a condition of consent is recommended requiring the payment of a development contribution for those spaces in accordance with the Upper Hunter Development Contributions Plan.</p> <p>The modified proposal provides 3 accessible parking spaces with a shared zone. The existing shed located adjacent to these spaces will be demolished as a part of this proposal. The accessible spaces are considered to be compliant with the DCP requirements.</p> <p>It is considered that the traffic report submitted by the applicant satisfactorily justifies the proposal.</p> <p><u>Access to the site and driveways</u></p> <p>This is considered to comply or be made to comply through conditions of consent. It is recommended that the driveway exit into Main Street is upgraded with a fully</p>

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
			<p>sealed formation in accordance with the Standard Vehicle Layback (SVL-001).</p> <p><u>Bicycle parking facilities and pedestrian access</u></p> <p>It is likely that the majority of guests will arrive by motor vehicle. However, staff or guests who are touring cyclists may have a need for bicycle storage. There is space at the rear for bicycle storage.</p> <p><u>Landscaping</u></p> <p>The DCP requires a minimum of 10% of the total area of the car park is appropriately landscaped. In this case given the location of the car park at the rear of the premises and the higher priority of having off-street parking this requirement is not considered necessary.</p> <p><u>Loading/Unloading</u></p> <p>Provision has been made for loading and unloading. This is considered to be satisfactory.</p>
F. Facilities and services	Yes		
G. Biodiversity conservation	NA		
H. Bushfire	NA		
I. Soil and water management	No		<p>The development application proposes that the car parking area will be constructed and sealed. This will entail the disturbance of an area of approximately 1,287 m². This work has the potential to cause erosion and sedimentation. The applicant has not submitted an Erosion and Sediment Control Plan as required, however a condition of consent is recommended in this regard.</p> <p>The proposed sealing/ construction of the car park has the potential to generate additional runoff water from the hard surfaces. The applicant has for the car park. The proposed stormwater design is considered to be appropriate.</p>
J. Health requirements	Yes	Yes	

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
K. Bed and breakfast accommodation	NA		
L. Farm stay accommodation	NA		
M. Eco-tourist facilities	NA		

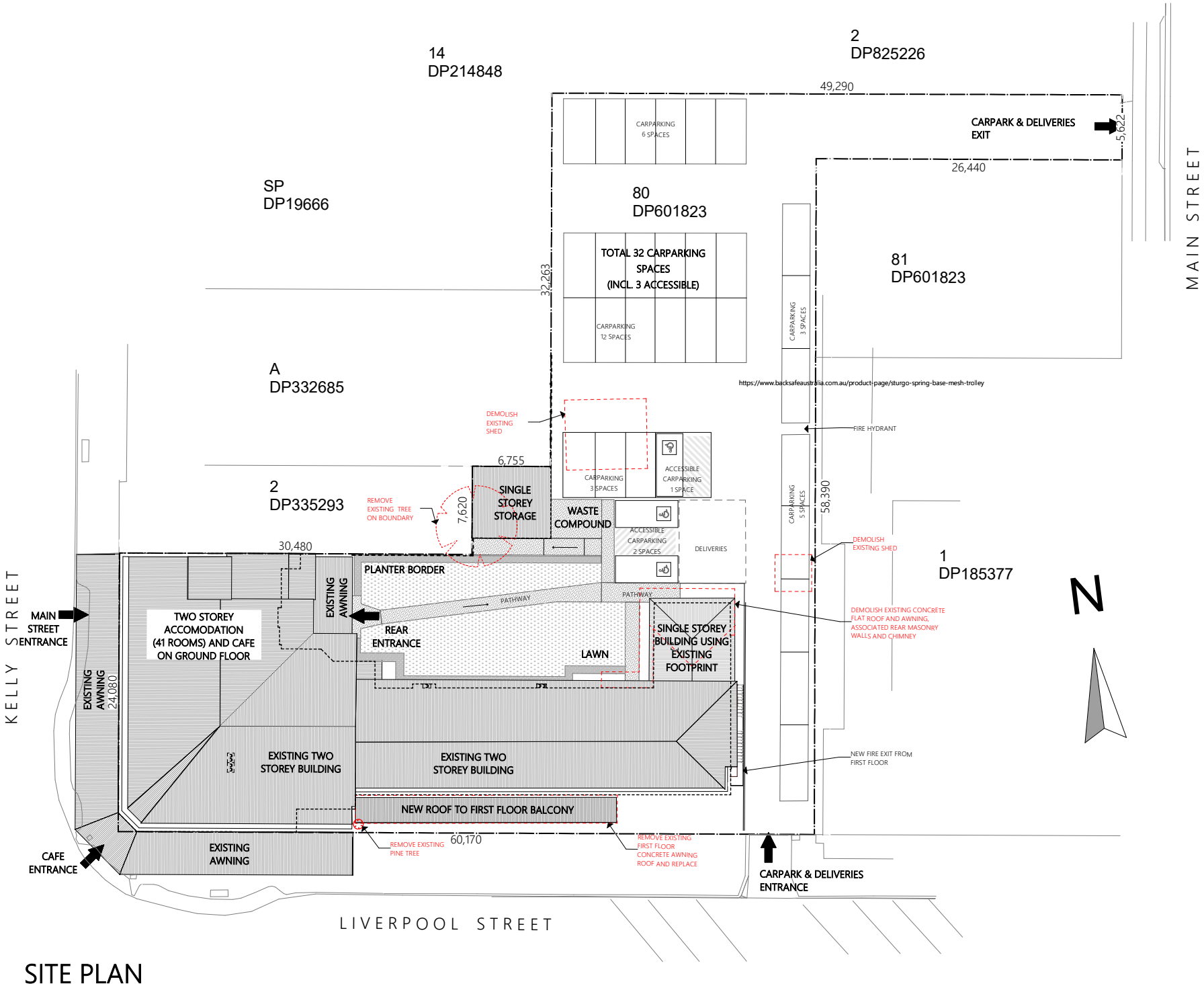
Attachment B: Upper Hunter Development Control Plan 2015 – Compliance Table - Part 5 – Commercial Development

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
Subdivision layout & general design			
A. Building setbacks	Yes	Yes	
B. Building height	Yes	Yes	
C. Floor space ratio	Yes		
D. Siting and building general design	Yes	Yes	There is minimal change proposed to the exterior of the existing building.
E. Building Near water and sewer services	NA		
F. Heritage	Yes		
G. Designing for accessibility	Yes	Yes	
H. Privacy	NA		


Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guidelines (Yes/No/NA)	Comments (If the development does not comply with the design guidelines, how does it satisfy the Outcomes to be achieved?)
I. Safer by design	Yes		The applicant has addressed this issue in the Statement of Environmental Effects.
J. Outdoor lighting	NA		Considered and addressed as part of original development application.
K. Advertising and signage	Yes		
L. Landscaping			The applicant advises that there is limited opportunity for landscaping to be provided on the street frontages and that additional landscaping will be provided in the rear-landscaped garden.
M. Post supported verandahs and balconies	NA	NA	
N. Outdoor eating areas			Considered and addressed as part of the original development application.
O. Off-street parking and access	No		As previously discussed.
P. Water supply	Yes		
Q. Sewerage and waste water	Yes		
R. Electricity & telecommunications	Yes		
S. Stormwater management	NA		Considered and addressed as part of original development application.
T. Waste minimisation and management	nA		Considered and addressed as part of original development application.

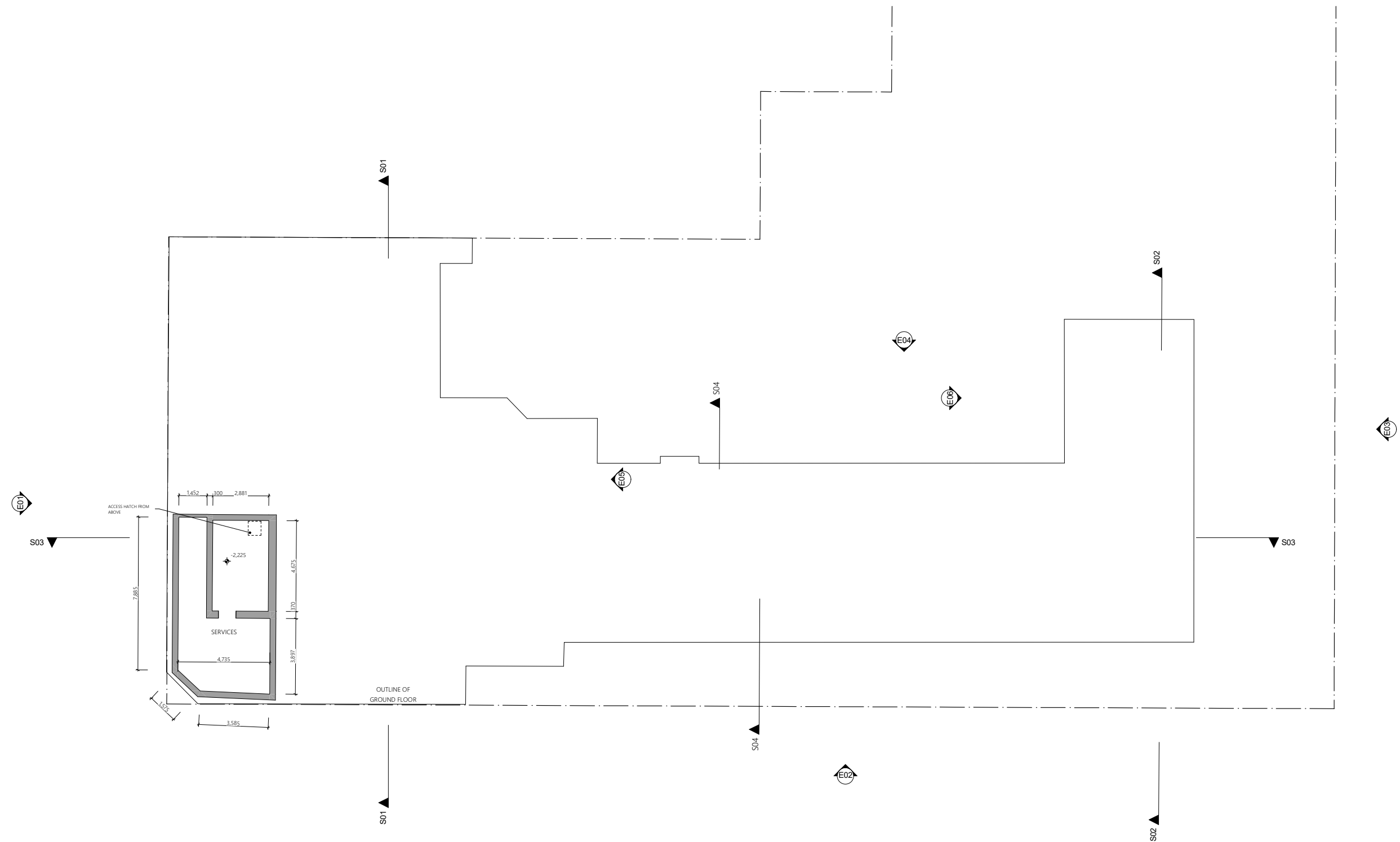
DEVELOPMENT APPLICATION - MODIFICATION
GOLDEN FLEECE APARTMENTS - 180 KELLY STREET SCONE NSW 2337


- DA100 SITE PLAN
- DA110 BASEMENT - GENERAL ARRANGEMENT
- DA120 GROUND FLOOR - GENERAL ARRANGEMENT
- DA130 FIRST FLOOR - GENERAL ARRANGEMENT
- DA140 ROOF GENERAL ARRANGEMENT
- DA200 SECTIONS
- DA300 ELEVATIONS (1)
- DA301 ELEVATIONS (2)
- DA950 3D PERSPECTIVES (1)
- DA951 3D PERSPECTIVES (2)

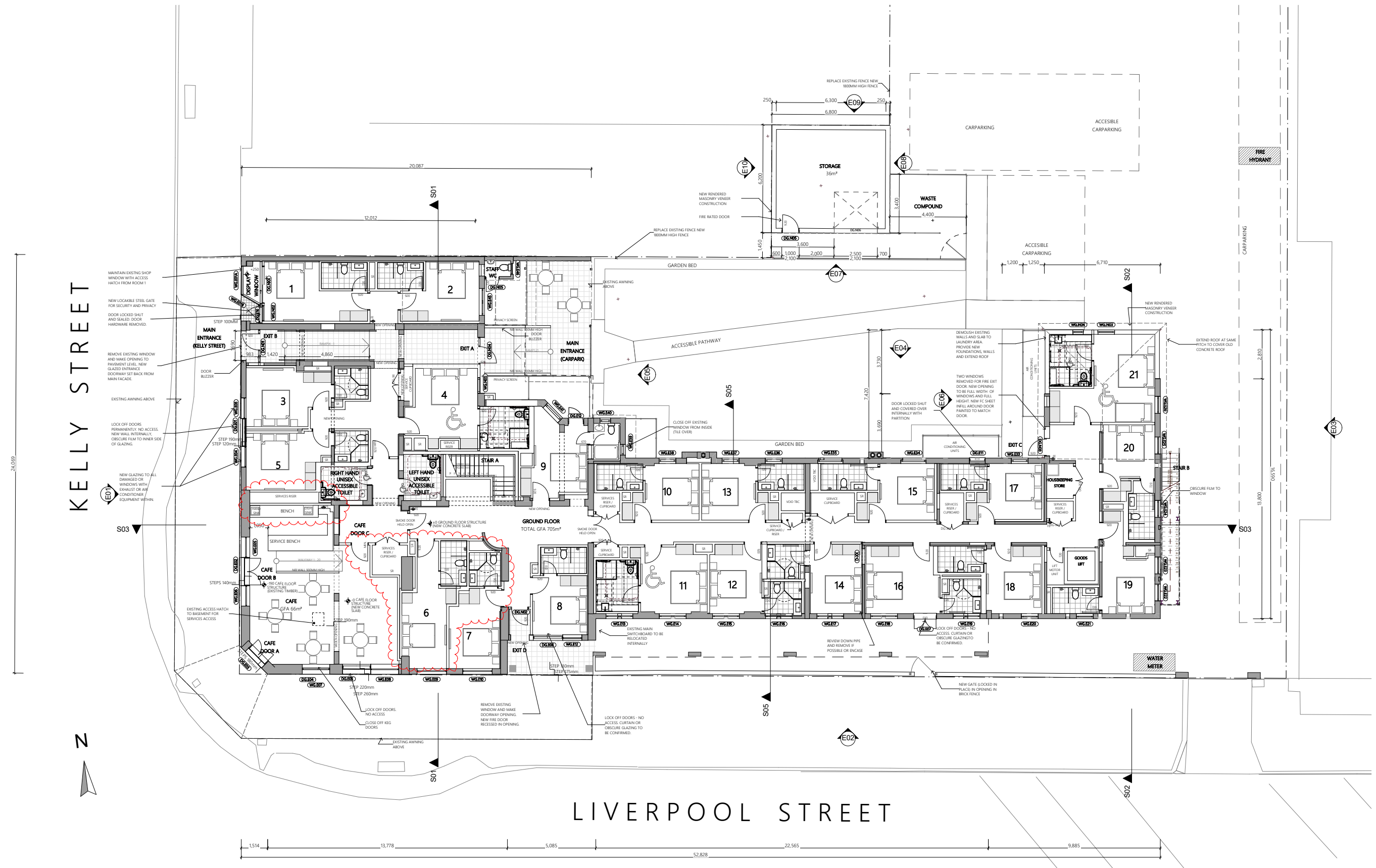









SITE PLAN

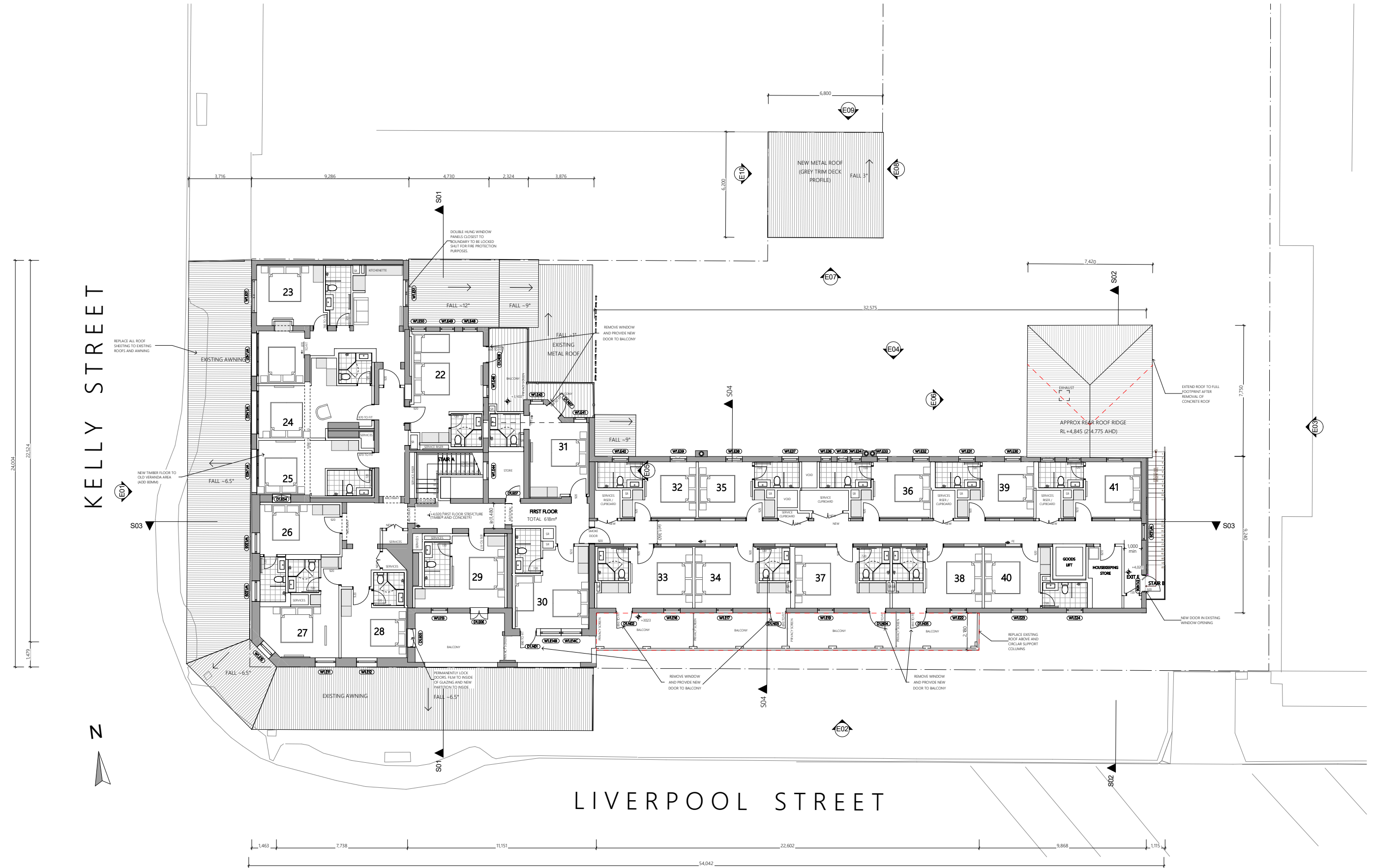
<div></div> <div>ricci piper architecture</div> <div>ricci@riccipiper.com.au 0424 582 540 Ricci Piper Pty Ltd ABN: 26 609 252 744 Nominated Architect: Ricci Piper RAIA #80721 REG NSW</div>	<table><tr><th>Revision</th><th>Description</th><th>Comment</th></tr><tr><td>A</td><td>DA MODIFICATION SUBMISSION</td><td>27.04.2022</td></tr><tr><td>B</td><td>UPDATED</td><td>29.09.2022</td></tr></table>	Revision	Description	Comment	A	DA MODIFICATION SUBMISSION	27.04.2022	B	UPDATED	29.09.2022	NOTES: Dimensions are nominal only and have been interpreted from point cloud laser scan in December 2021. No measurements are to be relied upon for purposes other than for this project. Check all measurements on site.	<p>The builder shall check and verify all dimensions and verify all errors and omissions. Drawings not to be used for construction purposes until issued as such. All works to conform with National Construction Code and relevant Australian Standards.</p>
	Revision	Description	Comment									
	A	DA MODIFICATION SUBMISSION	27.04.2022									
	B	UPDATED	29.09.2022									




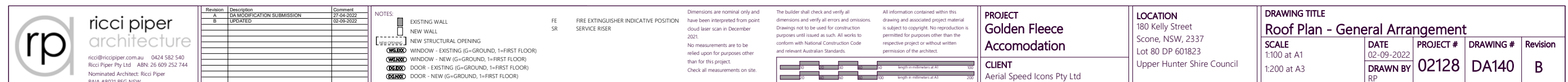
 ricci@riccipiper.com.au 0424 582 540 Ricci Piper Pty Ltd ABN: 26 609 252 744 Nominated Architect: Ricci Piper	Revision Description Comment	27-04-2022 02-09-2022	NOTES: EXISTING WALL NEW WALL NEW STRUCTURAL OPENING WINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR) WINDOW - NEW (G=GROUND, 1=FIRST FLOOR) DOOR - EXISTING (G=GROUND, 1=FIRST FLOOR) DOOR - NEW (G=GROUND, 1=FIRST FLOOR)	FE SR FIRE EXTINGUISHER INDICATIVE POSITION SERVICE RISER	Dimensions are nominal only and have been integrated from point cloud laser scan in December 2021. No measurements are to be relied upon for purposes other than for this project. Check all measurements on site.	The builder shall check and verify all dimensions and associated party material is subject to copyright. No reproduction is permitted for purposes other than the respective project or without written permission of the architect.	All information contained within this drawing and associated party material is subject to copyright. No reproduction is permitted for purposes other than the respective project or without written permission of the architect.	PROJECT Golden Fleece Accommodation CLIENT Ariel Speed Icons Pty Ltd	LOCATION 180 Kelly Street Scone, NSW, 2337 Lot 80 DP 601823 Upper Hunter Shire Council	DRAWING TITLE Basement - General Arrangement SCALE 1:100 at A1 1:200 at A3 DATE 02-09-2022 PROJECT # 02128 DRAWN BY RP	DRAWING # DA110 Revision C
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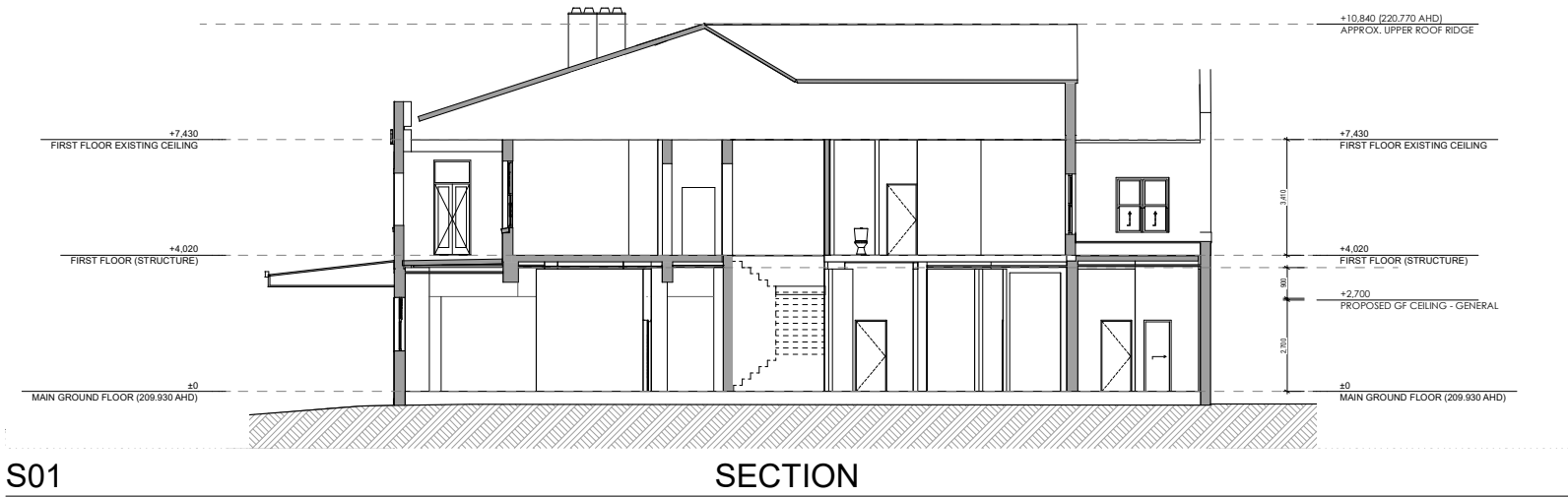


<div></div> <div>ricci piper architecture</div> <div>ricci@riccipiper.com.au 0424 582 540 Ricci Piper Pty Ltd ABN: 26 609 252 744 Nominated Architect: Ricci Piper RAIA #8071 REG NSW</div>	<table><tr><th>Revision</th><th>Description</th><th>Comment</th></tr><tr><td>A</td><td>DA MODIFICATION SUBMISSION</td><td>27-04-2022</td></tr><tr><td>B</td><td>ISSUED TO CONSULTANTS</td><td>09-08-2022</td></tr><tr><td>C</td><td>UPDATED</td><td>02-09-2022</td></tr><tr><td>D</td><td>UPDATED FOR RICA REPORT</td><td>01-12-2022</td></tr><tr><td colspan="3"> </td></tr><tr><td colspan="3">NEW STRUCTURAL OPENING</td></tr><tr><td colspan="3">WINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR)</td></tr><tr><td colspan="3">WINDOW - NEW (G=GROUND, 1=FIRST FLOOR)</td></tr><tr><td colspan="3">DOOR - EXISTING (G=GROUND, 1=FIRST FLOOR)</td></tr><tr><td colspan="3">DOOR - NEW (G=GROUND, 1=FIRST FLOOR)</td></tr></table>	Revision	Description	Comment	A	DA MODIFICATION SUBMISSION	27-04-2022	B	ISSUED TO CONSULTANTS	09-08-2022	C	UPDATED	02-09-2022	D	UPDATED FOR RICA REPORT	01-12-2022				NEW STRUCTURAL OPENING			WINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR)			WINDOW - NEW (G=GROUND, 1=FIRST FLOOR)			DOOR - EXISTING (G=GROUND, 1=FIRST FLOOR)			DOOR - NEW (G=GROUND, 1=FIRST FLOOR)			<div>NOTES:</div> <div><div></div>EXISTING WALL</div> <div><div></div>NEW WALL</div> <div><div></div>NEW STRUCTURAL OPENING</div> <div><div></div>WINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR)</div> <div><div></div>WINDOW - NEW (G=GROUND, 1=FIRST FLOOR)</div> <div><div></div>DOOR - EXISTING (G=GROUND, 1=FIRST FLOOR)</div> <div><div></div>DOOR - NEW (G=GROUND, 1=FIRST FLOOR)</div> <div><div>FE</div>FIRE EXTINGUISHER INDICATIVE POSITION</div> <div><div>SR</div>SERVICE RISER</div>	<div>Dimensions are nominal only and have been interpreted from point cloud laser scan in December 2021. No measurements are to be relied upon for purposes other than for this project. Check all measurements on site.</div>	<div>The builder shall check and verify all dimensions and verify all errors and omissions. Drawings not to be used for construction purposes until issued as such. All works to conform with National Construction Code and relevant Australian Standards.</div>	<div>All information contained within this drawing and associated project material is subject to copyright. No reproduction is permitted for purposes other than the respective project or without written permission of the architect.</div>	<div>PROJECT Golden Fleece Accommodation</div> <div>CLIENT Aerial Speed Icons Pty Ltd</div>	<div>LOCATION 180 Kelly Street Scone, NSW, 2337 Lot 80 DP 601823 Upper Hunter Shire Council</div>	<div>DRAWING TITLE Ground Floor - General Arrangement</div> <div>SCALE 1:100 at A1 1:200 at A3</div>	<div>DATE 02-12-2022</div> <div>DRAWN BY RP</div>	<div>PROJECT # 02128</div>	<div>DRAWING # DA120</div>	<div>Revision D</div>
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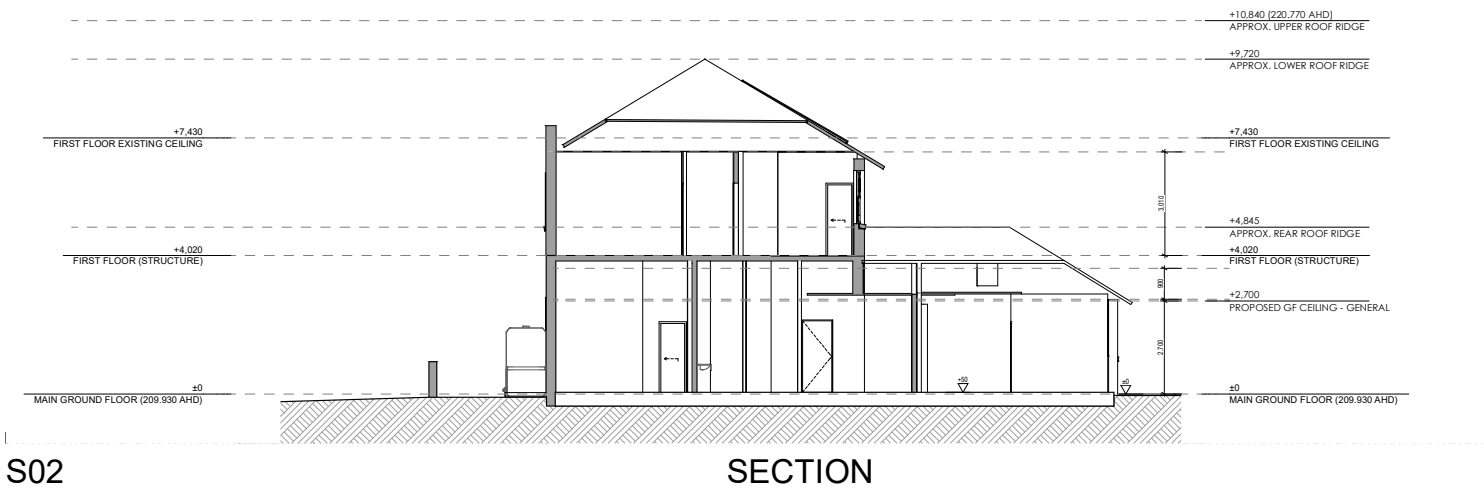


 ricci piper architecture ricci@riccipiper.com.au 0424 582 540 Ricci Piper Pty Ltd ABN: 26 609 252 744 Nominated Architect: Ricci Piper RAIA #8071 REG NSW	<table border="1"><thead><tr><th>Revision</th><th>Description</th><th>Comment</th></tr></thead><tbody><tr><td>A</td><td>DA MODIFICATION SUBMISSION</td><td>27-04-2022</td></tr><tr><td>B</td><td>UPDATED</td><td>02-09-2022</td></tr></tbody></table>	Revision	Description	Comment	A	DA MODIFICATION SUBMISSION	27-04-2022	B	UPDATED	02-09-2022	<p>NOTES:</p> <ul style="list-style-type: none">EXISTING WALLNEW WALLNEW STRUCTURAL OPENINGWINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR)WINDOW - NEW (G=GROUND, 1=FIRST FLOOR)DOOR - EXISTING (G=GROUND, 1=FIRST FLOOR)DOOR - NEW (G=GROUND, 1=FIRST FLOOR)	<p>FE FIRE EXTINGUISHER INDICATIVE POSITION</p> <p>SR SERVICE RISER</p> <p>Dimensions are nominal only and have been interpreted from point cloud laser scan in December 2021.</p> <p>No measurements are to be relied upon for purposes other than for this project.</p> <p>Check all measurements on site.</p>	<p>The builder shall check and verify all dimensions and verify all errors and omissions. Drawings not to be used for construction purposes until issued as such. All works to conform with National Construction Code and relevant Australian Standards.</p> <p>All information contained within this drawing and associated project material is subject to copyright. No reproduction is permitted for purposes other than the respective project or without written permission of the architect.</p>	<p>PROJECT Golden Fleece Accommodation</p> <p>CLIENT Aerial Speed Icons Pty Ltd</p>	<p>LOCATION 180 Kelly Street Scone, NSW, 2337 Lot 80 DP 601823 Upper Hunter Shire Council</p>	<p>DRAWING TITLE First Floor - General Arrangement</p> <table border="1"><tr><td>SCALE 1:100 at A1 1:200 at A3</td><td>DATE 02-09-2022</td><td>PROJECT # 02128</td><td>DRAWING # DA130</td><td>Revision B</td></tr></table>	SCALE 1:100 at A1 1:200 at A3	DATE 02-09-2022	PROJECT # 02128	DRAWING # DA130	Revision B
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A	DA MODIFICATION SUBMISSION	27-04-2022																			
B	UPDATED	02-09-2022																			
SCALE 1:100 at A1 1:200 at A3	DATE 02-09-2022	PROJECT # 02128	DRAWING # DA130	Revision B																	





S01 SECTION



S02 SECTION

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architecture

ricci@riccipiper.com.au 0424 582 540
Ricci Piper Pty Ltd ABN: 26 609 252 744
Nominated Architect: Ricci Piper
RAJA #8021 REG NSW

Revision	Description	Comment
A	DA MODIFICATION SUBMISSION	27-04-2022

- NOTES:
- EXISTING WALL
 - NEW WALL
 - NEW STRUCTURAL OPENING
 - WINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR)
 - WINDOW - NEW (G=GROUND, 1=FIRST FLOOR)
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PROJECT
Golden Fleece Accommodation

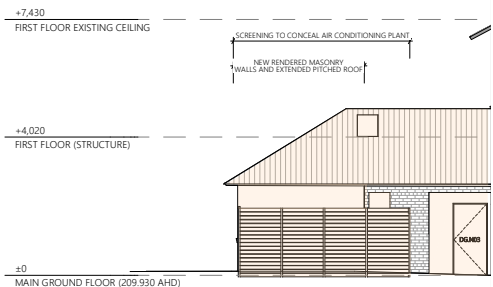
CLIENT
Aerial Speed Icons Pty Ltd

LOCATION
180 Kelly Street
Scone, NSW, 2337
Lot 80 DP 601823
Upper Hunter Shire Council

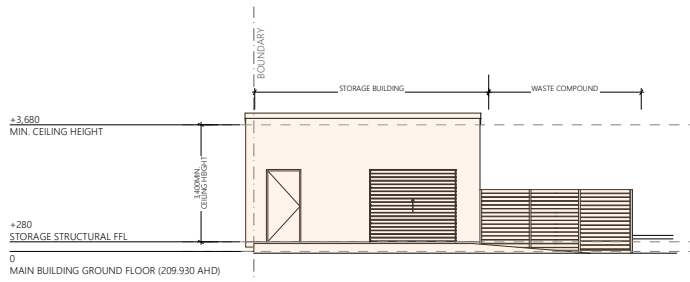
DRAWING TITLE				
Sections (1)				
SCALE 1:100 at A1 1:200 at A3	DATE 27-04-2022	PROJECT # 02128	DRAWING # DA200	Revision A
DRAWN BY RP				



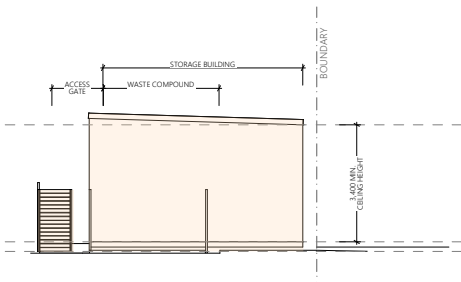
E05 EAST ELEVATION (REAR ENTRANCE)



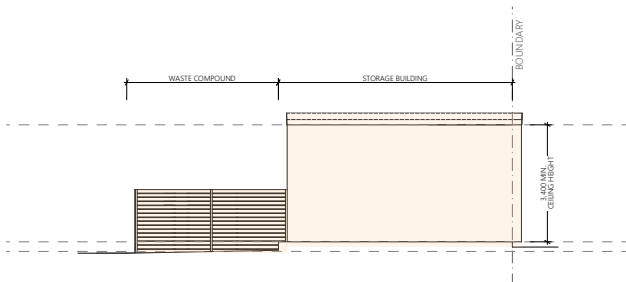
E06 WEST ELEVATION (FIRE EXIT C)



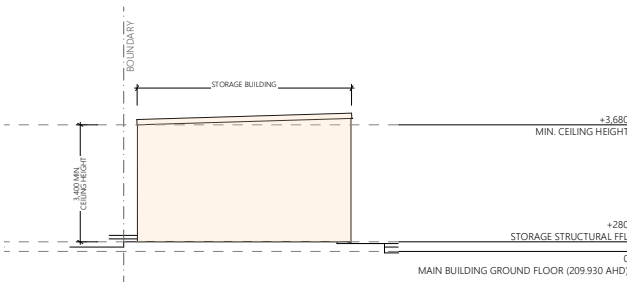
E07 SOUTH ELEVATION (STORAGE)



E08 EAST ELEVATION (STORAGE)



E09 NORTH ELEVATION (STORAGE)



E10 WEST ELEVATION (STORAGE)



Revision	Description	Comment
A	DA MODIFICATION SUBMISSION	27-04-2022
B	UPDATED	29-09-2022

NOTES
EXISTING WALL
NEW WALL
NEW STRUCTURAL OPENING
WINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR)
WINDOW - NEW (G=GROUND, 1=FIRST FLOOR)
DOOR - EXISTING (G=GROUND, 1=FIRST FLOOR)
DOOR - NEW (G=GROUND, 1=FIRST FLOOR)

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PROJECT
Golden Fleece Accommodation
CLIENT
Aerial Speed Icons Pty Ltd

LOCATION
180 Kelly Street
Scone, NSW, 2337
Lot 80 DP 601823
Upper Hunter Shire Council

DRAWING TITLE
Elevations (2)
SCALE
1:100 at A1
1:200 at A3

DATE
29-09-2022
DRAWN BY
RP

PROJECT #
02128

DRAWING #
DA301

Revision
B



3D-1A EXISTING - CORNER



3D-1B PROPOSED - CORNER



3D-2A EXISTING - LIVERPOOL STREET



3D-2B PROPOSED - LIVERPOOL STREET



3D-3A EXISTING - REAR OF PROPERTY



3D-3B PROPOSED - REAR OF PROPERTY



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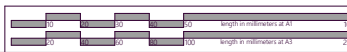
ricci@riccipiper.com.au 0424 582 540
Ricci Piper Pty Ltd ABN: 26 609 252 744
Nominated Architect: Ricci Piper
RAIA #80721 REG NSW

Revision	Description	Comment
A	DA MODIFICATION SUBMISSION	27-04-2022
B	UPDATED	29-09-2022

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PROJECT
Golden Fleece
Accommodation

CLIENT
Aerial Speed Icons Pty Ltd

LOCATION
180 Kelly Street
Scone, NSW, 2337
Lot 80 DP 601823
Upper Hunter Shire Council

DRAWING TITLE
3D Perspectives (1)

SCALE
1:100 at A1
1:200 at A3

DATE
29-09-2022
DRAWN BY
RP

PROJECT #
02128

DRAWING #
DA950

Revision
B



3D-4A EXISTING - REAR ENTRANCE



3D-4B PROPOSED - REAR ENTRANCE



3D-5A PROPOSED - KELLY ST ENTRANCE



3D-5B PROPOSED - KELLY ST ENTRANCE



3D-6A EXISTING - FIRE EXIT



3D-6B PROPOSED - FIRE EXIT



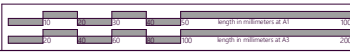
Revision	Description	Comment
A	DA MODIFICATION SUBMISSION	27-04-2022
B	UPDATED	29-09-2022

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PROJECT Golden Fleece Accomodation
CLIENT Aerial Speed Icons Pty Ltd

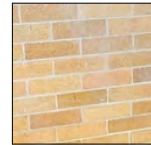
LOCATION 180 Kelly Street Scone, NSW, 2337 Lot 80 DP 601823 Upper Hunter Shire Council

DRAWING TITLE 3D Perspectives (2)	SCALE 1:100 at A1 1:200 at A3	DATE 29-09-2022	PROJECT # 02128	DRAWING # DA951	Revision B
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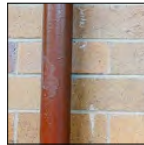
MATERIALS AND FINISHES SCHEDULE

GOLDEN FLEECE APARTMENTS - 180 KELLY STREET SCONE NSW 2337

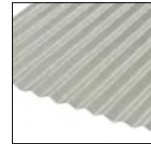
MAIN BUILDING



BR-01 EXISTING FACE BRICKWORK
FACADE OF EXISTING BUILDING
NATURAL BRICK FINISH
EXISTING - NO CHANGE



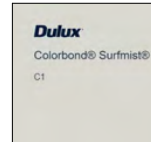
EXISTING DOWNPIPES, VENT BRICKS
EXISTING COLOUR - TERRAIN



MS-01 METAL ROOF SHEETING
EXISTING ROOF
METAL - CUSTOM ORB PROFILE
GALVINISED TO MATCH EXISTING



VENTILATION EXHAUST GRILLE
FACADES WHERE NOTED
ALUMNIMUM
NATURAL FINISH



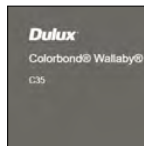
PF-XX PAINT FINISH
SOFFIT, CONCRETE BEAM EDGE, GROUND FLOOR
RENDERED WALLS
DULUX - SURFMIST



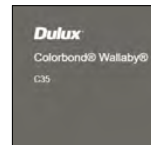
SG-01 SIGNAGE LETTERING
BUILDING FACADE TO ALTER EXISTING SIGNAGE
METAL SIGNAGE
COLOUR TO MATCH EXISTING (DULUX NATURAL WHITE)



PF-XX PAINT FINISH
TO LOWER PORTION OF RENDERED WALL (GROUND
FLOOR TO KELLY AND LIVERPOOL STREETS)
DULUX - PARIS CREEK



SG-02 SIGNAGE AWNING EDGE STRIP
AWNING TO KELLY & LIVERPOOL STREETS, AND REAR
ENTRANCE
FOLDED METAL
COLORBOND WALLABY



PF-XX PAINT FINISH TO DOORS
TO EXISTING TIMBER DOORS AND NEW
ENTRANCE METAL DOOR FRAMES
DULUX - WALLABY



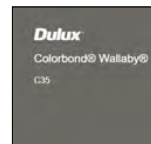
SCR PRIVACY SCREENS
SURROUNDING PLANT / EQUIPMENT IN REAR
COURTYARD AND DIVIDING SCREENS ON BALCONIES
ALUMINUM POWDERCOATED FINISH - COLORBOND
WALLABY



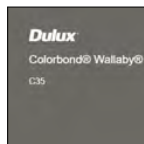
PF-XX PAINT FINISH
TO EXISTING TIMBER WINDOW FRAMES
DULUX - NATURAL WHITE



MS-02 METAL ROOF SHEETING
NEW BALCONY ROOF TO LIVERPOOL ST
METAL - TRIMDEK PROFILE
COLORBOND SURFMIST COLOUR



PF-XX PAINT FINISH
TO NEW METAL WINDOW FRAMES
DULUX - WALLABY

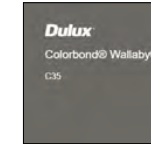


PF-XX PAINT FINISH
NEW BALCONY COLUMNS TO LIVERPOOL ST
METAL COLUMNS
DULUX - WALLABY

STORAGE BUILDING




MS-03 METAL ROOF SHEETING
ROOF TO STORAGE SHED
METAL - TRIMDEK PROFILE
COLORBOND WALLABY



PF-XX PAINT FINISH
GUTTERS, DOWNPIPES TO STORAGE SHED
DULUX - WALLABY




PF-XX PAINT FINISH
RENDERED WALLS TO STORAGE SHED
DULUX - WALLABY

<div></div> <div><p>ricci piper architecture</p><p>ricci@riccipiper.com.au 0424 582 540 Ricci Piper Pty Ltd ABN: 26 609 252 744 Nominated Architect: Ricci Piper RAIA #8021 REG NSW</p></div>	<table><tr><th>Revision</th><th>Description</th><th>Comment</th></tr><tr><td>A</td><td>UPDATED</td><td>29-09-2022</td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></table>	Revision	Description	Comment	A	UPDATED	29-09-2022																															<p>NOTES:</p> <p>Dimensions are nominal only and have been interpreted from point cloud laser scan in December 2021. No measurements are to be relied upon for purposes other than for this project. Check all measurements on site.</p> <p>The builder shall check and verify all dimensions and verify all errors and omissions. Drawings not to be used for construction purposes until issued as such. All works to conform with National Construction Code and relevant Australian Standards.</p> <p>All information contained within this drawing and associated project material is subject to copyright. No reproduction is permitted for purposes other than the respective project or without written permission of the architect.</p>	<p>PROJECT Golden Fleece Accommodation</p> <p>CLIENT Aerial Speed Icons Pty Ltd</p>	<p>LOCATION 180 Kelly Street Scone, NSW, 2337 Lot 80 DP 601823 Upper Hunter Shire Council</p>	<table><tr><td colspan="5">DRAWING TITLE Materials and Finishes Schedule</td></tr><tr><td>SCALE 1:100 at A1 1:200 at A3</td><td>DATE 29-09-2022 DRAWN BY RP</td><td>PROJECT # 02128</td><td>DRAWING # DA952</td><td>Revision A</td></tr></table>	DRAWING TITLE Materials and Finishes Schedule					SCALE 1:100 at A1 1:200 at A3	DATE 29-09-2022 DRAWN BY RP	PROJECT # 02128	DRAWING # DA952	Revision A
	Revision	Description	Comment																																																
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DEMOLITION NOTES:

- 1) REMOVE ALL EXISTING DOORS AND WINDOWS NOMINATED FOR DEMOLITION AND SET ASIDE FOR POSSIBLE REUSE IN PROJECT UNLESS NOTED OTHERWISE.
- 2) DEMOLITION OF ALL WALLS AND ANY NEW OPENINGS SUBJECT TO STRUCTURAL ENGINEERS DETAIL.





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architecture

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Ricci Piper Pty Ltd ABN: 26 609 252 744
Nominated Architect: Ricci Piper
RAIA #80721 REG. NSW

Revision	Description	Comment
A	UPDATED	29-09-2022

NOTES:

- EXISTING WALL
- NEW WALL
- NEW STRUCTURAL OPENING
- WINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR)
- WINDOW - NEW (G=GROUND, 1=FIRST FLOOR)
- DOOR - EXISTING (G=GROUND, 1=FIRST FLOOR)
- DOOR - NEW (G=GROUND, 1=FIRST FLOOR)

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PROJECT
Golden Fleece Accommodation

CLIENT
Aerial Speed Icons Pty Ltd

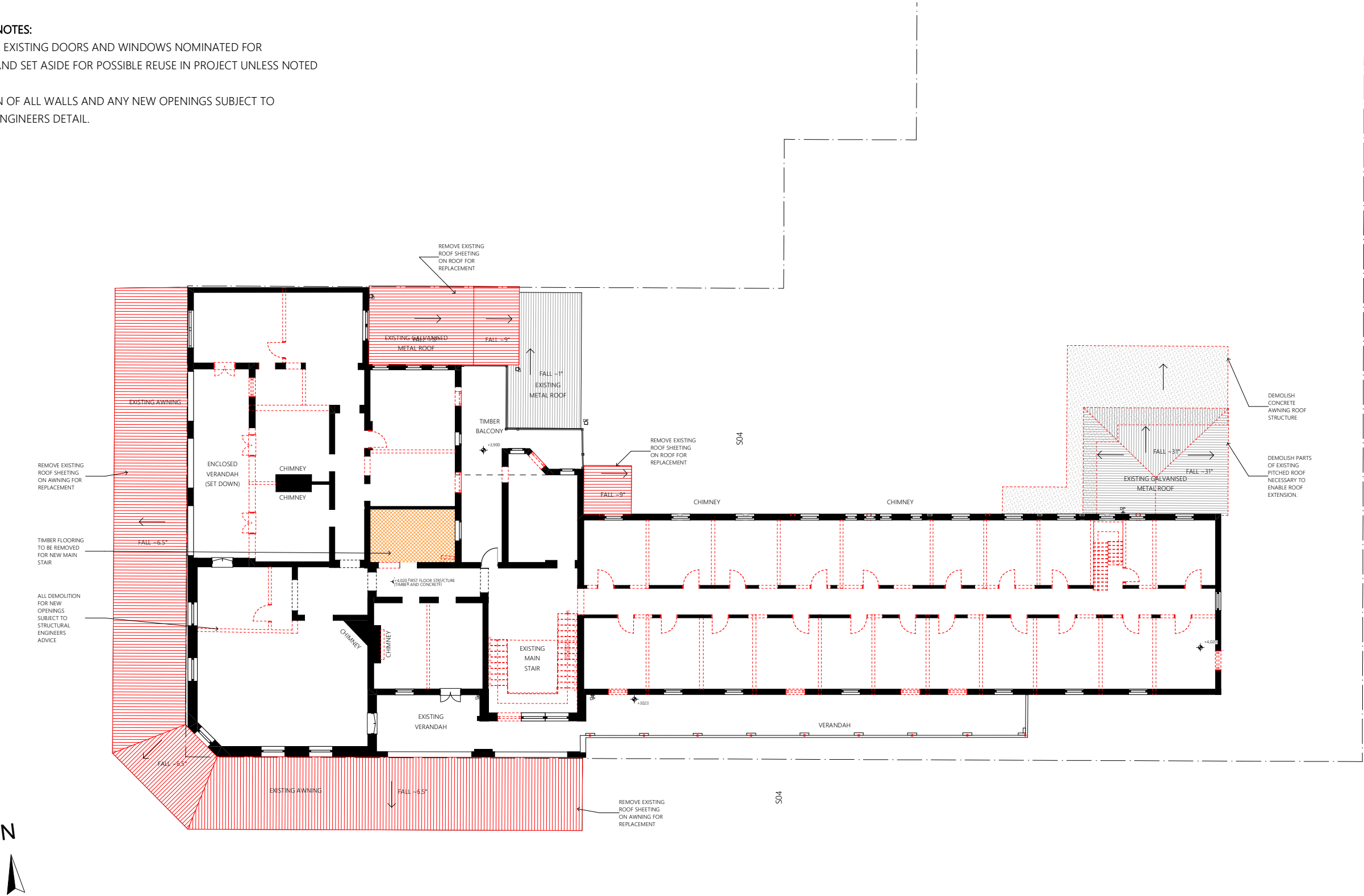
LOCATION
180 Kelly Street
Scone, NSW, 2337
Lot 80 DP 601823
Upper Hunter Shire Council


DRAWING TITLE
Ground Floor - Demolition

SCALE 1:100 at A1 1:200 at A3	DATE 29-09-2022 DRAWN BY RP	PROJECT # 02128	DRAWING # DA111	Revision A
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DEMOLITION NOTES:

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- 2) DEMOLITION OF ALL WALLS AND ANY NEW OPENINGS SUBJECT TO STRUCTURAL ENGINEERS DETAIL.





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architecture

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Ricci Piper Pty Ltd ABN: 26 609 252 744
Nominated Architect: Ricci Piper
RAIA #80721 REG NSW

Revision	Description	Comment
A	UPDATED	29-09-2022

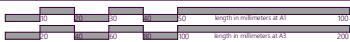
NOTES:

- EXISTING WALL
- NEW WALL
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- WINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR)
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PROJECT
Golden Fleece Accomodation

CLIENT
Aerial Speed Icons Pty Ltd

LOCATION
180 Kelly Street
Scone, NSW, 2337
Lot 80 DP 601823
Upper Hunter Shire Council

DRAWING TITLE
First Floor - Demolition

SCALE
1:100 at A1
1:200 at A3

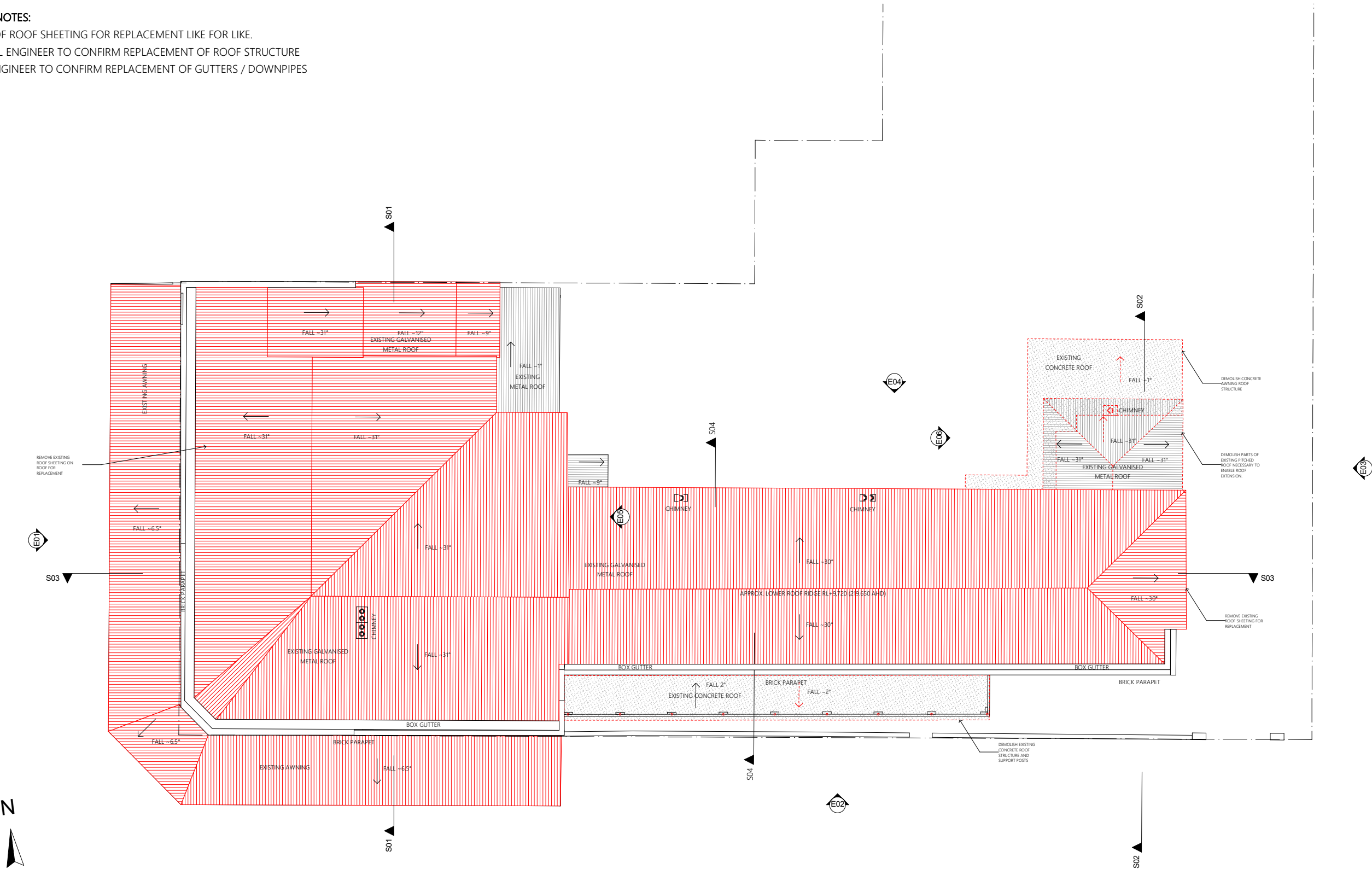
DATE
29-09-2022


DRAWN BY
RP

PROJECT #	DRAWING #	Revision
02128	DA121	A

DEMOLITION NOTES:

- 1) REMOVAL OF ROOF SHEETING FOR REPLACEMENT LIKE FOR LIKE.
- 2) STRUCTURAL ENGINEER TO CONFIRM REPLACEMENT OF ROOF STRUCTURE
- 3) SERVICES ENGINEER TO CONFIRM REPLACEMENT OF GUTTERS / DOWNPIPES






ricci piper
architecture

ricci@riccipiper.com.au 0424 582 540
Ricci Piper Pty Ltd ABN: 26 609 252 744
Nominated Architect: Ricci Piper
RAIA #80721 REG NSW

Revision	Description	Comment
A	UPDATED	29-09-2022

NOTES:

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- NEW WALL
- NEW STRUCTURAL OPENING
- EXISTING WINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR)
- NEW WINDOW - NEW (G=GROUND, 1=FIRST FLOOR)
- EXISTING DOOR - EXISTING (G=GROUND, 1=FIRST FLOOR)
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DEMOLITION:  FOR DEMOLITION

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PROJECT
Golden Fleece Accomodation

CLIENT
Aerial Speed Icons Pty Ltd

LOCATION
180 Kelly Street
Scone, NSW, 2337
Lot 80 DP 601823
Upper Hunter Shire Council

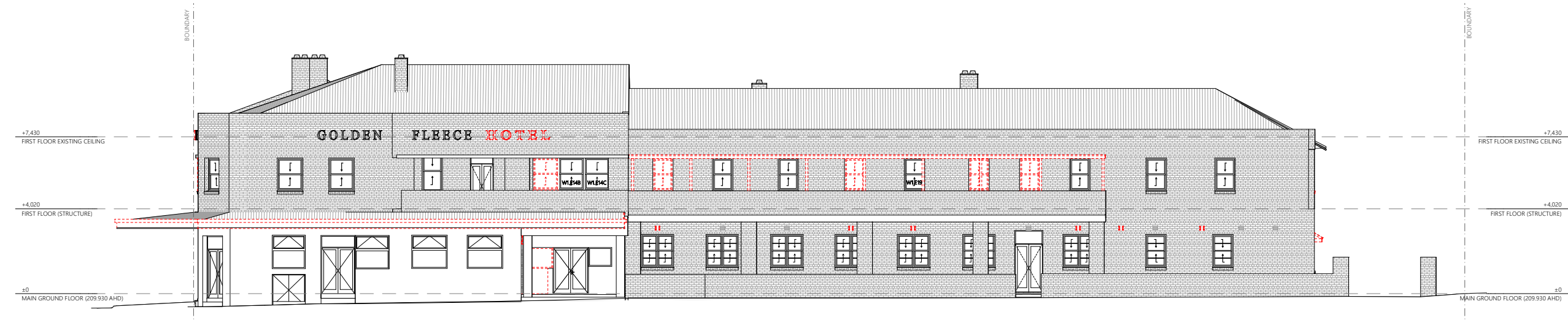
DRAWING TITLE
Roof Plan - Demolition

SCALE
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1:200 at A3

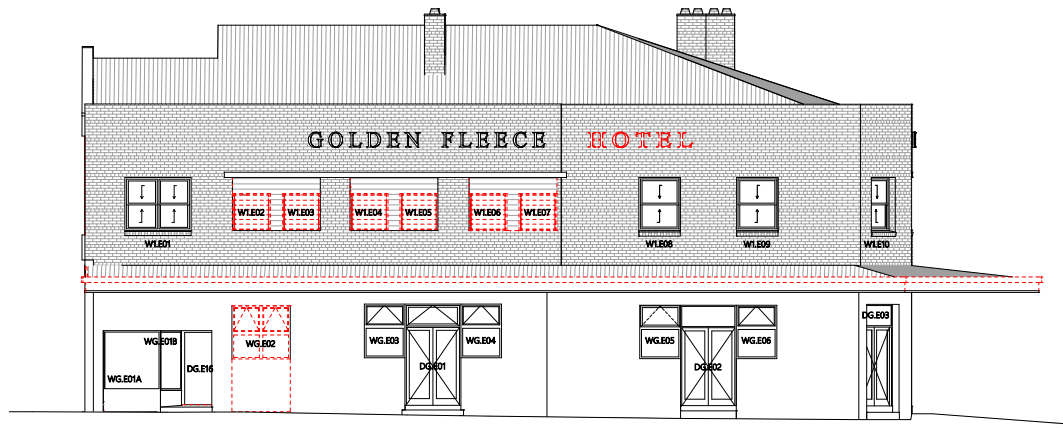
DATE
29-09-2022

DRAWN BY
RP

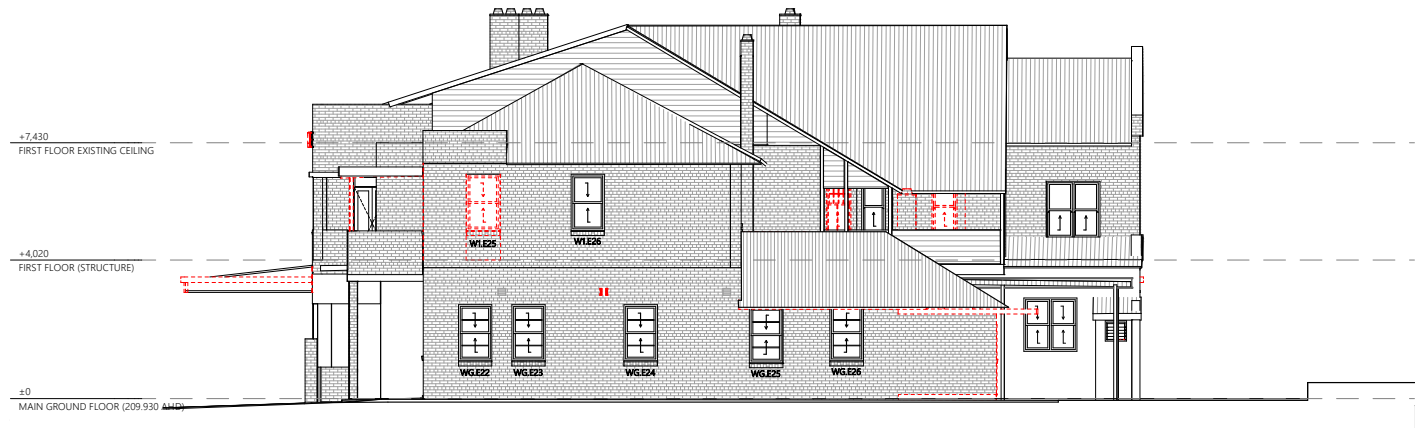
PROJECT #	DRAWING #	Revision
02128	DA131	A



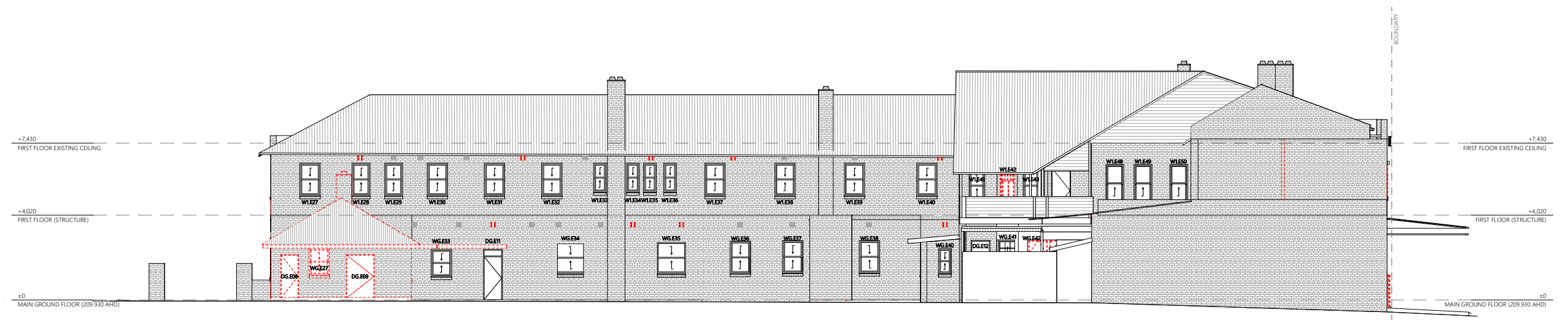
E02 SOUTH ELEVATION (LIVERPOOL STREET) - DEMOLITION




E01 WEST ELEVATION (KELLY STREET) - DEMOLITION



E03 EAST ELEVATION (DRIVEWAY) - DEMOLITION

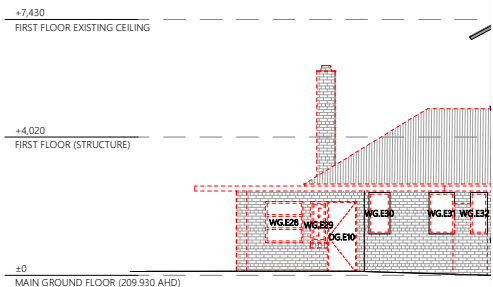


E04 NORTH ELEVATION - DEMOLITION


 ricci piper architecture	<table><tr><th>Revision</th><th>Description</th><th>Comment</th></tr><tr><td>A</td><td>UPDATED</td><td>29-09-2022</td></tr></table>	Revision	Description	Comment	A	UPDATED	29-09-2022	<p>NOTES:</p> <div><div><div>EXISTING WALL</div><div>NEW WALL</div></div><div><div>NEW STRUCTURAL OPENING</div><div>WINDOW - EXISTING (G=GROUND, 1=FIRST FLOOR)</div><div>WINDOW - NEW (G=GROUND, 1=FIRST FLOOR)</div><div>DOOR - EXISTING (G=GROUND, 1=FIRST FLOOR)</div><div>DOOR - NEW (G=GROUND, 1=FIRST FLOOR)</div></div><div><div>NEW WORK</div><div>FOR DEMOLITION</div></div></div> <p>Dimensions are nominal only and have been interpreted from point cloud laser scan in December 2021. No measurements are to be relied upon for purposes other than for this project. Check all measurements on site.</p> <p>The builder shall check and verify all dimensions and verify all errors and omissions. Drawings not to be used for construction purposes until issued as such. All works to conform with National Construction Code and relevant Australian Standards.</p> <p>All information contained within this drawing and associated project material is subject to copyright. No reproduction is permitted for purposes other than the respective project or without written permission of the architect.</p> <div><div><div>01</div><div>02</div><div>03</div><div>04</div><div>05</div><div>06</div><div>07</div><div>08</div><div>09</div><div>10</div><div>11</div><div>12</div><div>13</div><div>14</div><div>15</div><div>16</div><div>17</div><div>18</div><div>19</div><div>20</div><div>21</div><div>22</div><div>23</div><div>24</div><div>25</div><div>26</div><div>27</div><div>28</div><div>29</div><div>30</div><div>31</div><div>32</div><div>33</div><div>34</div><div>35</div><div>36</div><div>37</div><div>38</div><div>39</div><div>40</div><div>41</div><div>42</div><div>43</div><div>44</div><div>45</div><div>46</div><div>47</div><div>48</div><div>49</div><div>50</div><div>51</div><div>52</div><div>53</div><div>54</div><div>55</div><div>56</div><div>57</div><div>58</div><div>59</div><div>60</div><div>61</div><div>62</div><div>63</div><div>64</div><div>65</div><div>66</div><div>67</div><div>68</div><div>69</div><div>70</div><div>71</div><div>72</div><div>73</div><div>74</div><div>75</div><div>76</div><div>77</div><div>78</div><div>79</div><div>80</div><div>81</div><div>82</div><div>83</div><div>84</div><div>85</div><div>86</div><div>87</div><div>88</div><div>89</div><div>90</div><div>91</div><div>92</div><div>93</div><div>94</div><div>95</div><div>96</div><div>97</div><div>98</div><div>99</div><div>100</div></div><div><div>length in millimetres at A1</div><div>length in millimetres at A3</div></div></div>	<p>PROJECT Golden Fleece Accommodation</p> <p>CLIENT Aerial Speed Icons Pty Ltd</p>	<p>LOCATION 180 Kelly Street Scone, NSW, 2337 Lot 80 DP 601823 Upper Hunter Shire Council</p>	<p>DRAWING TITLE Elevations (1) - Demolition</p> <div><div>SCALE 1:100 at A1 1:200 at A3</div><div><div>DATE 29-09-2022</div><div>DRAWN BY RP</div></div><div><div>PROJECT # 02128</div><div>DRAWING # DA310</div></div><div>Revision A</div></div>
	Revision	Description	Comment								
A	UPDATED	29-09-2022									
<p>ricci@riccipiper.com.au 0424 582 540 Ricci Piper Pty Ltd ABN 26 609 252 744 Nominated Architect: Ricci Piper RAIA#8071 REG NSW</p>											



E05 EAST ELEVATION (REAR ENTRANCE) - DEMOLITION



E06 WEST ELEVATION (FIRE EXIT C) - DEMOLITION



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ricci@riccipiper.com.au

0424 582 540


Ricci Piper Pty Ltd ABN: 26 609 252 744


Nominated Architect: Ricci Piper


RAIA #80721 REG NSW


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A	UPDATED	29-09-2022


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
 EXISTING WALL


 NEW WALL

 NEW STRUCTURAL OPENING

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 WINDOW - NEW (G=GROUND, 1=FIRST FLOOR)

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NEW STRUCTURAL OPENING

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PROJECT

Golden Fleece Accomodation

CLIENT

Aerial Speed Icons Pty Ltd

LOCATION

180 Kelly Street

Scone, NSW, 2337

Lot 80 DP 601823

Upper Hunter Shire Council

DRAWING TITLE

Elevations (2) - Demolition

SCALE

1:100 at A1

1:200 at A3

DATE

29-09-2022

DRAWN BY

RP

PROJECT #

02128

DRAWING #

DA311

Revision

A

Upper Hunter Shire Council – Environmental & Community Services Committee Agenda – 14 February 2023

Page 194

A1 SHEET

STORMWATER MANAGEMENT PLAN FOR THE GOLDEN FLEECE APARTMENTS 180 KELLY STREET, SCONE, NSW 2337



LOCALITY PLAN - REFERENCE SIXMAPS

DRAWING SCHEDULE:

DWG No	DRAWING TITLE	REV	DATE	
20-127-C00	COVER SHEET, LOCALITY PLAN & INDEX SCHEDULE	C	26/04/22	C
20-127-C01.10	GENERAL NOTES SHEET 1	A	17/09/20	
20-127-C01.15	HYDROLOGY AND HYDRAULIC ASSESSMENT	A	17/09/20	
20-127-C02.10	CONCEPTUAL CARPARK LAYOUT	C	26/04/22	C
20-127-C03.10	STORMWATER MANAGEMENT PLAN	C	26/04/22	C
20-127-C04.10	DRIVEWAY PLAN AND DETAILS	A	17/09/20	
20-127-C05.10	STORMWATER DETAILS	A	17/09/20	
20-127-C06.10	TURNING TEMPLATE SHEET 1	B	26/04/22	B
20-127-C06.15	TURNING TEMPLATE SHEET 2	B	26/04/22	B

						GOLDEN FLEECE HOTEL 180 KELLY STREET SCONE NSW 2337		 <div>RHM Consulting Engineers Civil & Structural Consulting Engineers 137 Kelly Street, Scone NSW Tel (02) 6545 2800 Email rhmce@rhmce.com.au www.rhmce.com.au ABN 82 153 018 800</div>	COVER SHEET, LOCALITY PLAN AND INDEX	Scale Horizontal:	CIVIL DRAWING			
C	AMENDMENTS TO CARPARK DESIGN	26/04/2022	CA								Designed	BH	Approved on behalf of RHM Consulting Engineers	
B	AMENDMENTS TO CARPARK DESIGN	20/09/20	CH								Drawn	CA	Project Engineer/Director	26/04/22
A	ISSUED FOR APPROVAL	17/09/20	CH								Datum	NIL	Drawing No:	Rev
REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY				Date	APR 22	20-127-C00	C

A1 SHEET

GENERAL

- G1 If in doubt ASK.
- G2 These drawings shall be read in conjunction with Council specifications and other consultants drawings and specifications and such other written instructions as may be issued during the course of the contract. Any discrepancy shall be referred to the engineer prior to proceeding with the work.
- G3 Material & workmanship shall be in accordance with the relevant S.A.A. codes and relevant authorities.
- G4 All dimensions and reduced levels must be verified on site prior to the commencement of work.
- G5 Substitutions must be approved by the engineer.
- G6 Unless noted otherwise all levels shown are to the Australian Height Datum. Grid lines to MGA. Note correct factor apply.
- G7 Service information shown is based on plans supplied by authorities and is approximate only. Prior to the commencement of any works, the contractor shall locate all underground services and comply with all requirements of those authorities.
- G8 Existing surface contours, where shown, are interpolated and may not be accurate.
- G9 Prior to the placement of any fill, pavement or building, the exposed subgrade shall be compacted to a minimum of 98% standard compaction in accordance with test 'E1.1' of A.S. 1289 for the top 300mm. Any soft spots shall be removed and replaced with granular fill to the engineers approval and compacted in accordance with the compaction requirements set out below.
- G10 Grade evenly between finished surface spot levels. Finished surface contours are shown for clarity. Where finished surface levels are not shown, the surface shall be graded smoothly so that it will drain and match adjacent surfaces or structures.
- G11 Unless noted otherwise, all downpipes shall be connected to pits or main stormwater drains with uPVC pipes of the following sizes laid at a minimum grade of 1 in 100:
A. 100 dia. for domestic construction.
B. 150 dia. for commercial / industrial construction.
- G12 Unless noted otherwise all main stormwater drains shall be constructed using one of the following types of pipes with rubber ring joints:
A. Class 2 RCP in accordance with A.S. 1342
B. uPVC in accordance with A.S. 1260
Any other types of pipe must be referred to the engineer for approval prior to use. If uPVC, or other pipes are to be used, approval must be given by the engineer for class, bedding and backfill requirements.
- G13 Generally for trenching works the contractor must:
A. Comply with the general provisions of the 'Occupational Health Safety Act 2007'.
B. Comply with the 'Occupational Health & Safety code of practise for safety precautions in trenching operations'.
C. Fulfill all work cover requirements.
- G14 Any structures, pavements or surfaces damaged, dirtied or made unserviceable due to construction work shall be reinstated to the satisfaction of the engineer.
- G15 Auspec Specification to apply
- G16 All concrete pipes to be class 3 reinforced rubber ring (RRRCPI) U.N.O.
- G17 All culverts to have longitudinal sub-soil drains running along sides. Refer to details.
- G18 Seed mix to be used for re-vegetation to be "Hunter Nude Mix" to manufacturers specifications.
- G19 Hydro-mulch to be used to stabilise all disturbed areas and sprayed at manufacturer's specifications.

FILL TYPES

- FT1 General fill : well graded material max particle size 75mm
: Plastic Index less than or equal to 55%
Select fill : Max particle size 75mm
: Proportion passing 0.075 sieve 25% Max
2% less than or equal to Plastic Index
less than or equal to 15%
- FT2 Trenches over 1.5m deep shall always be shored. Trenches less than 1.5m deep shall be shored if unstable or if deemed necessary by relevant authority.
- FT3 If fill placed on surface which slopes more than 1:4 then the NGL shall be benched
- FT4 Tolerances: The finished surface levels shall have the following tolerances:
- under slabs and loadbearing elements +0, -25mm
- other ground surfaces +50mm, provided the area remains free draining and matches adjacent constructions
- FT5 Fill shall be placed in layers to thickness nominated by the engineer. Each layer shall obtain specified compaction before the next is placed. During placement of fill, the surface shall always remain free draining
- FT6 Fill against structures shall be placed and compacted simultaneously on both sides to avoid differential loading.
- FT7 Fill shall not be placed against concrete for fourteen days after concrete placement
- FT8 Fill moisture content shall be between 85-110% of optimum moisture

DUST CONTROL NOTES:

1. No earthworks shall be carried out during high winds or as directed by Singleton Council.
2. During earthworks the contractor shall have a water cart or similar approved on site and must progressively water down excavation and fill areas to minimise dust.
3. All vehicle travel paths and roads shall be regularly watered to minimise dust and dirt on road surfaces.

PAVEMENT CONSTRUCTION

- BP1. Preparation for pavement clearing of site, stripping of topsoil, as described in "earthworks" upon stripping of topsoil, subgrade shall be proof rolled in the presence of the geotechnical engineer.
- BP2. Subgrade shall be compacted to 95% standard dry density ratio at optimum moisture content \pm 2% in accordance with AS 1289 5.1.1.
- BP3. Lower base course shall be constructed from fine crushed rock DGB40 compacted to 95% standard dry density ratio at optimum moisture content \pm 2% in accordance with AS 1289 5.1.1.
- BP4. Base course shall be constructed from fine crushed rock DGB20 compacted to 98% modified dry density ratio at optimum moisture content \pm 2% in accordance with AS 1289 5.1.1.
- BP5. Base and sub-base materials shall comply with RMS QA specification No. 3051.
- BP6. Wearing surface shall consist of two coat bitumen spray seal. Refer council's specification for details.
- BP7. All conduits and mains shall be laid prior to laying final pavement.

TRAFFIC CONTROL

The contractor shall maintain day and night traffic control in accordance with the following standards

- a) traffic control devices for work on roads AS1742.2 and AS 1742.3
- b) field guides HB81.4 night works HB81.1 daytime works

SURVEY

- SU1. All levels are to A.H.D.
- SU2. All chainages, levels and dimensions are in metres unless noted otherwise.
- SU3. Contractors shall arrange for the works to be set out by a registered surveyor.
- SU4. All State Marks (SSM's and PM's) not to be removed / destroyed without prior consent of the Land and Property Information Services and notification to Council.

EARTHWORK NOTES

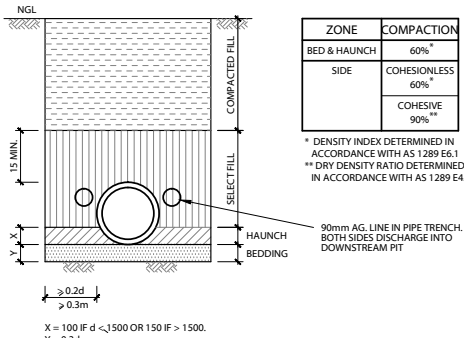
1. If in doubt, then ask.
2. All works in accordance to as 3798-2007 'guidelines on earthworks for commercial & residential developments'.
3. Min compaction to all filled areas to be 98% std unless noted otherwise. Compaction under building platform to be 100% std.
4. All cut material to be laid in row on the site for drying. This material should be inspected and assessed by the geotechnical Engineer to determine if the material is suitable for filling re-laid in accordance with as 3798'
5. The contractor must ensure adequate temporary drainage during the works to minimise the impact of wet weather. Such methods as the installation of sump pits, cross falls and sealing (compaction) of exposed surface falls part of the Earthworks contractor responsibilities.
6. Sedimentation and erosion control must be put in place prior to construction and maintained throughout the works.
7. Adopted boxout depths are tabulated below.
8. All imported fill to be clean, free of organic matter and approved by a geotechnical engineer. Recommended min parameter
For imported fill includes:
-min aggregate size 20mm.
-max layer thickness 200mm.
-proportion passing the 0.075 sieve must be less than 25%.
-clr strength of greater than 15%.
9. Frequency of compaction testing in accordance with as 3798 table 8.1.
10. Finished sub-grade should be inspected and proof rolled in the presence of a geotechnical engineer with all significant deflection To be over excavated and replaced with suitable fill.
11. Final batter to be no steeper than 3 in 1 (horizontal to vertical). Unless noted otherwise.
12. Moisture content of fill material to be replaced and maintained within 2% of standard optimum moisture content.

STORMWATER DRAINAGE

- SD1. Stormwater drainage shall be generally in accordance with AS 3500.3
- SD2. Pipes up to and including 300mm dia shall be upvc to AS 1254
- SD3. Pipes of 375mm dia and larger shall be concrete class 2 to AS4058, rubber ring jointed unless noted otherwise and be laid at a minimum grade of 0.5% u.n.o. Bedding material to AS 2032 or AS 3725 as appropriate.
- SD4. Minimum cover to pipes 300 mm generally & 450 mm in roadway areas. Unless noted otherwise
- SD5. Backfill trenches with approved fill, such as sandy loam, compacted in 200mm layers to 98% of standard density to AS 1289 5.1.1.
- SD6. Any pipes over 16% grade shall have concrete bulkheads at all joints.
- SD7. Subsoil line pipes and fittings shall be perforated plastic to AS 2439 part 1. Lay pipes on floor of trench graded 0.5% min, and overlay with filter material extending to within 200mm of surface. Provide filter fabric of permeable polypropylene between filter material and topsoil. Connect subsoil drain to nearest downstream drainage structure.

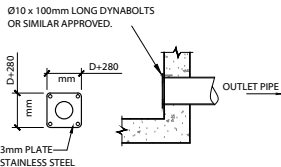
SUPPORT FOR CONCRETE PIPES

BED & HAUNCH		SELECT	
SIEVE	WT PASSING %	SIEVE	WT PASSING %
19	100	19	100
2.36	100-50	9.50	100-50
0.60	90-20	2.36	100-30
0.30	60-10	0.60	50-15
0.15	25-0	0.075	25-0
0.075	10-0		



REINFORCED CONCRETE

- RC1 All workmanship and materials shall be in accordance with AS 3600 current edition with amendments, except where varied by the contract documents.
- RC2 Readymix concrete supply shall comply with AS 1379.
- RC3 Concrete Quality - minimum - refer to relevant drawings.
All the requirements of the ACSE Concrete Specification Document 1 (latest edition) shall apply to the formwork, reinforcement and concrete unless noted otherwise.
- | Element | Strength Grade(MPa) | Slump | Max. Agg. Size | Cement Type |
|-----------|---------------------|-------|----------------|-------------|
| Headwalls | 32 | 80 | 20 | Portland |
- Compressive strength
Sample, test, and asses to AS 1379. All testing to be conducted by a NATA registered laboratory.
The minimum frequency of sampling of the concrete at each stage shall be in accordance with the following:
No. of batches supplied to the project per day
1
2 to 5
6 to 10
11 to 20
For each additional 10 samples
A sample shall consist of four cylinders, two of which shall be tested at 28 days one at 7 days and one at 4 days. If the contractor requires early strength results additional cylinders shall be taken in the sample as required and at the cost of the contractor.
Other quality parameters
Sample, test and asses to AS 1379 Section 5.
Slump: Test not less than one sample for each batch before placing concrete from that batch in the work. Take the samples at the point of discharge on site.
Drying Shrinkage: The maximum total drying shrinkage limit for the concrete shall be an average of 0.070% at 56 days and no single result shall exceed 0.075%. Measurement shall be in accordance with AS1012 Part 13 and be conducted by a NATA registered laboratory. Refer to relevant floor drawings for specific shrinkage requirement
Rejection: Remove the concrete from the site.
No admixtures shall be used in concrete unless approved in writing.
RC4 No admixtures shall be used in concrete unless approved in writing.
RC5 Depth of beams are given first and include slab thicknesses. Slabs and beams shall be cast together unless noted otherwise.
RC6 Concrete sizes do not include thicknesses of applied finishes.
RC7 No holes, chases or embedments other than those shown on the drawings shall be made in concrete elements without the Project Engineers approval.
RC8 Concrete shall be kept free of supporting masonry with a pre-greased galvanised steel slip joint, vertical faces shall be separated by 10mm Jointex (or equal).
RC9 Construction joints shall be located to the satisfaction of the Project Engineer. The Builder shall allow for all necessary construction joints.
RC10 Conduits and pipes when cast in slabs or walls are to be placed between the reinforcement layers. Where there is only one layer of reinforcement, provide 50mm cover to conduit minimum.
RC11 Provide upward camber to formwork of reinforced concrete cantilevers of L/200 where L is the projection beyond column or wall face, and to formwork of slabs where noted on plans. Maintain slab and beam depths as shown. Provide 0mm precamber to post tensioned slabs U.N.O. on plans.
RC12 The finished concrete shall be a dense homogeneous mass, completely filling the formwork thoroughly embedding the reinforcement and free of stone pockets. All concrete including slabs on ground and footings shall be compacted with mechanical vibrators.
RC13 Slabs and beams shall be constructed to bear only on the beams, columns, walls etc. shown on the drawings. All other building elements shall be kept 12mm minimum clear from soffits of structure.
RC14 Curing of all concrete is to be achieved by keeping surfaces continuously wet for a period of 3 days, and prevention of loss of moisture for a total of 7 days followed by a gradual drying out. Approved sprayed on curing compounds that comply with AS 3799 may be used where floor finishes will not be affected (refer Manufacturers Specification). Polythene sheeting or wet hessian may be used to retain moisture where protected from wind and traffic.
RC15 Construction support propping is to be left in place where needed to avoid overstressing the structure due to construction loading. No brickwork or partition walls are to be constructed on suspended levels until all propping is removed and the slab has absorbed its dead load deflection.



ORIFICE PLATE DETAIL TYPICAL

NT.5

NOTES:

1. SURCHARGE/INSPECTION OPENING TO BE LOCATED OVER TRASH SCREEN/OUTLET PIPE.
2. HOLE IN ORIFICE PLATE TO BE PRECISION CUT WITH SHARP EDGES TO SPECIFIED SIZE
3. OUTLET PIPE IS TO BE CAST INTO WALL OF PIT
4. RH 3030 MESH SCREEN MUST BE PLACED SO THAT THE LONG AXIS OF THE OVAL SHAPED HOLES ARE HORIZONTAL, WITH THE PROTRUDING LIP ANGLED UPWARDS & FACING DOWNSTREAM

REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
A	ISSUED FOR APPROVAL.	18/09/20	CH				

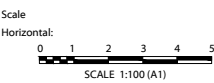
GOLDEN FLEECE HOTEL
180 KELLY STREET
SCONE NSW 2337

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ABN 82 153 018 800

GENERAL NOTES



CIVIL DRAWING			
Designed	BH	Approved on behalf of RHM Consulting Engineers	18/09/20
Drawn	CH	Project Engineer/Director	Date
Datum	NIL	Drawing No:	Rev
Date	SEPT 20	20-127-C01.10	A

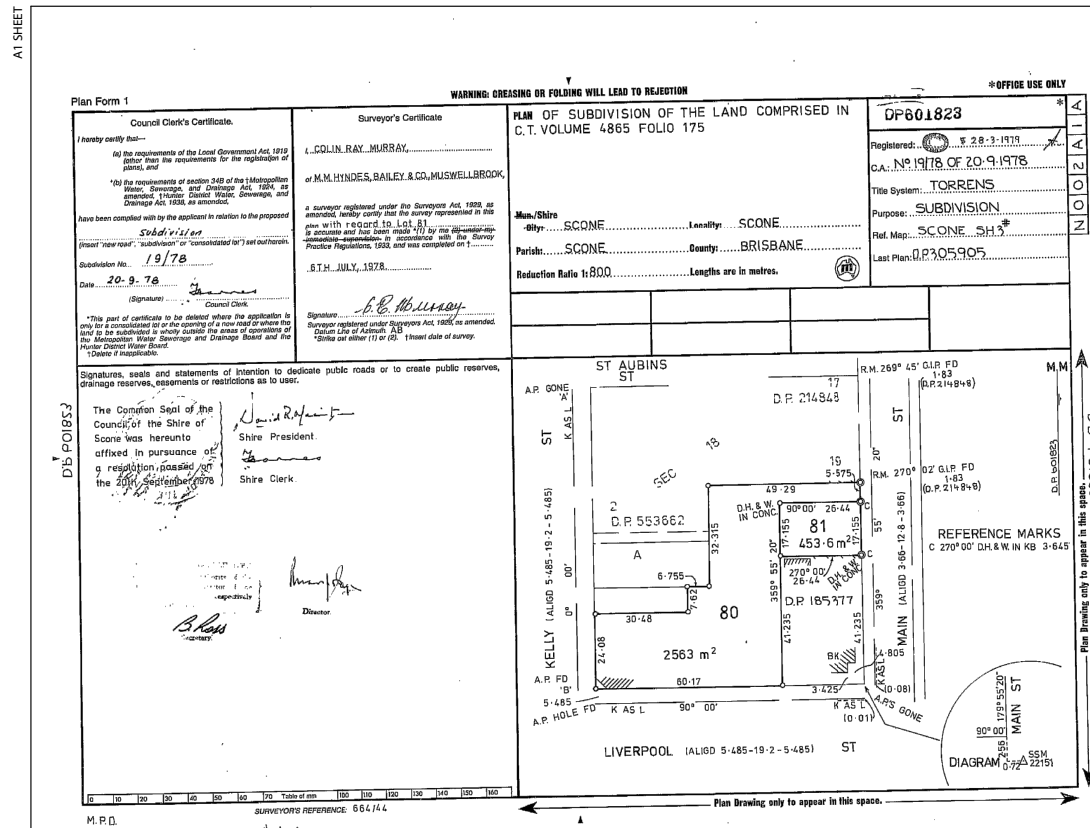


FIGURE 1.0 :- REGISTERED DEPOSITED PLAN



FIGURE 2.0 :- AREA OF EXISTING ROOF THAT DISCHARGES DIRECTLY TO STREET

TOTAL AREA OF SITE (REFER TO FIGURE 1.0) = 2563m²

EXISTING AREA OF ROOF DRAINED TO STREET (REFER TO FIGURE 2.0) = 445m²

TOTAL EXISTING ROOF AREA (REFER TO FIGURE 3.0) = 1037m²

TOTAL EXISTING GRASSED AREA (REFER TO FIGURE 4.0) = 200m²

AREA TO BE DETAINED (SITE AREA LESS ROOF TO STREET AREA) = 2118m²

PERVIOUS AREA = 200m²

PERCENTAGE OF PERVIOUS AREA = 10.4%

IMPERVIOUS AREA = 1918m²

PERCENTAGE OF IMPERVIOUS AREA = 89.6%

DETENTION STORAGE SUMMARY

DETENTION	OVERFLOW	DEPTH OF STORAGE	AREA	VOLUME
AREA #1	ABOVE GROUND STORAGE TO CARPARK OVERFLOW AT 210.55	100mm	155m ²	5.2m ³
AREA #2	ABOVE GROUND STORAGE TO CARPARK OVERFLOW AT 210.40	100mm	190m ²	6.3m ³
AREA #3	ABOVE GROUND STORAGE TO DRIVEWAY OVERFLOW AT 210.00	160mm	45m ²	2.3m ³
SUBTOTAL				13.8m ³
TANK 1				5.0m ³
TANK 2				5.0m ³
TOTAL				23.8m ³

DRAINAGE CALCULATIONS

- TOTAL SITE AREA: 2563m²
- EXISTING/PROPOSED ROOF AREA: 1037m²
- EXISTING/PROPOSED PERVIOUS AREA: 200m²
- EXISTING/PROPOSED IMPERVIOUS AREA: 1326m² (LESS ROOF)
- 5ARI PRE-DEVELOPED FLOW RATE: 8.9 l/sec
TIME OF CONCENTRATION FOR PRE-DEVELOPED FLOW=20min
slope=1.05%
n=0.15
c=0.218
I=57mm/hr
- 20ARI POST DEVELOPED FLOWRATE =87.3 l/sec
I=145mm/hr
c=0.845
- ONSITE DETENTION REQUIRED AS PER PART II OF UPPER HUNTER SHIRE COUNCIL DCP 2015) =23.5m³
STORAGE FOR ROOF = 10m³
STORAGE TO CARPARK = 13.5m³
(STORAGE PROPORTIONAL TO AREA)
- EXISTING SITE OUTLET TO REMAIN. CAPACITY OF OUTLET IS 7.6 l/sec. THIS PIT WILL BE UPGRADED TO ALLOW A SITE DISCHARGE AT 8.9 l/sec WHICH REFLECTS THE Q_s PRE-DEVELOPED FLOW-RATE
- OUTLET ORIFICE DIAMETER Ø80mm. FLOW BASED ON C=0.8 H=280mm. ORIFICE TO BE FIXED TO PIT P4.



FIGURE 3.0 :- TOTAL ROOF PLAN

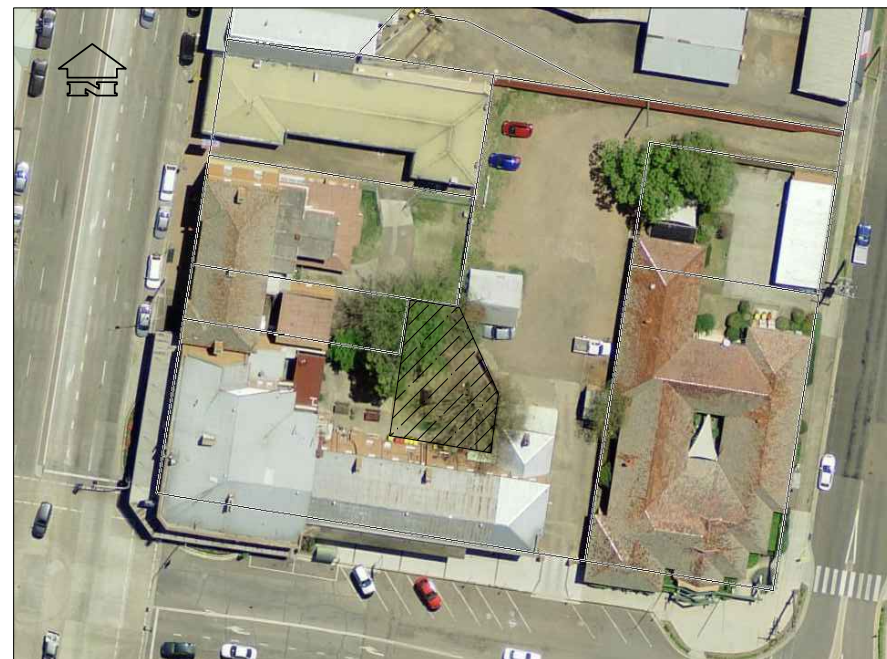


FIGURE 4.0 :- EXISTING AND PROPOSED PERVIOUS AREAS

REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
A	ISSUED FOR APPROVAL	17/09/20	CH				

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HYDROLOGY AND
HYDRAULIC ASSESSMENT

Scale
Horizontal:
0 2 4 6 8 10
SCALE 1:200 (A1)

CIVIL DRAWING			
Designed	BH	Approved on behalf of RHM Consulting Engineers	17/09/20
Drawn	CH	Project Engineer/Director	Date
Datum	NIL	Drawing No:	Rev
Date	SEPT 20	20-127-C01.15	A

A1 SHEET

LEGEND

- P POWERLINE
- EXISTING FENCE
- BOUNDARY
- DIRECTION OF TRAFFIC

CARPARK DESIGN CRITERIA

1. CLASSIFICATION: USER GROUP 3 - SHORT-TERM URBAN PARKING
2. PARALLEL CAR PARKING BAY TO AS 2890.1
 - WIDTH 2100mm
 - LENGTH 6300mm
 - AISLE 3000

BASED ON 85% PERCENTILE.
ADJUST FOR LARGE VEHICLE TO:

- WIDTH 2400mm
- LENGTH 6300mm
- AISLE 3000mm (MIN)

2. 90° CAR PARKING BAY TO AS 2890.1
 - WIDTH 2500mm
 - LENGTH 5400mm
 - AISLE 5800

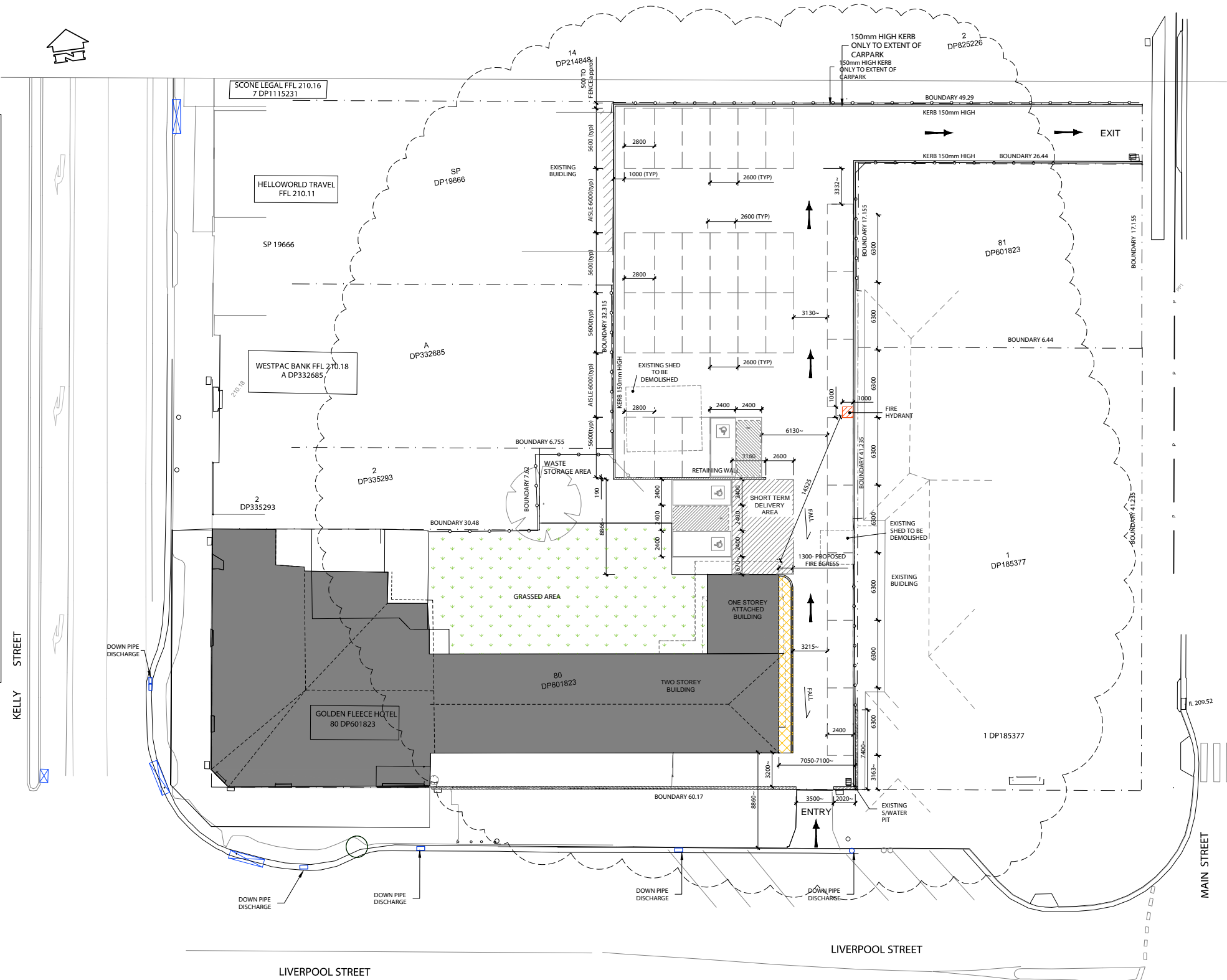
BASED ON 85% PERCENTILE.
ADJUST FOR LARGE VEHICLE TO:

- WIDTH 2600mm
- LENGTH 5600mm
- AISLE 6000mm

NOTE: CARPARK DESIGN SUBJECT
TO FINAL DESIGN AND
ARCHITECTURAL DETAILS



REFER TO SURVEY
DRAWINGS PREPARED BY
MM HYNDES BAILEY
DATED 4/09/2020



REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
C	AMENDMENTS TO CARPARK DESIGN	26/04/2022	CA				
B	AMENDMENTS TO CARPARK DESIGN	20/09/20	CH				
A	ISSUED FOR APPROVAL	17/09/20	CH				

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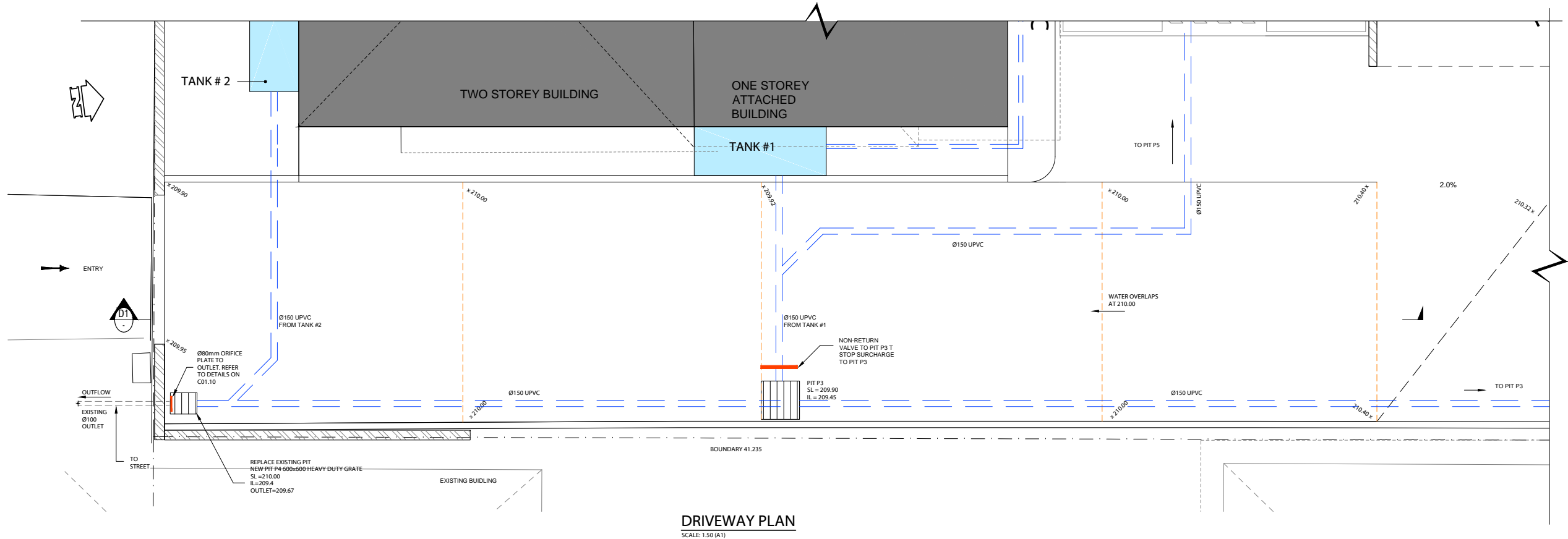
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CONCEPTUAL CARPARK
LAYOUT

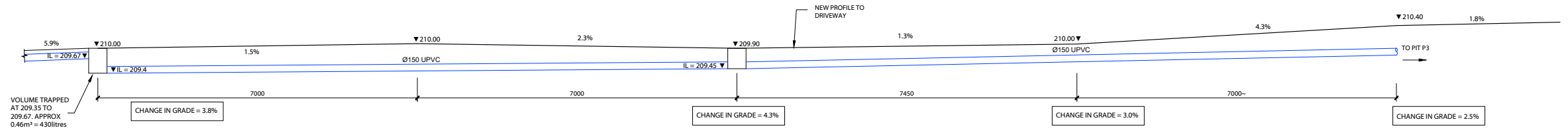
Scale
Horizontal:
0 2 4 6 8 10
SCALE 1:200 (A1)

CIVIL DRAWING

Designed	BH	Approved on behalf of RHM Consulting Engineers	26/04/22
Drawn	CA	Project Engineer/Director	Date
Datum	NIL	Drawing No:	Rev
Date	APR 22	20-127-C02.10	C



DRIVEWAY PLAN
SCALE 1:50 (A1)



SECTION D1
SCALE 1:50 (A1)

REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
A	ISSUED FOR APPROVAL	17/09/20	CH				

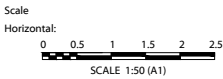
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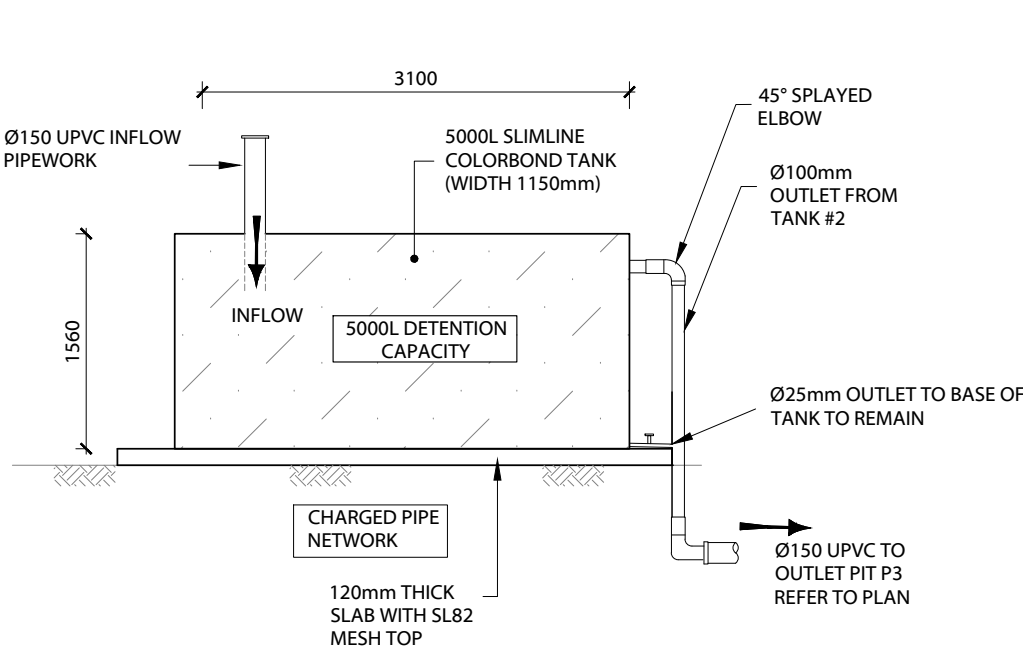
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DRIVEWAY PLAN
AND DETAILS



CIVIL DRAWING			
Designed	BH	Approved on behalf of RHM Consulting Engineers	
Drawn	CH	Project Engineer/Director	Date 17/09/20
Datum	NIL	Drawing No:	Rev
Date	SEPT 20	20-127-C04.10	A

A1 SHEET

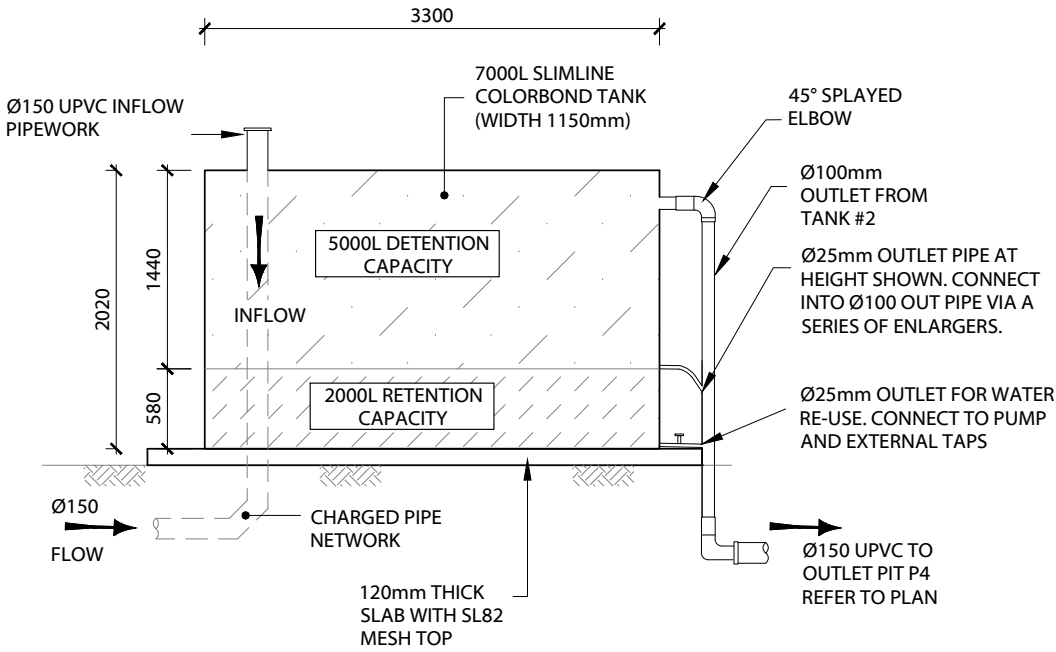


DETAIL A- DETENTION TANK #1

SCALE 1:50 (A1)

NOTES

1. IN-FLOW 20ARI Q = 19.4l/sec
2. ORIFICE OUTLET FLOW AT BASE OF TANK BASED ON A HEAD OF 1395mm= OUTLET FLOW Q=2.05l/sec



DETAIL B - DETENTION/RETENTION TANK #2

SCALE 1:50 (A3)

NOTES

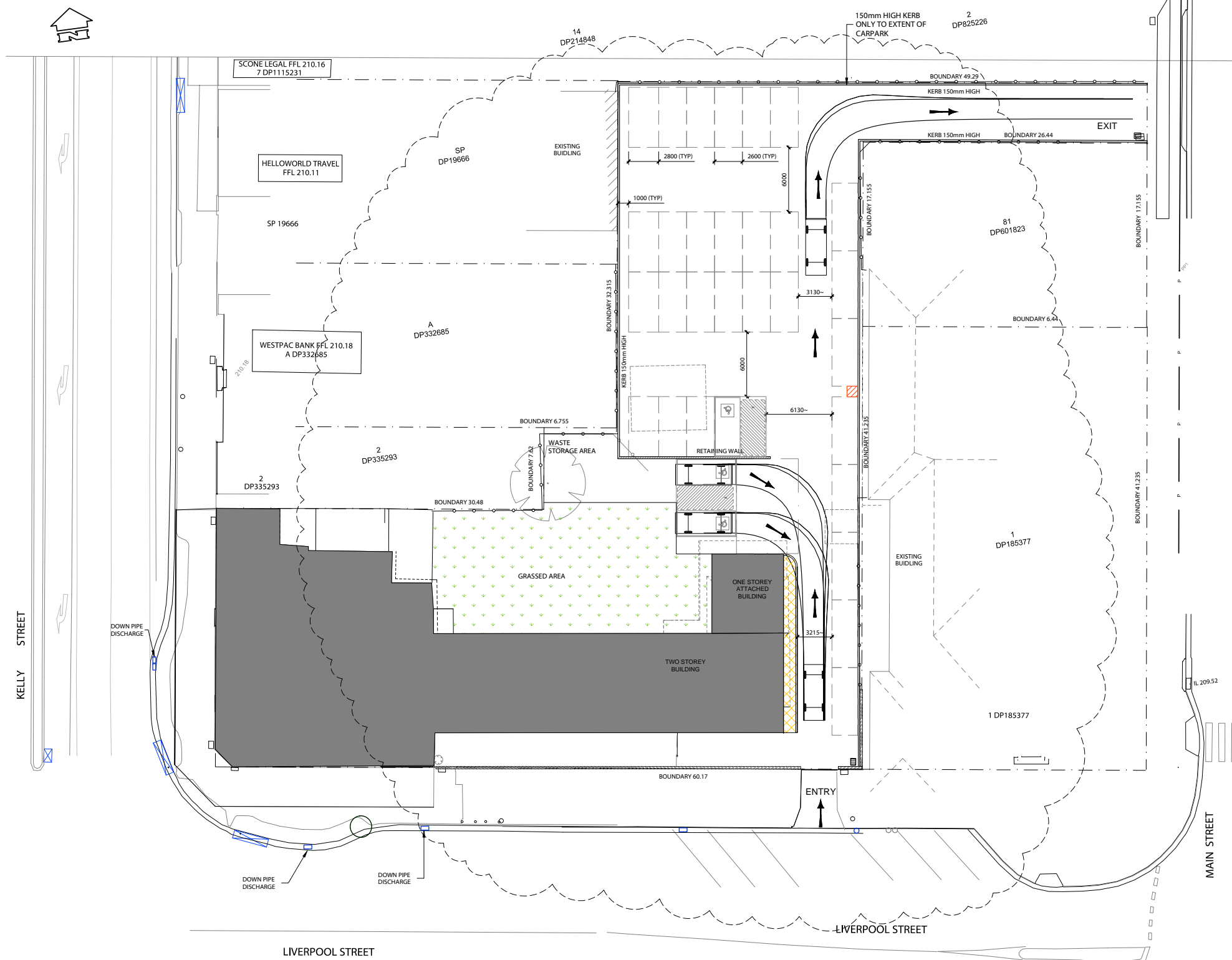
1. IN-FLOW 20ARI Q = 19.4l/sec
2. ORIFICE OUTLET FLOW AT HEIGHT = 1275mm IS Q=1.95l/sec VIA A Ø25mm ORIFICE.

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A1 SHEET



REFER TO SURVEY
DRAWINGS PREPARED BY
MM HYNDES BAILEY
DATED 4/09/2020



LEGEND

- POWERLINE
- EXISTING FENCE
- BOUNDARY
- DIRECTION OF TRAFFIC

REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
B	AMENDMENTS TO CARPARK DESIGN	26/04/2022	CA				
A	AMENDMENTS TO CARPARK DESIGN	20/09/20	CH				

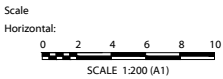
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www.rhmce.com.au
ABN 82 153 018 800

TURNING TEMPLATE
SHEET 1
DISABLED PARKING



CIVIL DRAWING

Designed	BH	Approved on behalf of RHM Consulting Engineers	26/04/2022
Drawn	CA	Project Engineer/Director	Date
Datum	NIL	Drawing No:	Rev
Date	APR 22	20-127-C06.10	B

Planning & Infrastructure Services

ECSC.02.4

***DEVELOPMENT APPLICATION NO. 145/2022 - DWELLING,
RURAL WORKERS DWELLING AND SWIMMING POOL***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

PURPOSE

On 24 August 2022, Council received Development Application No. 145/2022 for a dwelling, rural worker's dwelling and swimming pool at Lot 321 DP 844395, 1045 Bunnan Road, Upper Dartbrook. The application is being referred to Council as two submissions have been received following public exhibition of the proposal.

RECOMMENDATION

That Council approve Development Application No. 145/2022 for a dwelling, rural worker's dwelling and swimming pool at Lot 321 DP 844395, 1045 Bunnan Road, Upper Dartbrook subject to the conditions of consent in Attachment 1.

BACKGROUND

Council has not considered this matter previously.

REPORT/PROPOSAL

Applicant: Sissons Architects Pty Ltd
Owner: Raintree Investments
Proposal: Dwelling, Rural Worker's Dwelling and Swimming Pool
Location: Lot 321 DP 844395, 1045 Bunnan Road, Upper Dartbrook
Zone: RU1 Primary Production and RU4 Primary Production Small Lots

The subject site is a 22.54 ha rural property located approximately 10km northwest of Scone. The property adjoins Bunnan Road to the north, and existing rural lots to the east, south and west.

There are no existing habitable buildings on the site and the land has a dwelling entitlement pursuant to clause 4.2B of the Upper Hunter Local Environmental Plan 2013.

Two farm sheds with a holding yard between them are the only existing building structures on the property.

The proposed development involves the construction of a dwelling, rural worker's dwelling, car port and swimming pool.

It is intended that the principal dwelling will be occupied by the owners who will commute between Sydney and Upper Dartbrook while the rural workers' dwelling will be occupied by a rural worker who will manage and fulfil critical duties for two future agricultural operations on the land being equine agistment and beef cattle stud.

The proposed principal dwelling has dimensions of 18m x 44m with a height of 6.9m and will be constructed with natural colour weatherboard cladding and a mid-grey metallic roof.

Planning & Infrastructure Services

The proposed rural worker's dwelling has a floor area of 260m² (approx.) with a building height of 5.7m and will be constructed with natural coloured weatherboard cladding and a mid-grey metallic roof.

Plans of the proposed development are provided in Attachment 3.

In accordance with Clause 4.2C of the Upper Hunter Local Environmental Plan 2013, the proposed rural workers' dwelling will be constructed on the same lot as the principal dwelling and will not impair the use of the land for agriculture or rural industry.

The applicant has submitted detailed information, including a rural worker's dwelling report, business plan and financial forecast, to demonstrate economic capacity to support the ongoing employment of a rural worker and that it is necessary to have an employee living on site due to the nature of the agricultural land use.

A copy of the relevant information is provided to Councillors under separate cover.

The proposal has been assessed as satisfactory pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

OPTIONS

1. That Council approve Development Application No. 145/2022 for a dwelling, rural worker's dwelling and swimming pool at Lot 321 DP 844395, 1045 Bunnan Road, Upper Dartbrook subject to the conditions of consent in Attachment 1.
2. That Council refuse Development Application No. 145/2022 for a dwelling, rural worker's dwelling and swimming pool at Lot 321 DP 844395, 1045 Bunnan Road, Upper Dartbrook, stating the reasons for refusal.

CONSULTATION

The development application was placed on public exhibition from 7 September 2022 to 21 September 2022 in accordance with the Upper Hunter Community Participation Plan. Two submissions were received. The issues raised in the submission are addressed in the planning assessment report in Attachment 2 while copies of the submissions are provided in Attachment 4.

STRATEGIC LINKS

a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

Protected Environment

Ensuring the ongoing protection of our environment and natural resources.

- 2.4 Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.
- 2.5 Provide efficient and effective advisory, assessment and regulatory services focused on being customer 'friendly', responsive and environmentally responsible.
- 2.6 Plan, facilitate and provide for a changing population for current and future generations.

Planning & Infrastructure Services

b. Delivery Program

- Assessment of planning applications

c. Other Plans

- Upper Hunter Development Control Plan 2015
- Upper Hunter Community Participation Plan

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development application fees of \$4,313.76 have been paid.

Development contributions of \$20,790 would be payable prior to the issue of a Construction Certificate should the application be approved.

c. Legislative Implications

An assessment of the development application has been undertaken pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (refer to Attachment 2).

d. Risk Implications

Council determinations of development applications and modifications in relation to local development can be appealed by the applicant in the Land and Environment Court where they are not satisfied with the outcome of a determination.

Council determinations of development applications and modifications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied.

e. Sustainability Implications

The proposed development incorporates a range of sustainability commitments in relation to water and energy conservation and thermal comfort as specified in the BASIX certificates accompanying the development application.

f. Other Implications

Nil

Planning & Infrastructure Services

CONCLUSION

The development application has been assessed as satisfactory against Section 4.15 of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent for the following reasons:

- The development application has been assessed as satisfactory under Section 4.15 of the Environmental Planning and Assessment Act 1979.
- The development application satisfies the controls under Part 7 of the Upper Hunter Development Control Plan 2015.
- The applicant has demonstrated that the agricultural use of the land has the economic capacity to support the ongoing employment of a rural worker.
- Submissions raised by the community were taken into account regarding the stock carrying capacity of the land and the need for a rural worker's dwelling on a small rural lot.

ATTACHMENTS

- 1 [↓](#) DA 145/2022 - Recommended Conditions of Consent
- 2 [↓](#) DA 145/2022 - Planning Assessment Report
- 3 [↓](#) DA 145/2022 - Plans
- 4 [↓](#) DA 145/2022 - Submissions (redacted)
- 5 [↓](#) DA 145/2022 - Statement of Environmental Effects
- 6 [⇒](#) DA 145/2022 - Business Plan (Commercial in Confidence) Excluded
- 7 [⇒](#) DA 145/2022 - Financial Forecast (Commercial in Confidence) Excluded

DA 145/2022 - Recommended Conditions of Consent**Identification of approved plans:**

1. The development must be carried out in accordance with the development application, the drawings referenced below and Statement of Environmental Effects dated August 2022 except where amended by the conditions of consent.

JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE
21-005	DA 00-01	6	Sissons	16/09/2022
21-005	DA 00-02	4	Sissons	27/07/2022
21-005	DA 00-03	5	Sissons	27/07/2022
21-005	DA 00-04	4	Sissons	23/06/2022
21-005	DA 00-05	5	Sissons	27/07/2022
21-005	DA 00-06	5	Sissons	27/07/2022
21-005	DA 00-07	1	Sissons	16/09/2022
21-005	DB 00-01	5	Sissons	27/07/2022
21-005	DB 10-01	5	Sissons	27/07/2022
21-005	DB 10-02	5	Sissons	27/07/2022
21-005	DB 20-01	4	Sissons	23/06/2022
21-005	DB 20-02	4	Sissons	23/06/2022
21-005	DB 30-01	4	Sissons	23/06/2022
21-005	DB 40-01	1	Sissons	16/09/2022
21-005	DC-00-01	5	Sissons	27/07/2022
21-005	DC-10-01	5	Sissons	27/07/2022
21-005	DC 20-01	5	Sissons	27/07/2022
21-005	DC 20-02	5	Sissons	27/07/2022
21-005	DD 40-01	4	Sissons	27/07/2022
21-005	DD 50-01	1	Sissons	16/09/2022
21-005	DE 00-01	2	Sissons	27/07/2022
21-005	DE 00-02	2	Sissons	27/07/2022

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifier.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

Operational conditions imposed under the environmental planning and assessment act and regulations and other relevant legislation:

3. All building work must be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: Prescribed by legislation)

4. Home Building Act Requirements

(1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) must not be carried out unless the Principal Certifier for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:
 - i. has been informed in writing of the licensee's name and contractor licence number, and
 - ii. is satisfied that the licensee has complied with the requirements of the Home Building Act, or

- (b) in the case of work to be done by any other person:
 - i. has been informed in writing of the person's 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 the 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 date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was \$10,000. As those regulations are amended from time to time, that amount may vary.

- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Note: Insurance thresholds are set out in Clause 53 of the Home Building Regulation 2014, stating that for the purposes of sections 92 (3) and 96 (3) (e) of the Act, the amount of \$20,000 (inclusive of GST) is prescribed.

- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

(Reason: Prescribed by legislation)

Ancillary matters to be completed prior to the issue of the construction certificate:

5. Pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of \$20,790.00 is required to be paid to Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

Documentary evidence shall be submitted to the Principal Certifier confirming that the contribution has been paid prior to determination of the application for Construction Certificate.

(Reason: To ensure that the proposed development makes an appropriate contribution to facilities in the Upper Hunter Local Government Area)

6. Prior to the issue of a Construction Certificate, a full set of construction plans demonstrating compliance with the National Construction Code Series shall be submitted to the Principal Certifier.

(Reason: Prescribed by legislation.)

7. The rural workers dwelling and the adjacent existing shed, if closer than 6m to the dwelling, are to be constructed to BAL 12.5. Plans demonstrating compliance are to be submitted to the certifying authority prior to the release of a construction certificate.

(Reason: To ensure a degree of protection in the event of a bushfire.)

Conditions that must be addressed prior to commencement:

8. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with The Blue Book published by Landcom provisions on Erosion and Sediment Control, or a suitable and effective alternative method.
All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

The installation is to be approved by the Principal Certifier prior to further commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

9. Unless an existing stabilised site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size be a minimum of 3m in width and must be provided from the road edge and extend a minimum of 6m in length. In addition the proposed internal access road to the construction site shall be clearly identified to ensure all vehicular traffic moving to and from the dwelling site utilises the nominated access route.

The installation must be approved by the Principal Certifier prior to the commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

10. Site facilities

- (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) before work commences. Any such hoarding or fence is to be removed when the work has been completed.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees.
- (c) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (d) Adequate toilet facilities must be provided on the work site. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or an approved temporary chemical closet.

The provision of toilet facilities must be completed before any other work is commenced.

The installation of the site facilities shall be approved by the Principal Certifier prior to further commencement of site works and prior to the first inspection.

(Reason: To ensure the health and safety of the community and workers on the site)

11. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifier for the work. Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

The installation is to be approved by the Principal Certifier prior to further commencement of site works.

(Reason: Statutory requirement)

12. No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

(Reason: Prescribed – Statutory)

Conditions that must be complied with during demolition and building work:

13. Any person acting on this consent shall ensure that:-
- (a) building construction activities are only carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
 - ii. on a Saturday—8.00am to 5.00pm;
 - (b) building construction activities must not be carried out on a Sunday or a public holiday;
 - (c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm;
- unless prior written approval has been obtained from Council.
- (Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)
14. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development.
- (Reason: To ensure the protection of existing public infrastructure)

Conditions which must be complied with prior to the issue of any occupation certificate:

15. The pool filtering equipment shall be located in a suitable position as far as practical from any adjoining premises. Noise levels shall not exceed 5dBA above the ambient noise level when measured at the boundary.
- (Reason: To ensure noise generated by equipment does not result in offensive noise)
16. The development shall be connected to the on-site sewage management system in accordance with the S68 approval and AS3500. In addition a current Approval to Operate will also be required prior to the issue of any Occupation Certificate.
- Note:** Any application to install an On-site Sewage Management System is to be made online via the NSW Planning Portal.
- (Reason: To ensure compliance with the Australian Standard & Local Authority requirements.)
17. Prior to the issue of an Occupation Certificate vehicle access as a minimum from the boundary to the proposed development shall be constructed in a base course comprising compacted fine crushed rock and metal material to a minimum depth of 200mm to allow all weather access by a two (2) wheel drive vehicle.
- (Reason: To provide all weather vehicle access to site.)
18. The building is not to be used or occupied until a final inspection has been carried out and an Occupation Certificate has been obtained from the Principal Certifying Authority.
- Note:** Any application for an Occupation Certificate is to be made online via the NSW Planning Portal.
- (Reason: Prescribed - Statutory.)

19. The swimming pool must be registered in accordance with the *Swimming Pools Amendment ACT 2012* prior to the issue of an Occupation Certificate.

Details can be found on Council's website www.upperhunter.nsw.gov.au or register online at www.swimmingpoolregister.nsw.gov.au

(Reason: Legislative requirement)

20. Prior to the issue of an Occupation Certificate, the recommendations contained in the Bushfire Assessment Report prepared by Bushfire Hazard Solutions Pty Ltd reference 211578 dated 5 August 2022 are to be implemented.

(Reason: To ensure the protection of the dwelling in the event of a bushfire.)

Conditions that must be complied with at all times:

21. At all times, all stormwater from the development, including all hardstandings and overflows from rainwater tanks, shall be collected and disposed of by way of properly constructed stormwater lines to an appropriately constructed discharge point located a minimum distance of 6m clear of the proposed building, any adjoining buildings, any internal driveways or vehicular parking areas.

The discharge point shall be stabilised in a manner that will prevent the erosion of adjacent soils and shall disperse stormwater in a controlled manner, with such water being retained within the subject property.

(Reason: To ensure the suitable disposal of stormwater generated by the development)

22. Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992, and:-

- (a) the pool must not to be completely filled with water until such time as a safety fence has been erected in accordance with this approval.
- (b) where the depth of water in the pool exceeds 300mm during construction a temporary barrier or fence must be erected or other precautions taken so as to prevent the entry of children into the pool.
- (c) the swimming pool including overflow water must be drained to the sewer or, if the sewer is not available, overflow water must be disposed of to Council's satisfaction.
- (d) the consent of the Council must be obtained 48 hours prior to any emptying of pool water into the sewer.

Certification from an appropriately qualified person confirming that the above requirements have been fulfilled shall be provided to the Principal Certifier prior to the issuing of an Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act, to prevent young children from accidental death by drowning)

23. The owner of the pool shall display a weatherproof notice showing:

- (a) a warning stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL'
- (b) a warning stating 'POOL GATES MUST BE KEPT CLOSED AT ALL TIMES'

- (c) a warning stating 'KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES'
- (d) a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)

This notice must be permanently fixed to the pool fence, visible when entering and when within the swimming pool, be legible from a distance of at least 3 metres and be maintained in a clearly legible condition at all times.

Certification confirming that the above requirements have been fulfilled shall be provided to the Principal Certifier prior to the issuing of an Occupation Certificate.

(Reason: To ensure an adequate level of safety for young pool users)

24. The rural worker's dwelling on the site is only to be occupied by persons engaged to work on the property.

(Reason: To make clear that the consent is for a rural workers dwelling and not a secondary dwelling or dual occupancy.)

REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



ADDRESS: LOT: 321 DP: 844395
1045 Bunnan Road Upper Dartbrook

APPLICATION No: DA 145-2022

PROPOSAL: Dwelling, Rural Workers Dwelling & Swimming Pool

PLANS REF:

DRAWINGS NO.	DRAWN BY	DATE	RECEIVED
PLANNING RELATED DRAWINGS / INFO			
DA-00-01 Cover Sheet, Revision 6	Sissons.	16/09/2022	21/09/2022
DA-00-02 General Notes, Revision 4	Sissons.	27/07/2022	21/08/2022
DA-00-03 Site Location Plan, Revision 5	Sissons.	27/07/2022	21/08/2022
DA-00-04 Existing Site Plan, Revision 4	Sissons.	23/06/2022	21/08/2022
DA-00-05 Proposed Site Plan, Revision 5	Sissons.	27/07/2022	21/08/2022
DA-00-06 Proposed Site Plan Detail, Revision 5	Sissons.	27/07/2022	21/08/2022
DA-00-07 Proposed Access Plan, Revision 1	Sissons.	16/09/2022	21/09/2022
DB-00-01 Site Analysis – Principal Dwelling, Revision 5	Sissons.	27/07/2022	21/08/2022
DB-10-01 GA Plan – Principal Dwelling, Revision 5	Sissons.	27/07/2022	21/08/2022
DB-10-02 GA Roof Plan – Principal Dwelling, Revision 5	Sissons.	27/07/2022	21/08/2022
DB-20-01 GA Elevations – Principal Dwelling, Revision 4	Sissons.	23/06/2022	21/08/2022

DB-20-02 GA Elevations – Principal Dwelling, Revision 4	Sissons.	23/06/2022	21/08/2022
DB-30-01 GA Sections – Principal Dwelling, Revision 4	Sissons.	23/06/2022	21/08/2022
DB-40-01 Swimming Pool General Layout, Revision 1	Sissons.	16/09/2022	21/09/2022
DC-00-01 Site Analysis – Workers' Dwelling, Revision 5	Sissons.	27/07/2022	21/08/2022
DC-10-01 GA Plan – Workers' Dwelling, Revision 5	Sissons.	27/07/2022	21/08/2022
DC-10-02 GA Roof Plan – Workers' Dwelling, Revision 5	Sissons.	27/07/2022	21/08/2022
DC-20-01 GA Elevations – Workers' Dwelling, Revision 5	Sissons.	27/07/2022	21/08/2022
DC-20-02 GA Elevations – Workers' Dwelling, Revision 5	Sissons.	27/07/2022	21/08/2022
DC-30-01 GA Sections – Workers' Dwelling, Revision 5	Sissons.	27/07/2022	21/08/2022
DD-40-01 Materials Board, Revision 4	Sissons.	27/07/2022	21/08/2022
DD-50-01 Cut & Fill Diagrams, Revision 1	Sissons.	16/09/2022	21/09/2022
DE-00-01 Notification Plan, Revision 2	Sissons.	27/07/2022	21/08/2022
DE-00-02 Notification Elevation, Revision 2	Sissons.	27/07/2022	21/08/2022
2020/062, Sheet 1 of 4 Detail Site Survey	RAP Surveying	30/06/2022	21/08/2022

OWNER: Raintree Investments

APPLICANT: Mrs Patricia Sissons
Sissons Architects Pty Ltd
53 Berry Street
North Sydney NSW 2060

AUTHOR: Sally Cottom & John Rix

DATE LODGED: 24 August 2022

AMENDED: 21 September 2022

ADD. INFO REC'D: 21 November 2022

DATE OF REPORT: 8 December 2022

SUMMARY OF FACTS

ISSUES: Groundwater Vulnerability, Biodiversity, Obstacle Heights, Bushfire Risk, Rural Workers Dwelling justification, Cumulative Impact

SUBMISSIONS: 2

RECOMMENDATION: Approval

LOCATION MAP



DESCRIPTION OF PROPOSAL

Proposed Dwelling, Swimming Pool and Rural Workers Dwelling with Carport are to be used for the purposes of establishing two future agricultural operations which include: -

- *Equine Agistment*
- *Speckle Park Beef Stud*

It is the intention that the principal dwelling will be occupied by the owners who will commute between Sydney and Upper Dartbrook and the intention that the Rural Workers' Dwelling will be occupied by a rural worker on a daily basis who will manage and fulfil critical duties for the two future agricultural operations.

Proposed Dwelling 18m x 44m with a building height of 6.9m constructed with natural colour weatherboard cladding and a mid grey metallic roof containing: -

- *Master bedroom and Ensuite*
- *3 Bedrooms*
- *Courtyard*
- *Office*
- *Mud Room*
- *3 Bay Garage*
- *2 Separate Bathrooms*
- *Laundry*
- *WC bathroom*
- *Pantry*
- *Open Kitchen/Dining/Living Room*
- *Outdoor Covered Terrace 4.5m in height*
- *2 x 50,000L rainwater tanks*

Proposed Rural Workers' Dwelling with a floor area of 260m² (approx.) with a building height of 5.7m constructed with natural coloured weatherboard cladding and a mid-grey metallic roof containing: -

- *2 Bedrooms*
- *Ensuite and Separate Bathroom*
- *Laundry*
- *Office*
- *Open Kitchen/Dining/Living Room*
- *Outdoor Covered Terrace 4.2m in height*
- *2 Bay Carport 6m x 6m with a building height of 5.7m*
- *Installation of new WC and Shower Facility into existing detached Shed*

Proposed Inground Swimming Pool (ancillary to principal dwelling) 13m x 4m with a depth of between 1.2m and 1.9m including: -

- *Acoustic pump and filter enclosure 1m in height,*
- *Glass pool barrier (AS1926-2012),*
- *Outdoor shower and Pool Terrace Pergola 5m x 6m with a building height of 3.9m constructed with concrete wall and fixed slatted aluminium screen.*

RELEVANT HISTORY

The land is a vacant rural lot.

In accordance with council records there are no other Development Applications registered for the site for the past five years.

The proposed development includes the construction of a Dwelling, Swimming Pool and Rural Workers Dwelling with Carport

REFERRALS

No internal referrals

External referrals for concurrence

No external referrals

SUBMISSIONS

The development application was placed on public exhibition from Wednesday 7 September 2022 and Wednesday 21 September 2022 in accordance with the Upper Hunter Community Participation Plan.

Two submissions were received with the main issues raised being summarised below.

Name & Address of Submitter	Basis of Submissions
David and Peta Gay Railton 1041 Bunnan Road Upper Dartbrook NSW 2336	<ul style="list-style-type: none"> Clarification that the recently constructed Dam complies with the Upper Hunter LEP 2013, Schedule 2 as it is not shown on the development plans. Feasibility of the Rural Workers' Dwelling given the small lot size and its compatibility with the nature and scale of existing and future uses. Clarification on the location of additional facilities identified in the proposal but not shown on the plans. Access construction and traffic generated by the ongoing use of the site. Intensive Equine Agistment on small acreage can cause significant environmental impact.
Scott Williams 1043 Bunnan Road Upper Dartbrook NSW 2336	<ul style="list-style-type: none"> Lot Size permissibility for two dwellings. Lot Size and carrying capacity for Stock and/or Agistment Dividing fences not suitable for thoroughbreds Access construction and traffic generated by the ongoing use of the site.

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

ENVIRONMENTAL PLANNING INSTRUMENTS

UPPER HUNTER LOCAL ENVIRONMENTAL PLAN 2013

	COMMENT
Land Use Table	
Zoning classification	RU1 Primary Production RU4 Primary Production Small Lots
Zoning objectives	<p>The proposed development is consistent with the objectives of the RU1 Primary Production and RU4 Primary Production Small Lots zone.</p> <p>RU1 Primary Production objectives:</p> <ul style="list-style-type: none"> To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. To encourage diversity in primary industry enterprises and systems appropriate for the area. To minimise the fragmentation and alienation of resource lands. To minimise conflict between land uses within this zone and land

	<p>uses within adjoining zones.</p> <ul style="list-style-type: none"> • To protect the agricultural value of rural land. • To maintain the rural landscape character of the land in the long term. • To ensure that development does not unreasonably increase demand for public services or public facilities. • To ensure that development for the purposes of extractive industries, underground mines (other than surface works associated with underground mines) or open cut mines (other than open cut mines from the surface of the flood plain) will not— <ul style="list-style-type: none"> (a) destroy or impair the agricultural production potential of the land or, in the case of underground mining, unreasonably restrict or otherwise affect any other development on the surface, or (b) detrimentally affect the quantity, flow and quality of water in either subterranean or surface water systems, or (c) visually intrude into its surroundings, except by way of suitable screening. <p>RU4 Primary Production Small Lots objectives:</p> <ul style="list-style-type: none"> • To enable sustainable primary industry and other compatible land uses. • To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature. • To minimise conflict between land uses within this zone and land uses within adjoining zones.
Zoning permissibility	The proposal is permissible as a Dwelling House, Rural Workers' Dwelling and Ancillary Rural Development in the RU1 and RU4 zone.
Clauses (Part 4)	
Erection of dwelling-houses on land in certain rural zones (Clause 4.2B)	<p>Consistent</p> <p>The land is zoned RU1 and RU4, in accordance with Council records 10.7 Planning Certificate 1318/22 the land is afforded a dwelling entitlement under this clause.</p>
Erection of rural workers' dwellings in Zone RU1 (Clause 4.2C)	<p>Consistent</p> <ul style="list-style-type: none"> (a) the development will be on the same lot as an existing lawfully erected dwelling house, and (b) the development will not impair the use of the land for agriculture or rural industries, and (c) the agriculture or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers, and (d) the development is necessary considering the nature of the agriculture or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land. <p>The proposed rural workers' dwelling will be constructed on the same lot as the principal dwelling and will not impair the use of the land for agriculture or rural industry.</p> <p>The applicant has submitted information to demonstrate economic capacity to support the ongoing employment of a rural worker and that it is necessary to have an employee living on site due to the nature agricultural land use</p>
Part 5 – Miscellaneous provisions	

Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones (Clause 5.16)	<p>Consistent</p> <p>The land is zoned RU1 Primary Production and RU4 Primary Production Small Lots. The proposed development is for the erection of a dwelling and a rural workers' dwelling and ancillary rural development.</p> <p>Land surrounding the development is used for rural dwellings and rural land. It is unlikely that the proposed development would have an adverse impact on the adjoining land use.</p>
Part 6 – Additional Local Provisions	
Earthworks (Clause 6.1)	<p>Consistent</p> <p>The proposed development requires minor cut/fill including: -</p> <p>Principal Dwelling – 0.15m Fill Swimming Pool – 1.2m and 1.9m Cut and 1m Fill Rural Workers' Dwelling – 1m Fill Carport – 0.5m Cut</p> <p>The proposed development includes Soil and Erosion Controls for implementation prior to the construction of the development.</p>
Groundwater vulnerability (Clause 6.4)	<p>Consistent</p> <p>The site is identified on the groundwater vulnerability mapping. In accordance with the Geotechnical Report undertaken by East West, groundwater was not encountered at 1.5m in depth in the location of the principal dwelling or the rural workers' dwelling.</p> <p>The proposed development is unlikely to have an adverse impact on groundwater systems.</p>
Airspace operations (Clause 6.7)	<p>Consistent</p> <p>The site is identified on the Obstacle Limitation Surface Map as RL 320-330 and RL 330 –340. The principal dwelling has an RL of RL 263.900 to the highest ridge and the rural workers' dwelling has an RL of RL 241.200 to the highest ridge. It is unlikely that the proposed development would impact on airspace operations.</p>
Essential Services (Clause 6.10)	<p>Consistent</p> <p>Water Supply – Proposed 2 x 50,000L rainwater tanks for principal dwelling and existing 100,000L rainwater tank for existing shed and rural workers' dwelling. Electricity Supply – Electricity supply is available in the locality. Management of Sewage – Proposed Onsite Waste Disposal system, treatment tank and discharge being onsite through an appropriate disposal system. Stormwater Drainage – Proposed and existing rainwater tanks and via overland flow. Suitable Vehicle Access – Existing access from Bunnan Road, via existing internal access driveway, with extensions to both the principal dwelling and rural workers' dwelling locations.</p>

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (Biodiversity and Conservation) 2021	<p>SEPP (Biodiversity and Conservation) 2021 applies to the land as a small portion of land at the south-eastern corner of the site is identified on the NSW Government Biodiversity Values Map.</p> <p>Given that the proposed development does not include the removal of any significant vegetation and is located well outside the zone of influence, it is unlikely that the proposed development would have an adverse impact on</p>
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	any threatened species of flora and fauna.
SEPP (Building Sustainability Index: BASIX) 2004	SEPP (Building Sustainability Index: BASIX) 2004 applies to the proposed development as it includes a dwelling and a rural workers' dwelling. The proposed developments will meet the NSW governments' requirements for sustainability if they are constructed in accordance with the commitments set out in each BASIX certificate submitted with the application.
SEPP (Resilience and Hazards) 2021	SEPP (Resilience and Hazards) 2021 does not apply to the proposed development. Council records, NSW EPA and POEO registers do not identify this site as containing Land Contamination.

REGIONAL ENVIRONMENTAL PLANNING POLICIES

There are no REP's applicable to the site.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPI's applying to the land.

DEVELOPMENT CONTROL PLANS

<i>Development control plan</i>	<i>Considered?</i>	<i>Comment (only if necessary)</i>
Upper Hunter Development Control Plan 2015	YES	<p>Part 7 Rural Development Section 7a Rural Development General A. Siting Considerations</p> <p>The proposed developments have been sited in locations suitable for construction in regard to bushfire risk, groundwater vulnerability and natural topography. The proposal has been designed to step with the natural slope of the land to minimise cut/fill.</p> <p>B. General Building Design</p> <p>The proposed dwelling and rural workers dwelling have been designed using natural coloured weatherboard cladding with a dark metal roof, which is compatible with the rural landscape.</p> <p>C. Building Height</p> <p>The site is not identified as having any building height controls, the dwellings are unlikely to protrude above natural ridgelines.</p> <p>D. Building Setbacks</p> <p>The principal dwelling and rural workers dwelling are setback to more than 30m from side boundaries and more than 50m from the front boundary.</p> <p>E. Building Materials</p> <p>The proposed developments use a natural weatherboard cladding and a grey metallic roof which is unlikely to result in adverse impacts on the rural landscape.</p> <p>G. Basic Amenities for Farm Buildings</p>

An open toilet and shower is proposed to be installed within the existing shed (near the proposed rural workers' dwelling) for the use of rural workers', the amenities has access to two existing 104,000L rainwater and can connect to proposed wastewater system. It has not been designed for residential uses.

H. Bushfire

The proposed developments are located within bushfire prone land, recommendations from the bushfire threat assessment should be implemented to reduce bushfire risk to the proposal and adjoining development.

I. Groundwater

The applicant submitted an assessment which identified that groundwater was not found within 1.5m depth in the locations of the proposed dwelling or rural workers dwelling, it is unlikely that the proposed development would have an adverse impact on these groundwater systems.

K. Access and Car Parking

It is proposed to use the existing shared driveway off Bunnan Road and create two extensions one to the rural workers dwelling and one to the principal dwelling, with carparking incorporated into the designs for both dwellings for 2+ cars each.

L. Water Supply

The proposed development includes the installation of two 50,000L rainwater tanks for the principal dwelling and utilise existing 104,000L rainwater tank for the rural workers dwelling, there is also an additional 100,000L existing tank.

M. On-site Sewerage Management

The proposed development includes the installation of onsite waste management systems for the drainage of sewerage.

N. Telecommunications and Electricity

Utilities are available in the locality.

Section 7b Rural Dwellings

A. Siting Considerations

The proposed developments have been sited in locations suitable for construction in regard to bushfire risk, groundwater vulnerability and natural topography. The proposal has been designed to step with the natural slope of the land to minimise cut/fill.

B. General Building Design

The proposed dwelling and rural workers dwelling have been designed using natural coloured weatherboard cladding with a dark metal roof, which is consistent with the rural landscape.

C. Water Supply

The proposed development includes the installation of two 50,000L rainwater tanks for the principal dwelling and utilise existing 104,000L rainwater tank for the rural workers dwelling, there is also an additional 100,000L existing tank.

D. On-site Sewerage Management

The proposed development includes the installation of onsite waste management systems for the drainage of sewerage.

F. Rural Workers' Dwellings

The development includes one rural workers' dwelling. The applicant has submitted information to demonstrate economic capacity to support the ongoing employment of a rural worker and that it is necessary to have an employee living on site due to the nature agricultural land use

The rural workers' dwelling will share a common access to Bunnan Road with the principal dwelling.

I. Ancillary Buildings and Structures – General Design Considerations

The proposal includes the installation of a 6m x 6m x 5.7m high open 2 bay carport ancillary to the rural workers dwelling, it is unlikely that the proposed carport would have an adverse visual or overshadowing impact as it is well above the front and side setbacks, will be able to connect to existing drainage infrastructure and is not affected by any heritage issues.

**Part 10 Natural Hazards
Section 10b Bushfire Risk**

The proposed development can maintain the required APZ surrounded each new dwelling and has adequate water supply in accordance with PBP2019, recommendations within the Bushfire Assessment submitted with the application should be implemented to reduce bushfire risk to this development and adjoining development.

**Part 11 Environment Protection
Section 11b Biodiversity Conservation**

The site is identified as containing high biodiversity values in the south eastern corner of the allotment, the proposal is well outside the zone of influence and does not include the removal of significant flora and fauna.

Section 11d Groundwater Protection

The proposed development site is identified as groundwater vulnerable, in accordance with the geotechnical report, groundwater was not identified at a depth of 1.5m in both locations, it is unlikely that the proposed developments would have an adverse impact

		<p>on groundwater systems.</p> <p>Section 11f Soil and Water Management</p> <p>Minor earthworks including cut/fill is required for the proposed developments, due to the slope of the land. It is unlikely that the level of cut/fill required would have an adverse impact on the soils in the locality as it is being retained onsite to level the sites for construction. Water is proposed to be drained to existing and proposed rainwater tanks for onsite water supply, conservation and for bushfire protection.</p> <p>Section 11g Onsite Waste Water Management</p> <p>The proposed development includes the installation of OSMS systems, the site has been assessed as satisfactory to contain these systems to drain waste water.</p> <p>Section 11h Waste Minimisation and Management</p> <p>The proposed development will create waste during construction which will be removed by the applicant to an approved waste management facility. The site has access to waste collection services.</p> <p>Part 12 Specific Infrastructure Issues</p> <p>The site has existing access to a public road, via a shared driveway to Bunnan Road with proposed internal gravel extensions to each proposed dwelling from the shared driveway and designed to reduce stormwater runoff.</p>
Section 94A Levy Contributions Plan 2008	YES	The proposed development cost is \$2,079,000.00 therefore a Section 94A Contribution Levy applies.
Upper Hunter Development Contributions Plan 2017	NA	
Development Servicing Plan for Water Supply and Sewerage	NA	

PLANNING AGREEMENTS

There are no planning agreements relevant to the proposal.

REGULATIONS

There are no provisions in the regulations specifically relevant to the proposal.

LIKELY IMPACTS OF THE DEVELOPMENT

Context and Setting

The proposed development is consistent with the context and setting of the rural locality and is unlikely to have an adverse impact on the character and amenity of the rural landscape. The development is proposed to be used for two future agricultural operations being equine agistment and Speckle Park Beef Stud which is unlikely to impact on the scenic qualities and features of the rural landscape.

Built Form

The proposed developments are consistent with the relevant controls for built form.

Proposed Materials and Colours/Finishes: -

- *Weatherboard cladding – natural colour*
- *Concrete floor - white*
- *Concrete pavers - white*
- *Metal Roof – Mid Grey*
- *Glazed Windows – Aluminium framed*
- *Aluminium Flat Bar Screen – Grey*

Potential Impact on Adjacent Properties

The proposed development is consistent with adjoining rural land uses which contain rural dwellings and ancillary rural development on small rural lots. The proposed development is well above required front, rear and side setbacks and is unlikely to overshadow or visually impact on adjoining development. The future use of the land for two agricultural operations is unlikely to have an adverse acoustic impact on the adjoining rural land uses.

Access, Transport and Traffic

The proposed development is unlikely to have an adverse impact on the access, transport and traffic in the locality. The proposed future use of the development for two agricultural operations will generate traffic on the shared driveway access and within the public road system. The site has an existing shared driveway access to Bunnan Road. The proposal includes a garage for the principal dwelling and a carport for the rural workers dwelling which will provide adequate onsite car-parking for occupants.

Public Domain

The proposed development is located within private property and is unlikely to have an adverse impact on the public domain.

Utilities

The proposed development includes the installation of two 50,000L rainwater tanks for onsite water supply, conservation and for bushfire protection for the principal dwelling, the site has two 100,000L rainwater tanks one in the location of the proposed rural workers dwelling for water supply, onsite conservation and bushfire protection. The proposal includes the installation of onsite sewer management systems, electricity and telecommunications are available in the locality. It is unlikely that the proposed development would have an adverse impact on utility supply in the locality.

Heritage

The site is not identified as containing any local, State or Aboriginal Heritage items or places.

Other Land Resources

The proposed development is not affected by other land resources. The proposed development proposes to use the land for two future agricultural operations.

Water

The site has two existing 100,000L rainwater tanks and proposes to install two 50,000L rainwater tanks in the vicinity of the principal dwelling for the water supply, onsite conservation and bushfire protection. Stormwater is proposed to be drained to the rainwater tanks with overflow diverted overland flow. The site is identified as being groundwater vulnerable land, an assessment of the site was undertaken to determine the presence of groundwater in the location of the development sites, with groundwater not being present within a 1.5m depth of each location. It is unlikely that the proposed development would have an adverse impact on these groundwater systems.

Soils

The proposed development includes cut/fill for the construction of the development. Soil and erosion controls are proposed to be implemented prior to construction.

Air/Microclimate

The proposed development is unlikely to have an adverse impact on the air quality or micro climate in the locality.

Flora and Fauna

The proposed development is unlikely to have an adverse impact on the flora and fauna in the locality as it does not include the removal of any significant vegetation. A small portion of the south eastern corner of the subject lot is identified as high biodiversity land, however, the development is well outside the zone of influence.

Waste

The proposed development will create waste during the construction stage which will be removed by the applicant to an approved waste management facility. Waste collection services are available to the site.

Energy

The proposed principal dwelling and rural workers dwelling will meet the NSW governments' requirements for sustainability if they are constructed in accordance with the commitments set out in each BASIX certificate submitted with the application.

Noise & Vibration

The proposed development will create minor and temporary noise impacts during the construction stage.

Natural Hazards

The site is identified as bushfire prone land. The development can reduce bushfire risk to the site and adjoining development by implementing the recommendations from the bushfire assessment submitted with the application. The proposal includes additional water supply, has existing access and sufficient space for asset protection zones and can be constructed to reduce bushfire risk to occupants.

Technological Hazards

The site is not identified within the NSW EPA, POEO database or Council records as containing any land contamination. The site is not affected by mine subsidence and can be constructed to reduce fire risk.

Safety, Security & Crime Prevention

The proposed development will have a minor positive impact on the safety, security and crime prevention in the locality. The proposal includes a rural workers' dwelling so that the future use of land for the two agricultural operations has an occupant onsite at all times to reduce stock theft and ensure the safety and wellbeing of stock onsite.

Social Impact on the Locality

The proposed development will have a minor positive social impact on the locality during the construction stage.

Economic Impact on the Locality

The proposed development will have a minor positive economic impact on the locality during the construction stage and will have a positive economic impact on the locality during the ongoing operation of the two agricultural land uses.

Site Design and Internal Design

The proposed development is consistent with size, shape and design of the rural lot. The positioning of the proposed dwellings has been designed to maximise solar access. The height and scale of each dwelling is consistent with rural dwellings in the locality and have adequate private open space and landscaping surrounding each dwelling. Each dwelling has adequate water supply or will have adequate water supply for bushfire protection and the design of each dwelling has incorporated building materials and finishes that

suit the locality.

Construction

Construction details have been provided; a construction certificate is required.

Cumulative Impacts

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Does proposal fit in the locality?

The proposed development is consistent with the context and setting of the rural locality which includes small rural lots with dwellings. Access via the shared driveway for the proposed dwellings is unlikely to have an adverse impact on adjoining rural development which utilise this shared access. Utilities and services are available and/or proposed to be installed on the site.

Are the site attributes conducive to the development?

The proposed development is identified on bushfire prone land and the applicant has adequately addressed that it can be constructed and maintained to reduce bushfire risk to occupants and adjoining rural development. The site is not affected by heritage issues or mineral extractive resources. The level of earthworks for cut and fill to level the site for construction is unlikely to have an adverse impact on the soil characteristics of the area and the development does not contain or include the removal of any significant flora and fauna. The rural land after construction of the development is proposed to be used for two agricultural operations which is consistent with the predominant land use in the locality.

THE PUBLIC INTEREST

The proposed development is consistent with the relevant planning controls in the Upper Hunter Local Environmental Plan 2013.

The proposed development is consistent with the controls for Rural Workers Dwellings' in the Upper Hunter Development Control Plan 2015.

The applicant has submitted information to demonstrate economic capacity to support the ongoing employment of a rural worker and that it is necessary to have an employee living on site due to the nature agricultural land use. It is unlikely to jeopardise the public interest.

SUMMARY OF LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL		CONSIDERED
1	Statutory controls	YES
2	Policy controls	YES
3	Design in relation to existing building and natural environment	YES
4	Landscaping/open space provision	YES
5	Traffic generation and car parking provision	YES
6	Loading and servicing facilities	YES
7	Physical relationship to and impact upon adjoin development (views, privacy, overshadowing, etc.)	YES
8	Site Management issues	YES
9	All relevant S79C considerations of Environmental Planning and Assessment Act 1979	YES
10	Section 89 LGA 93 including Clause 12 considerations of Local Government Regulations 1993	YES

CONSISTENCY WITH THE AIMS OF PLAN

The development is consistent with the specific aims of the plan and/or the objectives of the zone and/or the objectives of the controls as outlined in this report and as such, consent can be granted.

SUBMITTORS CONCERNS

The issues raised in the submissions are addressed as follows;

- Clarification that the recently constructed dam complies with the Upper Hunter LEP 2013, Schedule 2 as it is not shown on the development plans.

Planning comment: The applicant has advised that the construction of water storage on the lot has been managed by an environmental consultant with all regulatory considerations taken into account and implemented according to the legislation. As the construction of the dam is not part of this application it is considered that the matter is not relevant to this application

- Feasibility of the Rural Workers' Dwelling given the small lot size and its compatibility with the nature and scale of existing and future uses.

Planning comment: The applicant has submitted information to demonstrate economic capacity to support the ongoing employment of a rural worker and that it is necessary to have an employee living on site due to the nature of the agricultural land use.

- Clarification on the location of additional facilities identified in the proposal but not shown on the plans.

Planning comment: The location of the additional facilities have been shown on the plans to be in the location of the proposed rural workers' dwelling.

- Access construction and traffic generated by the ongoing use of the site.

Planning comment: The site has existing legal access from Bunnan Road. It is considered that the development will not result in a significant increase in traffic volumes.

- Intensive Equine Agistment on small acreage can cause significant environmental impact.

Planning comment: The proposed horse agistment is for up to six horses only and is unlikely to cause significant environmental impact.

- Lot Size permissibility for two dwellings.

Planning comment: The site is afforded a dwelling entitlement under Clause 4.2B of the Upper Hunter Local Environmental Plan 2013. The land is zoned RU1 Primary Production and RU4 Primary Production Small Lots. In accordance with each land zoning dwelling houses and rural workers' dwellings are permissible with consent.

- Lot Size and carrying capacity for stock and/or agistment

Planning comment: The application has demonstrated that the use of the land for equine agistment and a beef cattle stud will have the economic capacity to support the employment of a rural worker. The lot size is adequate for the intensive nature of the agricultural operation.

- Dividing fences not suitable for thoroughbreds

Planning comment: The Dividing Fences Act 1991 regulates the responsibilities to be undertaken between neighbours and landowners of dividing fencing. Fences are not a matter for consideration on this application.

CONCLUSION

The application has been assessed as satisfactory against Section 4.15 of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in significant adverse impacts.

Accordingly, it is recommended that consent be granted.

RECOMMENDATION

PURSUANT TO SECTION 4.16/4.17 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT Council, as the consent authority, grant consent to Development Application No. 145/2022 for development of Dwelling, Rural Worker's Dwelling & Swimming Pool on land at Lot 321 DP844395, 1045 Bunnan Road, Upper Dartbrook, subject to conditions of consent.

REASONS FOR RECOMMENDED DECISION

- The development application has been assessed as satisfactory under Section 4.15 of the Environmental Planning and Assessment Act 1979.
- The development application satisfies the controls under Part 7 of the Upper Hunter Development Control Plan 2015.
- The applicant has demonstrated that the agricultural use of the land has the economic capacity to support the ongoing employment of a rural worker.
- Submissions raised by the community were taken into account regarding the stock carrying capacity of the land and the need for a rural worker's dwelling on a small rural lot.

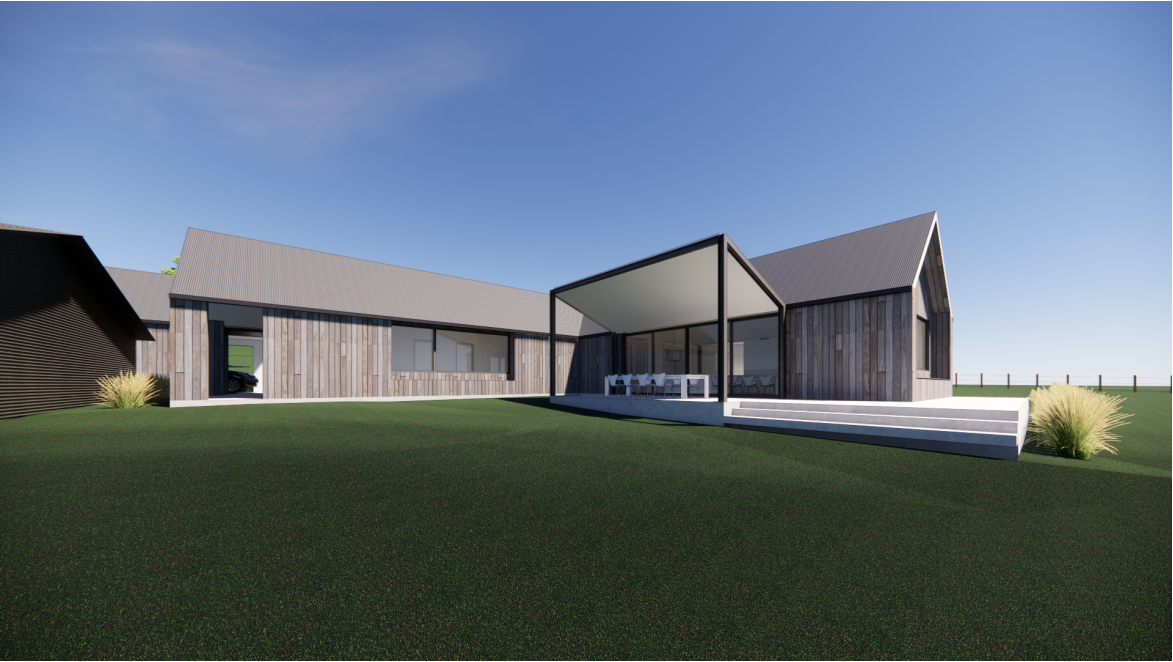
MAT PRINGLE,
DIRECTOR PLANNING & INFRASTRUCTURE SERVICES

KAI'Y MAY HOUSE, 1045 BUNNAN RD, UPPER DARTBROOK, 2336
DEVELOPMENT APPLICATION SUBMISSION

DRAWING LIST		
Sheet Number	Sheet Name	Revision
DA-00-01	COVER SHEET	6
DA-00-02	GENERAL NOTES	4
DA-00-03	SITE LOCATION PLAN	5
DA-00-04	EXISTING SITE PLAN	4
DA-00-05	PROPOSED SITE PLAN	5
DA-00-06	PROPOSED SITE PLAN DETAIL	5
DA-00-07	PROPOSED ACCESS PLAN	1
DB-00-01	SITE ANALYSIS - PRINCIPAL DWELLING	5
DB-10-01	GA PLAN - PRINCIPAL DWELLING	5
DB-10-02	GA ROOF PLAN - PRINCIPAL DWELLING	5
DB-20-01	GA ELEVATIONS - PRINCIPAL DWELLING	4
DB-20-02	GA ELEVATIONS - PRINCIPAL DWELLING	4
DB-30-01	GA SECTIONS - PRINCIPAL DWELLING	4
DB-40-01	SWIMMING POOL GENERAL LAYOUT	1
DC-00-01	SITE ANALYSIS - WORKERS' DWELLING	5
DC-10-01	GA PLAN - WORKERS' DWELLING	5
DC-10-02	GA ROOF PLAN - WORKERS' DWELLING	5
DC-20-01	GA ELEVATIONS - WORKERS' DWELLING	5
DC-20-02	GA ELEVATIONS - WORKERS' DWELLING	5
DC-30-01	GA SECTIONS - WORKERS' DWELLING	5
DD-40-01	MATERIALS BOARD	4
DD-50-01	CUT & FILL DIAGRAMS	1
DE-00-01	NOTIFICATION PLAN	2
DE-00-02	NOTIFICATION ELEVATION	2



PRINCIPAL DWELLING



WORKERS' DWELLING

DA SUBMISSION

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Nominated Architect: Nick Sissons NSW ARB 7210

LEGEND - ACCESS PLANS

- PUBLIC ROAD
- EXISTING COMMON PRIVATE ACCESS ROAD
- PROPOSED ACCESS DRIVEWAY

Rev	Date	Revision Description
1	16.09.22	DEVELOPMENT APPLICATION UPDATE

Client
TIM AND ZENA WHITE

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[Half Scale @ A3]



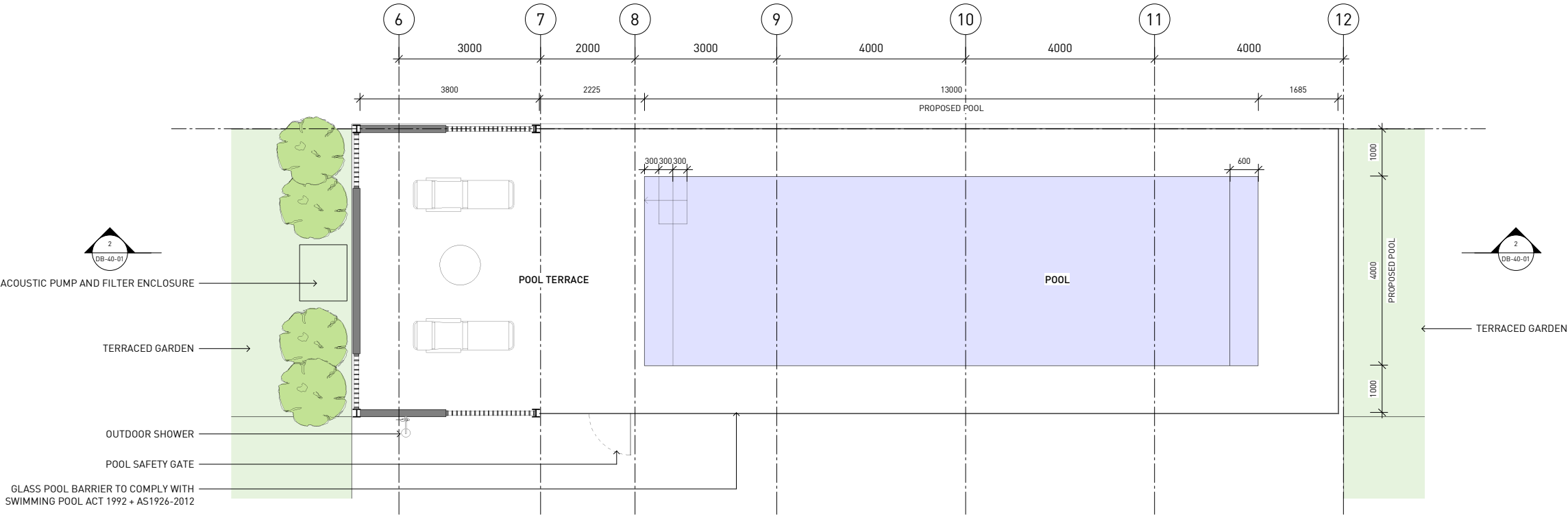
Project
KAI'YMAI
1045 BUNNANN RD, UPPER DARTBROOK, NSW 2336
LOT: 321 DP: 844395

Architect
sissons.
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Drawing Title
PROPOSED ACCESS PLAN

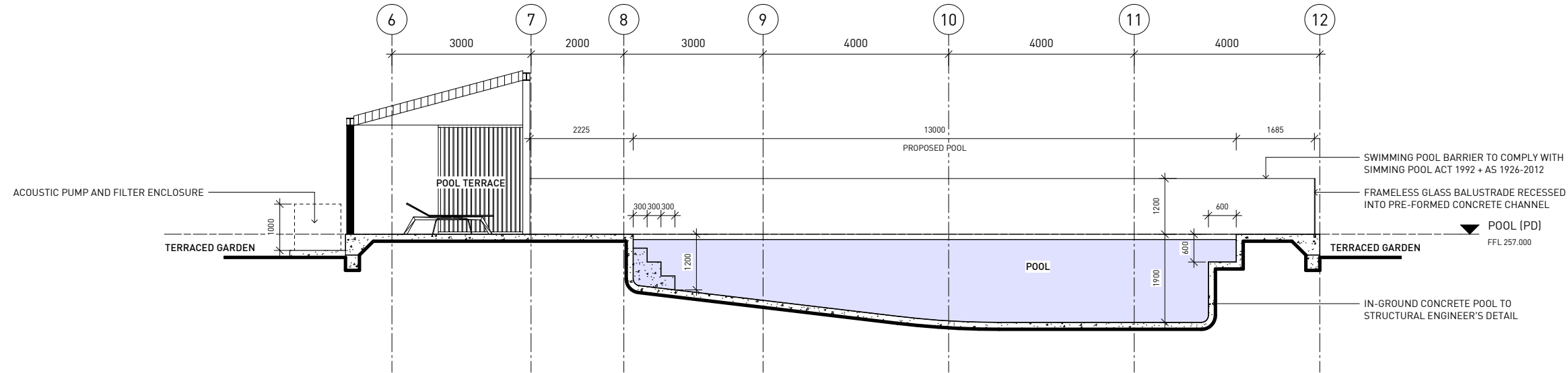
Project No.	Drawing No.	Stage	Rev
21-005	DA-00-07	DEVELOPMENT APPLICATION	1

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1 SWIMMING POOL GENERAL LAYOUT


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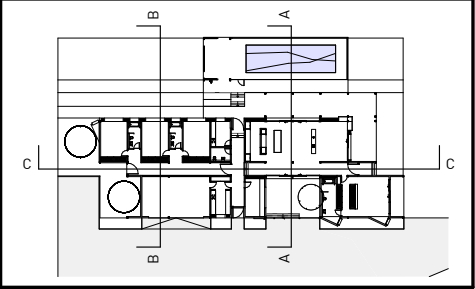
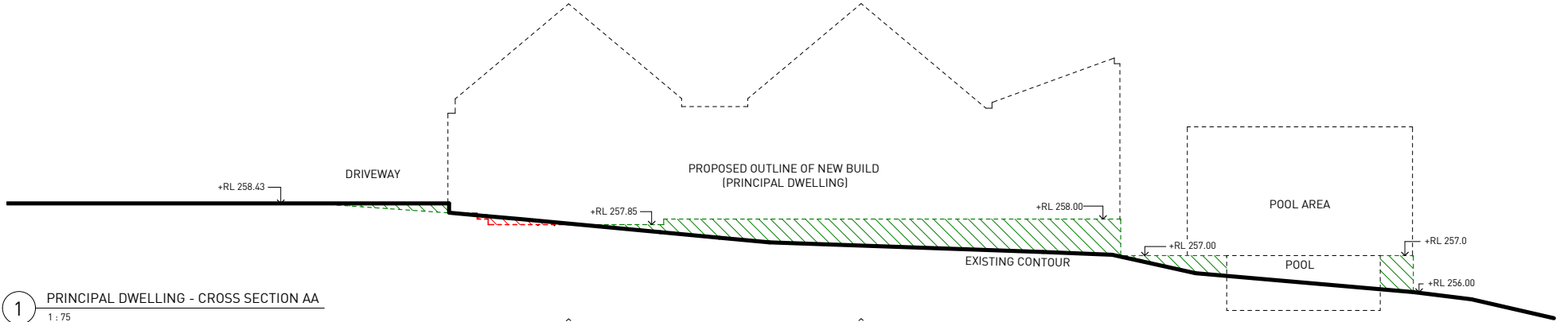
2 SWIMMING POOL - SECTION

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DA SUBMISSION

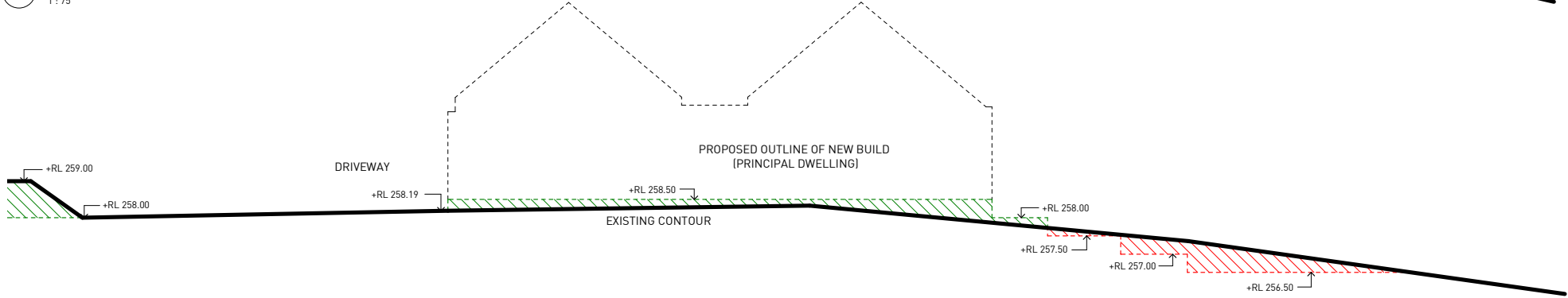
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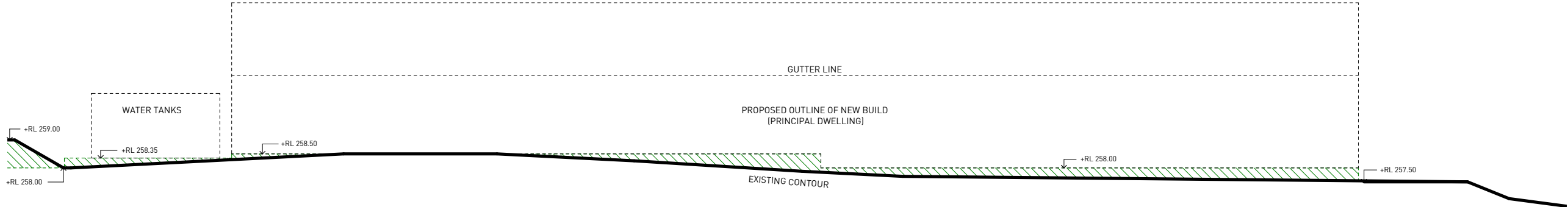


KEY PLAN - PRINCIPAL DWELLING

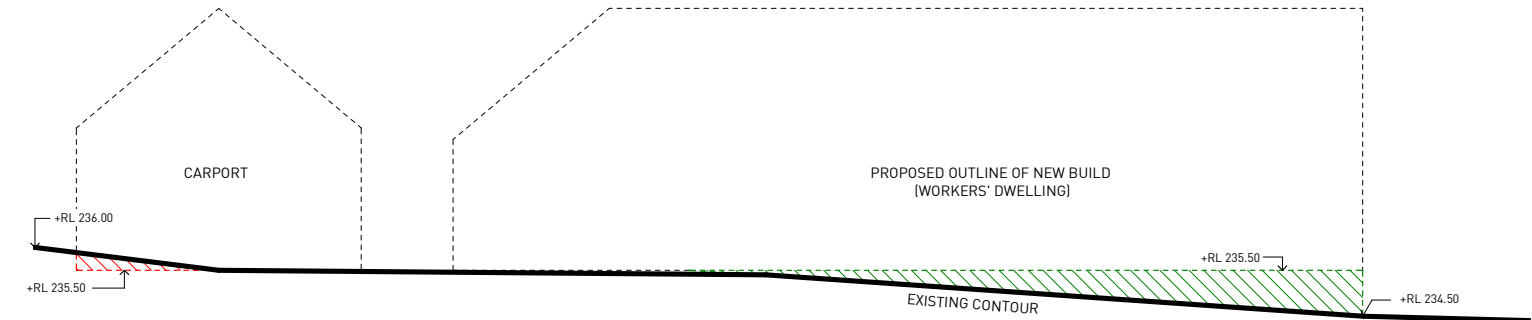
1 PRINCIPAL DWELLING - CROSS SECTION AA
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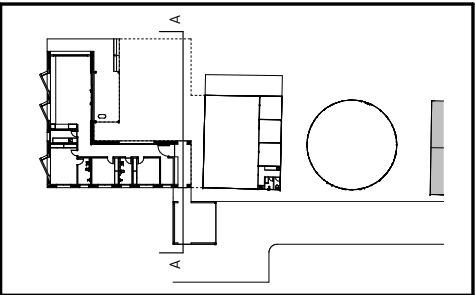
2 PRINCIPAL DWELLING - CROSS SECTION BB
1 : 75



3 PRINCIPAL DWELLING - LONG SECTION CC
1 : 75



4 WORKERS' DWELLING - CROSS SECTION AA
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KEY PLAN - WORKERS' DWELLING

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Nominated Architect: Nick Sissons NSW ARB 7210

LEGEND - CUT & FILL DIAGRAMS

CUT
FILL

Rev	Date	Revision Description
1	16.09.22	DEVELOPMENT APPLICATION UPDATE

Client
TIM AND ZENA WHITE

1 : 75 (A1)
[Half Scale @ A3]

Project
KAI'YMAI
1045 BUNNAN RD, UPPER DARTBROOK, NSW 2336
LOT: 321 DP: 844395

Architect
sissons.
a: Level 5, 53 Berry Street, North Sydney, NSW 2060.
p: 02 8904 1853

Drawing Title
CUT & FILL DIAGRAMS

Project No.	Drawing No.	Stage	Rev
21-005	DD-50-01	DEVELOPMENT APPLICATION	1

A1 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 DO NOT SCALE DIMENSIONS FROM DRAWING



14 September 2022

Mr Mat Pringle
Director of Planning and Infra Structure Services
Environmental Services
Upper Hunter Shire Council

Dear Sir,

Proposed Development - DA 145-2022

Thank you for notice given for the proposed development application noted above.
[REDACTED] are owner / occupiers of [REDACTED] property, [REDACTED]
[REDACTED] and appreciate the opportunity to express our opinions
regarding the proposed development.

Whilst we welcome many aspects of the proposed development, the proposal has a few points that we would like clarification on.

1. A dam has recently been constructed close to the eastern boundary directly across from our house. This dam is not noted on the DA or the supporting appendices which is of concern when these reports describe sewerage and modified waste water management. We are unsure of the legality of this dam particularly with respect to the size and location close to the boundary and proximity to our house. We understand that Water NSW has authority on dam construction and harvestable rights with respect to dam capacity but I would also like clarification from the council that this dam complies with the Upper Hunter Local Environment Plan 2013 schedule 2 Note 2 Dams in zones RU1, RU4, R5 and E3.
2. The proposal including construction of a rural workers dwelling based on the need for an onsite employee to manage and fulfil critical duties for two agricultural operations which are "equine agistment" and a Speckle Park Beef stud. Given the relatively small size of the lot at 22.54 ha, we question the feasibility and the need for a second dwelling and that this is "compatible with the nature and scale of existing or future uses of the land".

3. Noted in the proposal is that "The Equine operation will provide agistment for highly valued equine bloodstock. This operation will offer full service including shared & / or private paddock agistment, with facilities including a sand arena, round yard, wash bay, feed and tack room, stables and internal paddocks with self-waterers". We would like some clarification as to the location of these additional facilities and how the additional traffic generated by horse trucks and floats will be managed on the access road. The road is unsealed and unsuitable to any significant increase in traffic. A previous council decision regarding potential subdivision of Lot 323 DP 844395 ruled that the access road required upgrading for any additional development to occur. How does this proposal align with that decision?
4. An intensive equine agistment operation on a small acreage carries significant environmental impact and we would like more information about what is planned.

Yours faithfully,



Danielle Brown

From: [REDACTED]
Sent: Thursday, 15 September 2022 1:33 PM
To: Council Internet Mail
Subject: External: FW: Lot 321 DA 145-2022

Hi,

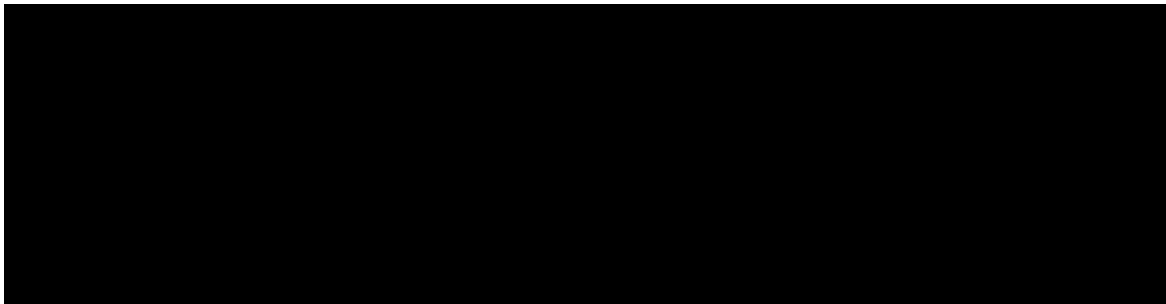
I am writing in because I have some questions/concerns about the DA 145-2022, Lot 1045 Bunnan Road Upper Dartbrook. We live at [REDACTED]

It's my understanding that only 1 x dwelling is permitted to be built on small acreage blocks, under 100 acres (or somewhere thereabouts)? In reading the submission, it appears as though the reason given for the second dwelling is it has been pitched to become a full time rural operation, Speckle Park Beef stud and Equine Agistment. The lot is less than 50 acres in size so I find it hard to believe it would carry enough Stock and or Agistment to warrant a full time employee, let alone a separate living quarters but I could be wrong. Currently running only about 10 or 12 Angus cows, hand full of belted Galloway cattle, the entire boundary fence consists if at least 1 line of barb wire which is not ideal for Thoroughbreds. For this I question the authenticity of the reasons given for the second dwelling. Our lot is 70 acres where we run a small Limousin Stud operation with a carrying capacity nowhere near enough stock turnover to warrant a full time employee.

Another question I have is how many Dwellings are permitted to use one unsealed access/driveway? I thought only 3, is this correct? My concern is that if the DA gets approval, the driveway in its current state would not handle the extra traffic, trucks and floats etc. Would the owners of Lot 321 be responsible for improving the access road as part of this development?

Thank you, I look forward to your reply in regards to my concerns. Feel free to reply via this email or happy for you to call on the number below.

Kind Regards,



Caution: This email was sent from outside our organisation. Be cautious, particularly with links and attachments unless you recognise the sender and know the content is safe.

sissons.kai'ymay

statement of environmental effects

1045 Bunnan Road, Upper Dartbrook, NSW 2336
August 2022

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1.0 INTRODUCTION

This statement has been prepared on behalf of Zena and Tim White (owners of the subject site) as part of the supporting documentation for a development application in relation to 1045 Bunnan Road, Upper Dartbrook, NSW 2336.

The subject site is a 22.54 ha rural property located approximately 10km northwest of Scone town. The property has its Northern boundary with Bunnan Road and adjoins existing rural lots to the South, East and West.

There are no existing habitable dwellings on the site and the land has a dwelling entitlement pursuant to clause 4.2B of the Upper Hunter Local Environmental Plan 2013.

Two farming sheds with a holding yard between them are the only existing building structures on the property.

The site has a North/South orientation, with the longer boundaries to the East and West. From its public road frontage with an RL+228.00 the site slopes gently upwards to its highest point at RL+283.00 on the South-West corner of the property.

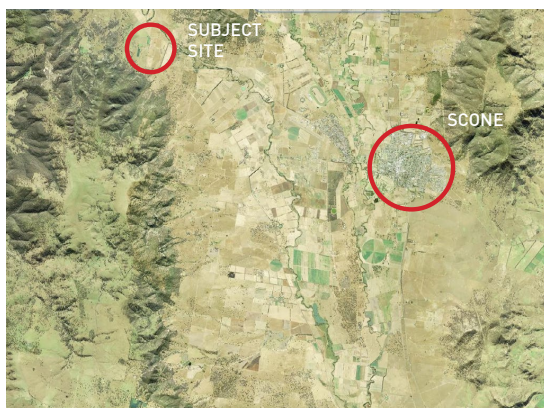
The development application supported by this statement is for the construction of a principal and a rural workers' dwelling on the subject site.

This document should be read in conjunction with the following plans and reports:

- Survey plan no. 2020/062 by RAP Surveying
- Architectural drawings by Sissons Architects
- Stormwater Management Plans by RHM Consulting Engineers
- Sediment and Erosion Control Plans by RHM Consulting Engineers
- Bushfire Report No. 211578 dated 08.08.22 by Bushfire Hazard Solutions Pty Ltd
- Geotechnical Report for On-Site Wastewater by East West
- Geotechnical Report for Site Classification by Regional Geotechnical Solutions
- Basix certificate no. 1271769S by Sissons Architects
- Basix certificate no. by1271781S by Sissons Architects

In this report, the proposal is presented and assessed in relation to the relevant planning controls, being:

- Upper Hunter Local Environment Plan (LEP 2013)
- Upper Hunter Development Control Plan (DCP 2015)
- SEPP (Building Sustainability Index: BASIX) 2004



Subject site location in relation to Scone Town (source: Six Maps)

1.0 SITE AND CONTEXT

2.1 LOCALITY DESCRIPTION



The location of the site is shown in this aerial view (source: Six Maps)

As presented in the introduction, the subject site is a 22.54 ha property split into 4 paddocks with internal fence lines, allowing for adequate and safe livestock pasture. The grassland site has 2 farm sheds with a holding yard between them. These are located in paddock #2 in the front half of the property.

The site is zoned RU1 – Primary Production and RU4 – Primary Production Small Lots. The locality is characterised by rural land with low density residential development. To the north of the site is Bunnan Road with the main access point to the property located on the North East corner. A side gravel road runs along the Eastern boundary, an easement with shared rights of carriageway between the subject site and Lot 31 (DP 840239), Lot 22 DP 875983, and Lot 323 (DP 844395).

To the Eastern, Southern and Western boundaries the site is adjoined by neighbouring allotments with single storey residential structures and numerous farm sheds.



Boundary lines

2.0 SITE AND CONTEXT

2.2 SITE DESCRIPTION

The site is lot legally described as Lot 321 in Deposited Plan 844396 known as 1045 Bunnan Road, Upper Dartbrook, NSW 2336.

According to the survey prepared by RAP Surveying the subject site has an area of 22.54 ha. Since purchasing the property in 2020 the owners have made several improvements including reparation works to the existing stables, hay shed and round yards, the erection of new boundary and internal fencing, the addition of new water infrastructure, two new 104,000L water tanks, livestock watering systems, livestock handling, tree planting and an array of general maintenance investments.

From North to South the paddocks are numbered as, Paddock #1 (5.22ha), Paddock #2 (6.54ha), Paddock #3 (7.22ha) and Paddock #4 (2.25ha).

The site is predominantly grassland with a few existing trees along the front boundary, adjacent to the eastern gate entries and along the internal fence between paddocks #2 and #3.

The property benefits from cooling North-Easterly afternoon breezes and Southerly winds in the summer as well as Westerly warm winds in the winter months.

Existing services include electrical power cable to existing sheds, water lines and taps to all 4 paddocks, two 104,000 Litres rainwater tanks in paddocks #2 and #4 and a water bore in paddock #2.

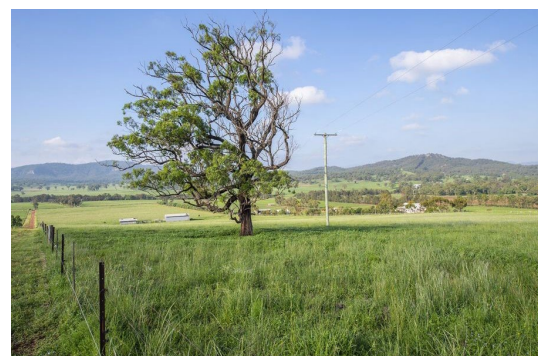
The land as seen in the aerial view slopes gently from Bunnan Road towards the South and Owens Gap.



Aerial view towards towards the South from Bunnan Road



View towards the North from Paddock #2



View along Western boundary from corner of Paddocks #2 and #3

3.0 DEVELOPMENT PROPOSAL

3.1 MASTERPLAN

The development proposal includes a principal and a rural workers' dwelling both located on the same lot with a common internal access road to and from Bunnan Road.

The siting of each dwelling has been determined taking into consideration important environmental factors such as orientation, contours, views across the property and valley as well maintaining the privacy and amenity of the neighboring properties.

These factors in combination with the requirements for future agricultural operations have established the location of the principal dwelling within Paddock #2. An elevated position (RL+258.50) in relation to the existing farm sheds to make the most of the views but also to be able to use the hill for protection from the westerly sun and hot summer winds. By following the contours and providing a terraced design solution the dwelling sits below the line of sight of the neighbouring property on Lot 21.

The rural workers' dwelling has been sited also within Paddock #2 next to the existing sheds in the flatter part of the site at RL +235.5. Orientation, access from existing road and gate as well as setbacks and minimal height in the landscape have been important considerations in the location of the dwelling.

Topographically paddock #2 slopes from the North-East Corner at RL+231.00 to the South-West corner at RL+267.00 with a fall of approximately 36M across 382M.

Both dwellings are sited within the required side setbacks of 30M. The workers' dwelling is setback approximately 333M from the front boundary line on Bunnan Road.

The principal dwelling is comprised of 4 bedrooms, 3 bathrooms, a study, double garage, and swimming pool with associated outdoor terraces. The natural topography of the site results in banked zones around the dwelling with an internal level change of 500mm to account for the sloping terrain.

The rural workers' dwelling is located north and downhill of the principal dwelling. It has been sited adjacent to the existing farm sheds, with good visibility of the access points to the property and away from the paddocks dedicated for livestock and pasture.

It shares the same orientation as the principal dwelling and existing sheds. It is comprised of 2 bedrooms, 1 office, 2 bathrooms and a double carport. The topography around the dwelling is subtle with minimal cut and fill required.

The proposal for a principal and rural workers' dwelling derives from the plan to establish 2 agricultural operations on the property. These include Equine Agistment and a Speckle Park Beef Stud.

It is the intention that the principal dwelling will be occupied by the property owners who, due to their professional commitments, reside in Sydney planning to commute between Upper Dartbrook and Sydney.

The rural workers' dwelling to be used by an employee who will manage and fulfill critical duties for the two agricultural operations.

Being close to the Scone racecourse, the Airport and other unique local facilities allows this type of exclusive offering to be successful, and equally its success will largely depend on the ability to provide a compelling and complete service including 24/7 supervision for health, welfare and security of these highly prized animals.

Refer to Appendix 1 for Workers' Dwelling Report.



3.0 DEVELOPMENT PROPOSAL

3.2 PRINCIPAL DWELLING

The development proposal for the Principal Dwelling consists of a single storey, split level pitched roof structure following the sloped nature of the topography.

The dwelling has been orientated towards the North with solid elements positioned strategically to reduce the Western sun.

Access to the house is via a new internal gravel road proposed along the existing paddock fence running from the gate located on the eastern boundary. Arriving at RL 258.5 a garage and front entry will lead onto an upper ground area where bedrooms, laundry, study and bathrooms are located.

Two axial corridors at 90 deg to each other create the spine of the dwelling. As well as acting as separating elements between the private and the entertainment spaces they provide the opportunity for passive ventilation.

From the entry level 3 steps will lead down to the kitchen, dining and living areas set 500mm lower at RL+258.0. The stepped design of the dwelling follows the contours and reduces the requirement for cut and fill.

The proposal is for cars to access the garage from the driveway and be able to securely park. Within the same area is a 'mudroom' to wash and clean shoes / clothes before entering the house. The front door is situated next to the garage with an adjacent study looking onto a secluded courtyard and further views through the house and across the valley beyond.

On this upper ground level (RL+258.5), there will be 3 bedrooms and 2 bathrooms as well as a WC and separate laundry that are easily accessed from the northern terrace and pool.

At lower ground level (RL+258.0) will be a master bedroom with ensuite and an open kitchen, dining and living space. The proposal is to have the living spaces with dual access to both an external courtyard on the south side of the dwelling and a covered outdoor terrace to the north which connects down to the pool area below.

The courtyard and terrace spaces are accessible via large sliding doors which allow for passive cooling and constant airflow. On the eastern side of the living room, down the hallway is the master bedroom with an ensuite and doors that open onto a small East facing balcony.

All bedroom and living spaces are well ventilated and designed to make the most of the sun throughout the year maximising energy efficiency, exposure to cooler northeasterly breezes and suitable shading that allows for good protection from the summer sun.

The angle of the roof terrace has been designed to allow for winter sun in the living areas and blockout the summer sun. The bedroom windows are recessed within deep reveals to provide adequate shading during the day.

An outdoor swimming pool has been sited on the northern side of the dwelling for optimal sun exposure and minimal cut and fill. The pool enclosure includes a small covered area to protect users from the hot summer sun.

The stepped ground plane of the dwelling is unified by two pitched metal profiled roofs with a box gutter in between. The roof is connected to two 50,000 litre rainwater tanks located on the west side of the building.

The external walls will be a combination of timber and steel framed construction with vertical weatherboard cladding. A polished concrete ground slab will form the base of the building. This will provide good thermal mass and the ability to regulate the temperature indoors and reduce the need for air conditioning.



3.0 DEVELOPMENT PROPOSAL

3.3 RURAL WORKERS' DWELLING

The development proposal for the Rural Workers' Dwelling consists of a single storey, one level pitched roof structure with a separate carport. The proposed development is to accommodate a rural worker who is required to run the daily farming operation, manage security and ensure animal welfare.

The proposed development will be sited on the same lot as the principal dwelling and will share a common access to the public road. Located between the existing farm sheds in paddock #2 and the western boundary the dwelling has been positioned with a 30M setback to meet the requirements of the UHSC DCP.

Minimal excavation is required due to the flat nature of the topography in the proposed location.

Similarly to the principal dwelling, the rural workers' dwelling has been orientated towards the north with solid elements positioned strategically to reduce the western sun.

Access to the house is via a new internal gravel road from the lower gate on the eastern boundary following an established route behind the farm sheds onto the new carport.

From the carport at RL 235.5 a covered connection will lead onto the front door on the east side of the dwelling. With an L-shaped plan the house wraps around a central courtyard with bedrooms on one side and living spaces opposite.

The dwelling comprises 2 bedrooms, 2 bathrooms, 1 office and an open plan kitchen, dining and living area with sliding doors onto a covered outdoor terrace. From all living areas both internally and outdoors there is good visibility to the farm, sheds and property main access points.

The ground slab continues out onto the terrace from the living space and wraps around the north side with an open platform where the winter sun can be enjoyed in the cooler months. A few steps will lead down onto a landscaped courtyard. The southern edge of the dwelling aligns with the rear wall of the sheds keeping the building volume

contained and discreet in the landscape.

The courtyard and terrace spaces are accessible via sliding doors which allow for passive cooling and constant airflow. Bedrooms and living spaces are well ventilated and designed to make the most of the sun throughout the year to maximise energy efficiency, exposure to cooler northeasterly breezes and suitable shading that allows for good protection from the summer sun.

The angle of the roof terrace has been designed to allow for winter sun in the living areas and block out the summer sun. The bedroom windows are recessed within deep reveals to provide adequate shading during the day.

The L-shaped dwelling has a pitched metal profiled roof that will be connected to an existing 100,000 litre rainwater tank.

The design intent for the building is to match the construction and materials of the principal dwelling. As such the external walls will be a combination of timber and steel framed construction with vertical weatherboard cladding. A polished concrete ground slab will form the base of the building. This will provide good thermal mass and ability to regulate the temperature indoors and reduce the need for air conditioning.



4.0 PLANNING CONTROLS

UPPER HUNTER SHIRE COUNCIL

4.1 SEPP (Building Sustainability Index: Basix) 2004

Basix certificates have been prepared for each dwelling and found that the design proposals comply with the State Government's water and energy reduction targets.

4.2 Upper Hunter Local Environment Plan 2013

Clause	Planning Control	Applicable	Complies	Comment
Principal and Secondary Dwelling				
Part 2 Permitted Development				
2.1	Zoning	RU1 – Primary Production RU4 – Primary Production Small Lots	-	-
Part 4 Principal Development Control				
4.2 B	Dwelling Entitlement	Yes	Yes	
4.2 C	Erection of Rural Workers's Dwellings	Yes	Yes	
	a) the development will be on the same lot as an existing lawfully erected dwelling house	Yes	Yes	Dwelling located on same lot as proposed principal dwelling
	b) the development will not impair the use of the land for agriculture or rural industries	Yes	Yes	Dwelling located adjacent to existing sheds.
	c) the agriculture or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers	Yes	Yes	Rural worker required to support equine agistment services and bovine stud operation.
	d) the development is necessary considering the nature of the agriculture or rural industry land use lawfully occurring on the land and or as a result of the remote or isolated location of the land.	Yes	Yes	Necessity to ensure security of operation and animal welfare
4.3	Height of Buildings	N/A	-	-
4.4	Floor Space Ratio	N/A	-	-
Part 5 Miscellaneous Provisions				
5.10	Heritage Conservation	N/A	-	-
Part 6 Additional Local Conditions				
6.3	Terrestrial Biodiversity	N/A	-	-
6.4	Groundwater Vulnerability	Yes	Yes	Refer to Geotechnical Report

4.3 Upper Hunter Development Control Plan 2015

Upper Hunter Development Control Plan (DCP) applies to the proposed development at 1045 Bunnan Road, Scone. The consistency of the proposed development with the relevant provisions of the DCP is shown in the following tables.

Clause	Planning Control	Applicable	Complies	Comment
Principal and Secondary Dwelling				
7a.6 Rural Development - General				
A.	Siting Considerations	Yes	Yes	-
B.	General Building Design	Yes	Yes	-
C.	Building Height	N/A	-	-
D.	Building Setbacks	Table 13 Minimum Setbacks: Road Frontage - 50M Side Rear Setback - 30M	Yes	-
E.	Building Materials	Yes	Yes	
F.	Farm Buildings	N/A	-	-
G.	Amenities for Farm Buildings	Yes	Yes	Toilet and shower proposed for existing shed. Development considers the provisions of section 11g
H.	Bushfire	Yes - Vegetation Category 3 Bushfire Prone Land	Yes	Refer to Bushfire Report
I.	Groundwater	Yes	Yes	Development considers the provisions of section 11d - Refer to Appendix 1 Servicing Strategy by RHM Engineers
J.	Riparian Land	N/A	-	-
K.	Access and Car Parking	Yes	Yes	Development considers the provisions of section 12a
L.	Water Supply	Yes	Yes	Refer to Appendix 1 Servicing Strategy by RHM Engineers
M.	On-Site Sewerage Management	Yes	Yes	Development considers the provisions of section 11g - Refer to Appendix 1 Servicing Strategy by RHM Engineers
N.	Telecommunications and Electricity	Yes	Yes	Development is provided with suitable telecommunications and electricity - Refer to Appendix 1 Servicing Strategy by RHM Engineers

Clause	Planning Control	Applicable	Complies	Comment
	Principal and Secondary Dwelling			
	7b Rural Dwelling			
A.	Siting Considerations	Yes	Yes	Setbacks meet the minimum requirements under Table 13: Minimum Structure Setbacks
B.	General Building Design	Yes	Yes	Requirements in addition to section 7a
C.	Water Supply	Yes	Yes	Each dwelling supplied with rain-water tank of 100,000 litres and storage dedicated for fire fighting purposes.
D.	Sewerage Management	Yes	Yes	Development considers the provisions of section 11g - Refer to Appendix 1 Servicing Strategy by RHM Engineers and Appendix 2 for Waste Water Assessment by eastwest
E.	Secondary Dwellings	N/A	N/A	-
F.	Rural Workers' Dwellings			
	The number of proposed rural workers' dwellings is compatible with the nature and scale of existing or future uses of the land.	Yes	Yes	
	Rural workers' dwelling must share a common access to a public road with the principal dwelling or other existing dwellings on the site.	Yes	Yes	
	The design of rural workers' dwellings is compatible with surrounding development and the rural character and scenic qualities of the area	Yes	Yes	
G.	Temporary Occupation of Farm Buildings	N/A	-	-
H.	Relocated Dwellings	N/A	-	-
I.	Ancillary Building and Structures	N/A	-	-

DCP 7A.6 RURAL DEVELOPMENT AND 7B RURAL DWELLINGS

A. Siting Conditions

The proposed siting for both dwellings responds to the topography and location of existing services and structures on the property.

The Principal Dwelling with a stepped design solution follows the site contours with some cut and fill required on the South West and North East corners of the development.

The Workers' Dwelling has been sited next to the existing sheds on a relatively levelled part of the subject site. By doing this minimal cut and fill is required.

The dwellings have been setback to more than 30M and 50M from the side and front boundaries in compliance with Table 13 of the DCP.

No geotechnical hazards, land contamination, and flooding risk have been identified with the proposed development locations.

Protective measures in regards to bushfire hazards have been made with the implementation of Asset Protection Zones around each dwelling in accordance to Planning for Bushfire Protection-2019.

B. General Building Design

The proposed dwellings have been designed to fit within the rural character of the property and surrounding location, including roof pitch, colours, materials, textures and window placement. The scale, form and external finish of the dwellings recognises its rural surroundings.

The building design presents an elegant unobtrusive envelope with earthy and neutral tones set against the backdrop of a grassland site.

The proposed materials of dark metal roof and natural coloured weatherboard cladding achieve a colour palette of neutral tones which complements the surrounding rural environment. The non-reflective materials also ensure the neighbouring views are not compromised.

The roof structures of both the Principal and Workers' Dwellings are gabled, simple structures that are consistent with the surrounding area. The windows are set inwards from the exterior walls with a deep reveal allowing for adequate shading.

Bedrooms and living spaces have been positioned facing north to maximise solar access and the views across the surrounding valley including the Towarri National Park, Burning Mountain Reserve and Camerons Gorge.

All outdoor spaces have been orientated away from the neighbouring houses and windows angled for privacy and to frame specific views.

All construction to be compatible with bushfire regulations.

C. Building Height

Both dwellings are single storey pitched roof structures with an envelope design intent and overall height which is in keeping with the rural character of the area. The locality is characterised by grassland vegetation, farm buildings and avenues of large trees. The proposed building roof line does not protrude above the height of existing dwellings within neighboring properties and the natural ridge or tree lines when viewed from the public road.

D. Building Setbacks

The Principal Dwelling is set back approximately 51m from the western boundary and therefore compliant with 30m minimum side/rear setback

The Workers' Dwelling is setback approximately 32m from the western boundary and therefore also compliant with the 30M minimum side/rear setback.

Both dwellings are sited at more than 50M from the front boundary.

E. Building Materials

The proposal for both dwellings presents a material selection consistent with the surrounding nature and is harmonious with the environment. Naturally coloured weatherboard cladding is the proposed material for the exterior walls, with a dark colourbond roof and concrete floor. Identifying materials that are muted and reflect earthy tones presents a dwelling that will minimise glare and nuisance to the surrounding properties.

F. Farm Buildings - N/A

The property has two existing farm sheds located to the east of the rural workers' dwelling proposed location.

G. Basic Amenities for Farm Buildings

An open toilet and shower facility is proposed to the existing shed for use by farm workers. This amenity cannot be adapted for residential use. The proposal includes two existing 104,000L rainwater tanks as well as the installation of two new 50,000L tanks.

H. Bushfire

The property is identified in the UHSC Bushfire Prone Land Map as Category 3 Vegetation and therefore subject to the requirements outlined in the document Planning for Bushfire Protection-2019. A Bushfire Assessment Report

has been prepared in support of the application. As outlined in Report Asset Protection Zones (APZs) will be required around each dwelling to provide a logical defensible space.

The minimum APZs for the Principal Dwelling are 13M to the North, South and East and 10M to the West.

The minimum APZs for the Secondary Dwelling were determined to be 12M to the North and East and 10M to the South and West.

The proposal seeks to increase these distances with a 50M APZ in all directions for the Principal Dwelling and for the Secondary Dwelling 25M to the North, South and East and 22 to the West.

With the increased Asset Protection Zones around each dwelling the highest Bushfire Attack Level for the Principal Dwelling has been determined as BAL Low and for the Secondary Dwelling BAL 12.5.

With street frontage to Bunnan Road fire crews have appropriate access to the property for hazard reduction or fire suppression activities.

I. Groundwater

Refer to Appendix 2 for Servicing Strategy and Geotechnical Report.

J. Riparian Land - N/A**K. Access and Car Parking**

The existing access point onto the property from Bunnan Road will remain the same on the North East corner of the site. This ensures the safety of road users is retained. From here along the eastern boundary an existing shared driveway will be used to enter into the property ensuring that direct two-wheel drive all weather access is provided from the site to the public road.

Existing setback and splayed gateways are being used to connect the shared driveway to the new internal access gravel tracks leading to the proposed dwellings.

The new internal roads will be designed so that sediment laden stormwater run-off does not discharge down the access road and onto public roads or cause soil erosion and sedimentation.

The proposal for the principal dwelling includes a double garage and a zone in the driveway to allow for visitor and casual parking. This garage requires adequate room on the driveway to enter and reverse safely. To minimise cut and fill requirements, the driveway is wide enough to allow for 3-point turns rather than a turning circle.

For the workers' dwelling a open carport is proposed with a reserve bay.

L. Water Supply

This proposal indicates allocated areas for two new 50,000L water tanks on the western side of the principal dwelling. Arrangements for these are included in the servicing strategy.

There are also two existing 100,000L rainwater tanks, one located near the farm sheds in paddock # 2 and the other on the south end of the property in paddock #3.

Each dwelling is provided with roof water storage tanks. The water will be principally for domestic and potable use but will also encompass water required for fire fighting purposes.

M. On-site Sewerage Management

Refer to Appendix 2 for Servicing Strategy and Appendix 3 for Waste Water Assessment by EastWest

N. Telecommunications & Electricity

Refer to Appendix 2 for Servicing Strategy

5.0 CONCLUSION

This Statement of Environmental Effects has provided a detailed description of the subject site, the design proposal and its performance under the relevant controls, and an assessment of its impacts upon surrounding development.

It is considered that the proposal represents an appropriate and sympathetic design, which takes into account the site and its topography. More importantly, the proposal maintains the character of a rural dwelling with the use materials and overall building design to encourage passive cooling and solar heat gains. The design meets the DCP objectives, being compatible with the rural character of the area and does not detract from the natural or rural setting of the site.

The visual and acoustic privacy of the neighbours is respected by the proposal. The proposal respects the rural building setbacks and the dwellings have been located to minimise impacts on public places and existing and future land uses on adjoining properties.

Overall, it is considered that the proposed main and rural workers' dwellings are a positive addition for the subject site and the broader locality, both promoting and supporting viable agricultural production.

The following conclusions are made in relation to the development proposal:

- The development meets the standards and regulations set out in the Upper Hunter Local Environmental Plan 2013.
- The development meets the standards, regulations and objectives set out in the Upper Hunter Development Control Plan 2015.
- The development will not result in unreasonable impacts on the visual and acoustic privacy of the neighbouring properties.

- The proposal provides sufficient drainage, sediment, erosion, and flood control for the new additions and will not have any adverse impacts of this natural on the local environment.
- The design ensures that residential amenity is maximised with private open spaces orientated towards North and the surrounding mountain range.
- The design recognises risk of bushfire and incorporate measures to avoid or mitigate the threat of bushfire fire.
- The development will occur with minimal land disturbance.
- The subject site is of sufficient size to accomodate such a development.

In summary the proposals meet the outcomes, objectives and performance criteria of the relevant development controls. Therefore, we trust they are acceptable to Council and should be granted development consent.

appendix 1.

Rural Workers' Dwelling Report

As outlined in the design section of the Statement of Environmental Effects the proposal for a principal and workers' dwelling derives from the plan to establish 2 agricultural operations on the property. These include Equine Agistment and a Speckle Park Beef Stud.

It is the intention that the principal dwelling will be occupied by the property owners who, due to their professional commitments, reside in Sydney planning to commute between Upper Dartbrook and Sydney.

The rural workers' dwelling is proposed to accommodate a rural worker who will manage and fulfill critical duties for these two agricultural operations.

The proposal is consistent with the objectives of the Upper Hunter DCP Part 7b. which advocates that rural workers' dwellings should promote and support viable agricultural production.

A significant amount of capital investment has and will be spent on the property to support the operations and ensure the viability of the agricultural production. The investments are contingent on the ability to effectively house and resource the operations to protect the owners agricultural interests.

Under the provisions of the **Upper Hunter DCP Part 7b.4** this report and attached plans demonstrate the following:

That the existing or future uses of the land are of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis.

Being close to the Scone racecourse, the Airport and other unique local facilities allows the proposed exclusive offering to be successful, and equally its success will largely depend on the ability to provide a compelling and complete service including 24/7 supervision for health, welfare and security of these highly prized animals.

The Equine operation will provide agistment for highly-valued equine bloodstock. This operation will offer full service including shared &/or private paddock agistment, with facilities including a sand arena, round yard, wash bay, feed and track room, stables and internal paddocks with self-waterers.

The Speckle Park Beef Stud operation will use selected domestic and international embryos in surrogate cows to produce sex selected bulls for both sale and semen. Running such a scientifically technical bovine operation will require animal and veterinary health, welfare and security monitoring to ensure the production of these animals are supported and delivered.

Both operations will require ongoing permanent as well as seasonal employment for rural workers and a site manager.

The nature of the existing and future uses of the land is such that, if workers would be required to live off-site there would be a significant adverse impact to the relevant agricultural or rural industry.

To ensure the viability and sustainability of the agricultural operations it is essential that there is a worker onsite who can tend to and manage the health and welfare of the animals as well as fulfil a number of critical duties.

These duties will include:

- Daily oversight of animal's health, welfare and security.
- Daily feeding and watering of animals
- Working and washing of animals
- Rugging /de-rugging
- Veterinary services including reproduction services.
- Management of reproductive technology including on-site breeding.
- In-bound and out-bound production logistics
- Bovine calving season requires 24hr supervision.
- Ongoing bull semen extraction with the support of professional veterinary supervision.
- Exercising animals on a daily basis &/or per client's requests.

- Receiving or obtaining goods and services as requested or required.
- Security and general property maintenance

With the property being located in an accessible position it is susceptible to potential thieves and vandals. The increasing value of livestock has meant that over recent years cases of theft have risen. As such should a manager be required to live off-site, there would be a significant adverse impact to the security of the operation as well as animal safety.

That the number of proposed rural workers' dwellings is compatible with the nature and scale of existing or future uses of the land

One rural worker's dwelling is proposed for the subject site. It has been sited adjacent to the existing farm sheds ensuring the existing and future use of the land is not compromised and its small envelope is compatible with the scale of existing structures on the land.

That the proposed dwelling will be located on the same lot as the principal residence and share a common access to a public road.

The proposed workers' dwelling will be sited on the same lot as the principal dwelling and will share a common access road from Bunnan Road where the main access point to the property is located.

Under the provisions of the **Upper Hunter LEP 2013 4.2C** Erection of rural workers' dwellings in Zone RU1 and Zone RU4 this report and attached plans demonstrate the following:

(1) The objective of this clause is to ensure the provision of adequate accommodation for employees of existing agricultural or rural industries.

The building is intended for rural workers to manage the land and its agricultural operations.

(2) This clause applies to land in the following zones:

- (a) Zone RU1 Primary Production,**
- (b) Zone RU4 Primary Production Small Lots.**

The land is zoned RU1 and RU4 as identified on the Upper Hunter LEP map LZN_008

(3)

(a) the development will be on the same lot as an existing lawfully erected dwelling house,

The proposed workers' dwelling will be on the same lot as the principal dwelling.

(b) the development will not impair the use of the land for agriculture or rural industries,

The size of the proposed workers' dwelling has a small footprint compared to the overall size of the property and will not have an impact on the land being used for Equine Agistment and Speckle Park Beef Stud. Also the dwelling has been sited adjacent to the existing farm sheds, with good visibility of the access points to the property and away from the paddocks dedicated for livestock and pasture.

(c) the agriculture or rural industry being carried out on the land has a demonstrated economic capacity to support the ongoing employment of rural workers,

The size of the operation will require employees to ensure the health and welfare of the animals as well as fulfil critical duties essential to the viability and sustainability of the agricultural operations.

(d) the development is necessary considering the nature of the agriculture or rural industry land use lawfully occurring on the land or as a result of the remote or isolated location of the land.

The proposed workers' dwelling is required to ensure an employee is able to live onsite to support and guarantee the viability of the agricultural production.

appendix 2.

RHM Consulting Engineers

22-007: 1045 Bunnan Rd, Upper Dartbrook, NSW 2336

Servicing strategy by RHM Consulting Engineers

Given that the development is not located within the town limits of Scone, except for telecommunication and power, water and wastewater management will be managed on the site. The basic principles adopted which is generally consistent with a rural lifestyle are:

1. Water supply for human consumption will be via the collection and storage of water, primarily off roofs. Often a "first flush" system is incorporated to remove any contaminants that may be on the roof and thus enter the storage system. First flush units typically divert runoff away for the first five (5) minutes of any rain event. Water for stock, swimming pools and irrigation is typically supplied by a secondary sourced either from a waterway via a license or by a water bore, again under an approved license. The water is untreated and is often used internally for toilets and washing machines depending on the quality. This use replaces the traditional "water re-use" used for residential based construction.
2. Wastewater is managed via on-site waste disposal which collects wastewater that is normally diverted from the sewer into a treatment tank with discharge being on site through an appropriate disposal system that considered the soil and topographical constraints.
3. Stormwater remains somewhat unmanaged, in that given the lot site, surface runoff is allowed to maintain its natural conveyance across the site. Management strategies adopted generally address the division of stormwater around dwellings, conveyance of runoff under access roads and the protection/diverting runoff around the on-site wastewater disposal system to improve efficiencies.
4. The management of waste is normal via Council pick-up if the extent of service is available or by the occupants bringing the collected waste into a licensed waste facility as needed. The disposal on-site via a buried pit is not recommended or promoted.

Relating the above strategies and site constraints to the proposed development and the subject development, the following is noted:

1.0 Water Supply: In relation to the supply of Potable Water, the following is noted:

- A town water connection is not available to the property or dwellings and, therefore, the property will solely rely on rainwater collection off roofs to both the dwellings and machinery shed. Calculations would suggest that based on a roof area of 623m², a monthly rainfall of 51mm and a daily water usage of 200litres per day per person on average over the year, the proposed 2 x 50,000litres water storage tanks at the principal dwelling and the existing

100,000litre tank at the machinery and secondary dwelling is deemed sufficient, with a reliability estimated at approximately 90%. Adopting the above, the lowest level of storage calculated was a residual volume of 10,000litres. This assumes no water re-use albeit we would suggest that some allowance be made.

- As a supplementary supply for irrigation, stock water and water re-use as required, a licensed groundwater bore is available to supply water to the subject property. This water will be stored in a tank and reticulated through the site via poly pipes and a pump. Connections at the dwelling will allow this water to be used when quality allows with diversion valves installed to transfer water to the potable tanked system.
- In relation to “first flush” if one diverts the first 2.0mm of runoff from the roof, this will equate to approximately 1000litres. This installation of 2 x 500litre silt arrestor tanks (one of each water storage tank) is recommended. In this regard, we note that:
 - The tank should be sealed.
 - The base of the tank should have at least 4 x 30mm holes to drain the tank.
 - The tank is founded on a 200mm thick gravel bed that extends 200mm beyond the extent of the pit.

Installed prior to the entry into the storage tank, these arrestors will allow for the required first flush volume as well as ensure sedimentation and silts are collected in the pit not the tank. A preliminary detail of a typical silt arrestor is noted in Figure 1.0.

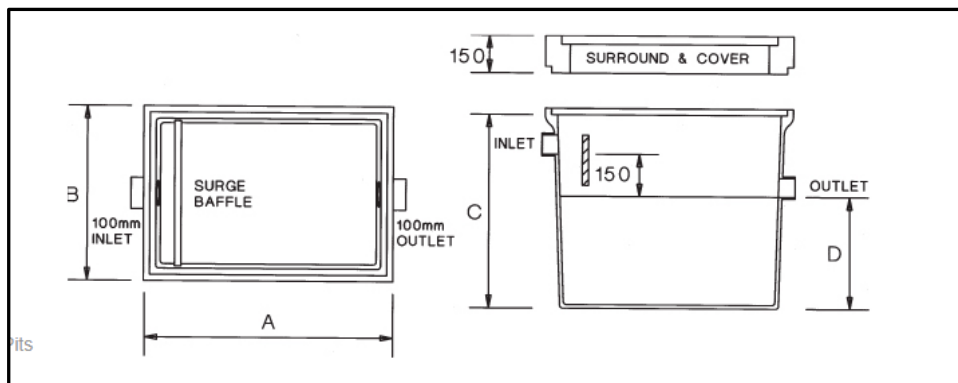


Figure 1.0 – Proposed First Flush Option

2.0 Wastewater Management: In relation to the management of on-site wastewater management, the following is noted with respect to the proposed dwelling:

- The client has engaged the services of a specialist consultant namely “East West Enviroag” to undertake a wastewater disposal report to determine the soil constraints and the most appropriate method of treatment and disposal. A copy of the report prepared is enclosed in Appendix 3. Key elements to this assessment include:
 - The property has no access to the town sewer system so the waste will be managed on-site.
 - The principal dwelling is located at the centre of the property and towards the western boundary. The nearest storage dam is approximately 500m from the dwelling and the nearest creek is over 800m away satisfying the required buffer distances in the Upper Hunter Shire Council’s DCP’s.
 - Adopting a design daily flow maximum of 750L/day, an Aerated Wastewater Treatment System (AWTS) with a 3,500L capacity is deemed adequate.
 - In consideration of the soil properties absorption trenches 0.6metres deep x 0.45metres wide with a total length of 120m are required for disposal. A typical section is noted in Figure 2.0.
 - In relation to the rural workers’ dwelling, the dwelling is located approximately 370m from Bunnan Rd and towards the western side of the property. The nearest storage dam is approximately 190m from the dwelling and the nearest creek is over 500m away which complies with the required buffer distances in the Upper Hunter Shire Council’s DCP. Using a design daily flow maximum of 450L/day, an Aerated Wastewater Treatment System (AWTS) with a 3,000L capacity is required. Adopting the soil properties as assessed on site, an absorption bed 12metres long by 4metres wide and 0.6metres deep with a total plan area of 48m² is required to adequately manage wastewater.

appendix 3.

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16/05/2022

Brett Hails
RHM Consulting Engineers
0418621608
E: bhails@rhmc.com.au

**RE: SUITABILITY FOR MODIFIED WASTE WATER APPLICATION
1045 BUNNAN ROAD, UPPER DARTBROOK, NSW**

To whom it may concern,

East West collected four (4) soil samples for potential modified waste water application areas at 1045 Bunnan Road, Upper Dartbrook, NSW (principal and proposed residences Lot 321, DP 844395) for testing 30 March 2022. These soil samples will determine the suitability of the soil for applying modified waste water (septic disposal) via absorption trench at both building sites. Samples were collected and tested from the upper layer (0-0.3m) and lower layer (0.3-0.6m) as these soil depths are most relevant for selecting the appropriate effluent management system. Figures 1 and 2 show views of the proposed application area for the principal and proposed residence and figures 3 and 4 contain the location of the site in relation to neighbouring surface waters and a mud map of the sample location in relation to the proposed dwelling.



Figure 1: View to the south at the secondary residence

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Issue No: 1
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Figure 2: View to the east at the principal residence



*Figure 3: Location of the property, Lot 321 DP844395
Map taken from Six Maps 16/05/2022.*

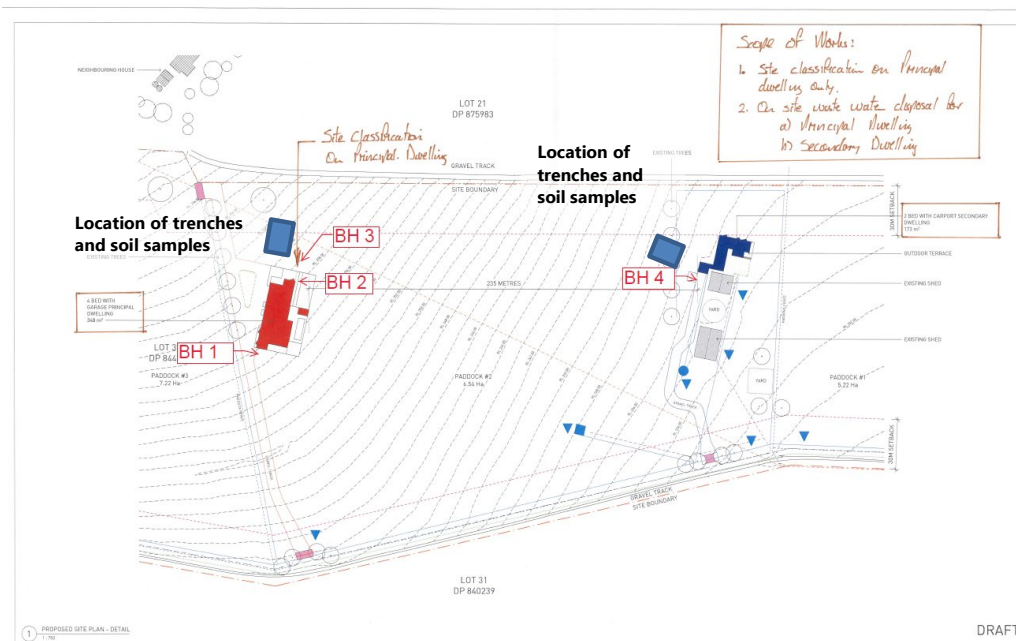


Figure 4: Mud map of sample locations and proposed location of absorption trenches marked in blue highlight. Map taken from RHM 16/05/2022.

Site Description: The principal residence will be located at the back of the property in what is currently a pasture paddock and the secondary residence will be located near some existing sheds located in the front half of the property. Expected wastewater is from domestic residences. The proposed principal residence is a 4-bedroom house which is assumed to hold up to 5 people on average and the secondary residence is a 2 bedroom house which is assumed to hold up to 3 people on average. Erosion potential is low with good vegetation cover across the site. The site slopes to the north west. There is 190m of reasonably vegetated buffer zone between the proposed application site and the nearest farm dam and over 500m towards the nearest surface water ephemeral creek. Refusal of auger was not encountered at 1.5m for BH3 at the principal residence and BH4 at the secondary residence. Groundwater was not encountered at 1.5m.

A summary of results for the soils is contained in Table 1 (Project reference EW220821). The first column contains analytes (elements and compounds tested for), the second column is the units of the results, and the third to fourth columns contain the results for the soil samples. The following three columns display the **limitations**, which show the soil's restrictive features for soil application of modified wastewater. The last column includes my comments on the chemical and physical properties of the soil. The Guidelines have been located from the *Environment and Health Protection Guidelines: On-site Sewage Management for Single Households*, 1998 and Australian Standard 1547:2012 for *On-site Domestic Wastewater Management*.

Comments and Observations:

Electrical conductivity, a measure of soluble salts in a soil, is acceptable in these soils for modified waste application. This low level of salinity will maintain good vegetation growth required on the top soil. The sub-soil salinity will maintain the optimum health of trees and shrubs with larger root architecture which reaches



those depths. Large trees should not be planted on the application area. Shrubs, ground covers, sedges and grasses that grow 0.5-1.0m and are tolerant of wet conditions are appropriate to plant in land application areas.

Coarse fragments are acceptable. Where coarse fragments are greater than 40% this can pose limitations on root growth, and lower the soils capacity to supply water and nutrients to vegetation. Coarse fragments can also interfere with trench installations.

Linear shrinkage is a measure of the percentage decrease in the length of a bar of soil dried in the oven. High linear shrinkage indicates a large potential shrinkage of soil mass during drying, and places limitations on the use of the soil for modified wastewater applications. The linear shrinkage in the top soils have acceptable levels of linear shrinkage. The sub soils, due to a higher level of reasonably plastic clay present, have a moderate limitation.

In regard to dispersion, the modified Emerson Aggregate Test, an assessment of aggregate dispersiveness, using modified SAR (Class 5 water) showed no dispersion of the aggregates or re-moulded aggregates. Completion of the assessment gave the soils a rating class of 6, which is non-dispersive and will be moderately permeable.

Permeability is a measure of the ability of a soil to transmit water, and is affected by soil properties like structure, texture and porosity. Clay soils have slow to moderately slow permeabilities according to Hazelton & Murphy (2007). The soil permeability category of 5 (gravelly clay) throughout the soil profile will be a moderate limitation as water infiltration may be moderately slow with an absorption trench. An increased area from the traditional absorption trench will be required for an absorption system in this soil.

Phosphorus and nitrogen have been tested to provide a baseline for future monitoring purposes. At this stage the phosphorus sorption capacity test indicates the topsoil has a good capacity to absorb phosphorus and the sub-soil has a moderate capacity. I suggest monitoring nitrogen and phosphorus levels every three years to ensure capacities are not exceeded.

The Cation Exchange Capacity (CEC), a measure of the soils long-term fertility levels, is acceptable across both sites.

Sodicity is a measure of the level of exchangeable sodium cations in the soil in proportion to CEC and is measured by the Exchangeable Sodium Percentage (ESP). Sodicity is directly linked to the soil's propensity for dispersion and shrink/swell characteristics. Sodic soils typically have a low permeability and a high susceptibility to erosion. Sodicity is acceptable.

The principal residence (BH3) and secondary residence (BH4) sites investigated would be suitable for applying modified wastewater (secondary treatment) to land via deeper or longer than traditional absorption trenches based on the moderate limitations outlined above.

**Table 1: Results Summary for the Soil Analysis:**

Soil Feature	UNITS	Sample 1 BH3 0-0.3m	Sample 2 BH3 0.3-0.6m	Sample 1 BH4 0-0.3m	Sample 2 BH4 0.3-0.6m	Environment and Health Protection Guidelines			Comments
		220821-1	220821-2	220821-3	220821-4	Minor Limitation	Moderate Limitation	Major Limitation	
Soil Colour	class	Red	Red	Red	Red	na	na	na	Acceptable
Texture	Class	Gravelly Clay	Gravelly Clay	Gravelly Clay	Gravelly Clay	na	na	na	Acceptable
Coarse Fragments	Visual;%	<15%	<15%	<15%	<15%	na	na	na	Any large coarse fragments in the top soil will aid with infiltration
Shrink Swell/Cracking	Visual	None	None	None	None	na	na	na	Acceptable
Linear Shrinkage	%	12	15	9	14	12-17	17-22	>22	Acceptable in top soil and minor limitation in the sub soil
Conductivity (ECe)	dS/cm	0.52	0.69	0.53	0.68	<4	4-8	>8	Acceptable
Mod EAT	Class	6	6	6	6	3	2	1	Acceptable
Phosphorus Sorp. Capacity	Kg/ha	14100	15700	11270	11300	>6000	2000-6000	<2000	Acceptable
Extractable P (Colwell)	mg/kg	21.7	51.5	39.2	2.54	na	na	na	Acceptable
Phosphorus Total	mg/kg	419	451	834	196	na	na	na	Acceptable
Nitrate-N Extractable	mg/kg	1.85	1.06	8.12	1.35	na	na	na	Acceptable
Nitrogen Total	mg/kg	1509	956	3471	669	na	na	na	Acceptable
Permeability	Category	5	5	5	5	3, 4	2, 5	1, 6	Moderate limitation
pH (H ₂ O)	pH Units	6.08	6.67	5.86	7.60	>6.0	4.5-<6.0	-	Acceptable
Sodicity	ESP %	2.62	2.70	0.98	1.41	0-5	5-10	>10	Acceptable
Cation Exchange Capacity	Cmol+/kg	18.6	23.8	27.5	41.3	>15	5-15	<5	Acceptable

**The Principal Residence:**

In regard to trenches and beds for the principal residence, with moderately structured clays, soil application with **secondary** treated effluent (AWTS) at a DLR of 10mm/day and a design daily flow maximum of 750L (5 people @ 150L/day) will require a trench width of 450mm, depth of 600mm and at least 120m length of trench (6 trenches x 20m). Absorption beds with a width of 4m would require a bed 20m in length and 0.6m depth.

The soil properties at BH3 suggest there will be moderate limitations therefore the absorption trench should be constructed up to 0.6m deep, 0.45m wide and 120m in length to cover maximum flow. A waste septic tank capable of secondary treatment (e.g. Aerated Wastewater Treatment System AWTS) for 4-7 persons needs to be at least 3,500L in capacity.

The Secondary Residence:

In regard to trenches and beds for the secondary residence, with moderately structured clays, soil application with **secondary** treated effluent (AWTS) at a DLR of 10mm/day and a design daily flow maximum of 450L (3 people @ 150L/day) will require a trench width of 450mm, depth of 600mm and at least 70m length of trench (4 trenches x 20m). Absorption beds with a width of 4m would require a bed 12m in length and 0.6m depth.

The soil properties at BH4 suggest there will be moderate limitations therefore the absorption trench should be constructed up to 0.6m deep, 0.45m wide and 80m in length to cover maximum flow. A waste septic tank capable of secondary treatment (e.g. Aerated Wastewater Treatment System AWTS) for 1-3 persons needs to be at least 3,000L in capacity.

Where a soil absorption system is being considered, design considerations might include a filter bed or use of amended soils. Underground pipes or absorption trenches should be installed parallel to the contour and disturbance and compaction of soil during the installation process should be minimised. An application of gypsum at 0.5 kg/m² is recommended at the base of the disposal trench to assist with the permeability of wastewater and keep the soils' sodicity properties to a minimum. In clay soils such as these, each trench should be scoured to a depth of 5-10mm to reduce base and side wall sealing.

There is a minimum 50m buffer for absorption trenches to drainage gullies according to minimum Australian Standard set back. The method proposed for diverting storm water away from the disposal area must be included. Any paths, driveways, swimming pools or spas must be noted on the plan and absorption trenches need to be located 20-50 metres from boundary fence up-gradient; 6m from other buildings and houses, 50m from a bore/well; and not within 100m of other buildings (existing or proposed) including neighbouring properties.

This report has been prepared for use by the client who has commissioned the works in accordance with the project brief only. This report does not provide a complete assessment of the environmental integrity of the site and is limited by the scope as defined above.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Steph", written over a horizontal line.

Stephanie Cameron
(B.App.Sc)

Enc. East West Laboratory Analysis Report EW220821

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ANALYSIS REPORT SOIL

PROJECT NO: EW220821

Date of Issue: 16/05/2022

Customer: RHM CONSULTING ENGINEERS

Report No: 1

Address: PO BOX 312 SCONE NSW 2337

Date Received: 31/03/2022

Matrix: Soil

Attention: Brett Hails

Location: 1045 Bunnan Road, Up

Phone: 0418621608

Sampler ID: EW

Fax:

Date of Sampling: 30/03/2022

Email: bhails@rhmcce.com.au

Sample Condition: Acceptable

Results apply to the samples as submitted. All pages of this report have been checked and approved for release.

Signed:

Stephanie Cameron
Laboratory Operations Manager



East West is certified by the Australian-Asian Soil & Plant Analysis Council to perform various soil and plant tissue analysis. The tests reported herein have been performed in accordance with our terms of accreditation.

This report must not be reproduced except in full and EWEA takes no responsibility of the end use of the results within this report.

This analysis relates to the sample submitted and it is the client's responsibility to make certain the sample is representative of the matrix to be tested.

Samples will be discarded one month after the date of this report. Please advise if you wish to have your sample/s returned.

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Issued By: S. Cameron
Date of Issue: 16/12/2019

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ANALYSIS REPORT

PROJECT NO: EW220821

Location: 1045 Bunnan Road, Upper Dartbrook

CLIENT SAMPLE ID					BH3	BH3	BH4	BH4
					0-0.3	0.3-0.6	0-0.3	0.3-0.6
DEPTH								
Test Parameter	Method Description	Method Reference	Units	LOR	220821-1	220821-2	220821-3	220821-4
pH (1:5 in H2O)	Electrode	R&L 4A2	pH units	na	6.08	6.67	5.86	7.60
Electrical Conductivity	Electrode	R&L 3A1	dS/m	0.01	0.06	0.08	0.07	0.09
Total N (LECO)	LECO	R&L 7A5	mg/kg	50	1509	956	3471	669
E.C.e	Calc	R&L 3A1	dS/m	na	0.52	0.69	0.53	0.68
Extractable Nitrate-N	DA	DAP-03	mg/kg	0.5	1.85	1.06	8.12	1.35
Phosphorus (Total)	HNO3/HClO4 ICP	ICP-03	mg/kg	40	419	451	834	196
Phosphorus Buffer Index	UV-Vis	PMS-12	mg/kg	10	853	1000	221	240
Phosphorus (Colwell)	Bicarb/UV-Vis	R&L 9B1	mg/kg	1	21.7	51.5	39.2	2.54
Phosphorus Sorption Capacity	Calc	PMS-12	mg/kg	na	1007	1123	805	810
Phosphorus Sorption Capacity	Calc	na	kg/ha	na	14100	15700	11270	11300
Exchangeable Potassium	NH4Cl/ICP	R&L 15A1	mg/kg	10	439	168	781	355
Exchangeable Calcium	NH4Cl/ICP	R&L 15A1	mg/kg	20	2317	3050	3897	5251
Exchangeable Magnesium	NH4Cl/ICP	R&L 15A1	mg/kg	10	649	901	692	1621
Exchangeable Sodium	NH4Cl/ICP	R&L 15A1	mg/kg	10	112	148	62.2	134
Exchangeable Potassium	R&L 15A1	R&L 15A1	cmol/kg	na	1.13	0.43	2.00	0.91
Exchangeable Calcium	R&L 15A1	R&L 15A1	cmol/kg	na	11.6	15.3	19.5	26.3
Exchangeable Magnesium	R&L 15A1	R&L 15A1	cmol/kg	na	5.41	7.51	5.77	13.5
Exchangeable Sodium	R&L 15A1	R&L 15A1	cmol/kg	na	0.49	0.64	0.27	0.58
ECEC	Calculation	PMS-15A1	cmol/kg	na	18.6	23.8	27.5	41.3
Ca/Mg Ratio	Calculation	PMS-15A1	cmol/kg	na	2.14	2.03	3.38	1.94
K/Mg Ratio	Calculation	PMS-15A1	cmol/kg	na	0.21	0.06	0.35	0.07

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Issue No: 3
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Date of Issue: 16/12/2019

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ANALYSIS REPORT

PROJECT NO: EW220821

Location: 1045 Bunnan Road, Upper Dartbrook

CLIENT SAMPLE ID					BH3	BH3	BH4	BH4
					0-0.3	0.3-0.6	0-0.3	0.3-0.6
DEPTH								
Test Parameter	Method Description	Method Reference	Units	LOR	220821-1	220821-2	220821-3	220821-4
Exchangeable Potassium %	Calculation	PMS-15A1	%	na	6.05	1.81	7.28	2.21
Exchangeable Calcium %	Calculation	PMS-15A1	%	na	62.3	64.0	70.8	63.6
Exchangeable Magnesium %	Calculation	PMS-15A1	%	na	29.1	31.5	21.0	32.7
Exchangeable Sodium %	Calculation	PMS-15A1	%	na	2.62	2.70	0.98	1.41
Mod Emerson Agg Test (SAR5)	513.01	PMS-21	Class	na	6	6	6	6
Texture	Field	Northcote	Class	na	LMC	LMC	MC	MC

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Soils are air dried at 40°C and ground <2mm.

NB: LOR is the Lowest Obtainable Reading.

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 Date of Issue: 16/12/2019

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East West Enviroag Pty Limited
82 Plain Street Tamworth NSW 2340
ABN 82 125 442 382 124 ph 02 6762 1733 fax 02 6765 9109

SOIL CLASSIFICATION TEST REPORT

AUSTRALIAN STANDARDS METHODS

CLIENT:	RHM Consulting Engineers	REPORT NO:	EW220821-1
CLIENT ADDRESS:	PO Box 312 Scone NSW 2337	PROJECT NO:	EW220821
PROJECT:	Material Evaluation		
SITE LOCATION:	1045 Bunnan Road, Upper Dartbrook		
DATE OF TESTING:	4/04/2022	DATE OF REPORT:	7/04/2022
TECHNICIAN:	B.F.	DATE SAMPLED:	30/03/2022

Sampled By: East West Enviroag

SAMPLE No:	1	2	
SAMPLE LOCATION:	BH 3	BH 3	
DEPTH:	0.0 - 0.3m	0.3 - 0.6m	
MATERIAL DESCRIPTION:	CLAY	CLAY	
WASHED/UNWASHED			

AS1289.3.8.1 Water Type & Temperature:			
TEST METHOD	TEST DESCRIPTION		
AS1289.3.6.1	75.0mm		
	63.0mm		
	53.0mm		
	37.5mm		
	26.5mm		
	19.0mm		
	13.2mm		
SAMPLING METHOD	% Passing	9.5mm	
	Sieve	6.7mm	
AS1289.1.2.1.6.4 AS1289.1.2.1.6.5.1 AS1289.1.2.1.6.5.3 AS1289.1.2.1.6.5.4	Analysis	4.75mm	
		2.36mm	
		1.18mm	
		600µm	
		425µm	
		300µm	
		150µm	
		75µm	
AS1289.3.8.1	EMERSON CLASS NO:		
AS1289.2.1.1	MOISTURE CONTENT: %		

CODE			
AS1289.3.1.1	LIQUID LIMIT	%	
AS1289.3.1.2	LIQUID LIMIT	%	
AS1289.3.2.1	PLASTIC LIMIT	%	
AS1289.3.3.1	PLASTICITY INDEX	%	
AS1289.3.4.1	LINEAR SHRINKAGE	%	2,4 12 15

CODES USED

Sample history for plasticity tests	
Air Dried	1
Low temperature oven (<50°) dried	2
Other/Unknown	3

Method of preparation for plasticity tests	
Dry sieved	4
Wet sieved	5
Natural	6



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NATA Accredited Laboratory Number. 12360

Signed:

[Signature]
Approved Signatory

Signatory Name: S Mitchell
Document ID: REP-102
Issue No: 2
Date of Issue: 24-Apr-13
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East West Enviroag Pty Limited
82 Plain Street Tamworth NSW 2340
ABN 82 125 442 382 124 ph 02 6762 1733 fax 02 6765 9109

SOIL CLASSIFICATION TEST REPORT

AUSTRALIAN STANDARDS METHODS

CLIENT:	RHM Consulting Engineers	REPORT NO:	EW220821-2
CLIENT ADDRESS:	PO Box 312 Scone NSW 2337	PROJECT NO:	EW220821
PROJECT:	Material Evaluation		
SITE LOCATION:	1045 Bunnan Road, Upper Dartbrook		
DATE OF TESTING:	4/04/2022	DATE OF REPORT:	7/04/2022
TECHNICIAN:	B.F.	DATE SAMPLED:	30/03/2022

Sampled By: East West Enviroag

SAMPLE No:	3	4	
SAMPLE LOCATION:	BH 4	BH 4	
DEPTH:	0.0 - 0.3m	0.3 - 0.6m	
MATERIAL DESCRIPTION:	CLAY	CLAY	
WASHED/UNWASHED			

AS1289.3.8.1 Water Type & Temperature:			
TEST METHOD	TEST DESCRIPTION		
AS1289.3.6.1	75.0mm		
	63.0mm		
	53.0mm		
	37.5mm		
	26.5mm		
	19.0mm		
	13.2mm		
SAMPLING METHOD	% Passing	9.5mm	
	Sieve	6.7mm	
AS1289.1.2.1.6.4 AS1289.1.2.1.6.5.1 AS1289.1.2.1.6.5.3 AS1289.1.2.1.6.5.4	Analysis	4.75mm	
		2.36mm	
		1.18mm	
		600µm	
		425µm	
		300µm	
		150µm	
		75µm	
AS1289.3.8.1	EMERSON CLASS NO:		
AS1289.2.1.1	MOISTURE CONTENT: %		

CODE			
AS1289.3.1.1	LIQUID LIMIT	%	
AS1289.3.1.2	LIQUID LIMIT	%	
AS1289.3.2.1	PLASTIC LIMIT	%	
AS1289.3.3.1	PLASTICITY INDEX	%	
AS1289.3.4.1	LINEAR SHRINKAGE	%	2,4 9 14

CODES USED

Sample history for plasticity tests	
Air Dried	1
Low temperature oven (<50°) dried	2
Other/Unknown	3

Method of preparation for plasticity tests	
Dry sieved	4
Wet sieved	5
Natural	6



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