Development & Environmental Services Committee Agenda

13 August 2019
To All Councillors

You are hereby notified that the next meeting of the Development & Environmental Services Committee will be held on 13 August 2019 in the Barry Rose Room at 10.00am, 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 Development & Environmental Services Committee consists of

Cr Kiwa Fisher, Cr Lee Watts, Cr Sue Abbott and Cr Ron Campbell.

STEVE MCDONALD
GENERAL MANAGER

1. APOLOGIES
2. ADOPTION OF MINUTES
   - Development & Environmental Services Committee held on 9 July 2019
3. DECLARATIONS OF INTEREST
4. PUBLIC PARTICIPATION
5. SITE INSPECTIONS
6. BUSINESS ITEMS

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS ............................. 1
DESC.08.1  DEVELOPMENT APPLICATION NO. 101/2017 - CHANGE OF USE - 46 HAYDON STREET, MURRURUNDI ................................................................................................. 1

7. COUNCILLOR QUESTIONS
DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DESC.08.1 DEVELOPMENT APPLICATION NO. 101/2017 - CHANGE OF USE - 46 HAYDON STREET, MURRURUNDI

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Christine Robinson - Manager Planning, Building & Regulatory Services

PURPOSE

On 11 August 2017 Council received Development Application No. 101/2017 for the change of use of part of a building at Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi to a retail premises. The applicant had failed to provide sufficient information for assessment of the application to occur. The required information has now been received.

The retail business is operating without consent.

RECOMMENDATION

That Council approve Development Application No. 101/2017 for the change of use to a retail premises at Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi subject to the conditions of consent in Attachment 1.

BACKGROUND

Applicant: Stone and Co Vintage Interiors
Owner: SR Stone
Location: Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi
Proposal: Change of Use to a Retail Premises
Zone: R1 General Residential

In July 2017, it was brought to Council’s attention that a retail business was operating from the abovementioned premises without consent. A Council Officer subsequently visited the site and verbally advised the business proprietor that development consent was required for use of the building.

On 11 August 2017, Council received the abovementioned development application. To allow the application to be assessed, additional information regarding fire safety was requested from the applicant in writing on 6 December 2017 and following several verbal requests, again in writing on 14 February 2019.

Council considered a report regarding this application at its meeting on 29 April 2019 where it was resolved:

That Council defer its determination of Development Application No. 101/2017 for the change of use to a retail premises at Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi, pending the submission of a fire safety report and heritage management document within 60 days from 29 April 2019.
These documents were received on 29 July 2019.

REPORT/PROPOSAL

The former Tattersalls Hotel at 46 Haydon Street, Murrurundi was established as a hotel in 1880 and closed for business as a hotel c1952. A search of Council’s records has not revealed any development consents issued for the site, however after the hotel's closure, it is understood the building was used as residential rental accommodation. The building was sold to its current owner in 2016.

In July 2017 it was brought to Council’s attention that part of the building was being used for retail purposes. A Council officer conducted a site visit and advised the business proprietor that development consent was required for use of the building. Development Application 101/2017 was received on 11 August 2017.

The building is a listed heritage item and located within a heritage conservation area, and as such the development application was referred to Council’s Heritage Advisor.

The Heritage Advisor requested additional information in relation to heritage matters. Following receipt of the requested information, the Heritage Advisor supported the application subject to no additional work being carried out and management of the building be in accordance with the heritage management document (attachment 2).

Clause 93 of the Environmental Planning and Assessment Regulation 2000, requires that consent to the change of use of a building is not be granted unless the consent authority is satisfied that the building complies (or will comply when completed) with the applicable fire safety provisions. Schedule 1 of the Regulation requires:

A development application must be accompanied by certain documentation. In the case of a development application that involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure):

(i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and
(ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use.

The applicant (6 December 2017) was requested to submit a report prepared by a suitably qualified person (such as a Fire Engineer) demonstrating that the fire protection and structural capacity of the building is, or will be, appropriate to the building’s proposed use.

A Building Assessment Report for Fire Separation and Essential Fire Requirements prepared by Mark Falkiner, GiFireE (Graduate of the Institution of Fire Engineers) was received by Council on 29 July 2019 (attachment 3). The report outlines the work required to be undertaken to ensure that the building satisfies the requirements of the Building Code of Australia, and therefore satisfy the Category 1 fire safety provisions.

The retail business continues to operate without consent and work appears to be continuing in the building. The matters contained within the Report must be addressed immediately.
OPTIONS

1. Approve Development Application No. 101/2017 for the change of use to a retail premise at Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi, subject to the conditions of consent in Attachment 1.

2. Refuse Development Application No. 101/2017 for the change of use to a retail premises at Lot 1 DP 75638, No. 46 Haydon Street, Murrurundi, with reasons.

CONSULTATION

Surrounding properties were notified of the development proposal between 28 September 2017 and 13 October 2017. An advertisement was placed in the Scone Advocate on 28 September 2017. No submissions were received by Council.

The site is a heritage item (no. I163) listed in Council’s Local Environmental Plan 2013 and as such the development application was referred to Council’s Heritage Advisor. In response to some of the concerns raised by the Heritage Advisor, additional information was requested. A heritage management document has been prepared for the development.

Internal consultation with the Director Environmental and Community Services has been undertaken in preparation of this report.

STRATEGIC LINKS

a. Community Strategic Plan 2027
This report links to the Community Strategic Plan 2027 as follows:

**BUILT AND NATURAL ENVIRONMENT**
Goal 4 Plan for a sustainable future  
CS14 Provide efficient and effective advisory, assessment and regulatory services focused on being Customer ‘friendly’, responsive and environmentally responsible.

We are working to achieve the following Community Priorities:

- Rural lifestyle and Country feel are valued and protected and the Upper Hunter Shire remains quiet, safe, healthy and welcoming.
- Protect the natural environment.
Environmental & Community Services

b. Delivery Program

- Assessment of planning applications.
- Advisory service to the community, including heritage conservation.

c. Other Plans

Not applicable.

IMPLICATIONS

a. Policy and Procedural Implications

Nil.

b. Financial Implications

A development application fee of $110 has 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 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.

Furthermore, the applicant has the right under Part 8 of the *Environmental Planning and Assessment Act 1979* to appeal the decision of a consent authority to the Court.

In the case of this development application the relevant considerations under the *Environmental Planning and Assessment Act 1979* have been made.

e. Other Implications

Nil.

CONCLUSION

Development Application 101/2017 for the change of use to retail has been lodged with Council as the Consent Authority. A building assessment report addressing fire separation and essential fire safety measures has been provided. The report outlines a number of issues required to be rectified to ensure compliance with the Building Code of Australia. A heritage management document has also been provided.

Accordingly, it is recommended that the application be approved, subject to the imposition of appropriate conditions of consent, and for the following reasons:
• The proposal complies with the Upper Hunter Local Environmental Plan 2013.
• 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.
• The proposal will not have an adverse impact on the surrounding locality.
• The proposal will facilitate the conservation of an item of local heritage significance.

ATTACHMENTS

1 DA 101/2017 - Recommended Conditions of Consent
2 DA 101/2017 - Assessment - Section 4.15
3 DA 101/2017 - Heritage management document
4 DA 101/2017 - Tramar - Building Assessment Report for Fire Separation and Essential Fire Requirements - 46 Haydon Street Murrurundi
Identification of approved plans:

1. The development being carried out in accordance with the development application, the drawings referenced below and Statement of Environmental Effects dated 11 August 2017 except where amended by the conditions of consent.

<table>
<thead>
<tr>
<th>JOB REFERENCE NO</th>
<th>SHEET NO</th>
<th>REVISION NO</th>
<th>DRAWN BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site plan and floor plan</td>
<td>-</td>
<td>-</td>
<td>Unknown</td>
<td>Not dated.</td>
</tr>
</tbody>
</table>

(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:

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

(Reason: Prescribed by legislation)

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

4. 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

(Reason: Prescribed - Statutory.)

5. Prior to the issue of any Occupation Certificate effecting the commencement of the new building use, all category 1 fire safety provisions as applicable to the buildings use, inclusive of fire safety measures listed on the fire safety schedule, are to be implemented, assessed by a competent fire safety practitioner, and a final fire safety certificate issued for the building.

(Reason: Statutory requirement)

6. Prior to the issue of any Occupation Certificate effecting the commencement of the new building use, all recommendations set out in the document titled “Building Assessment Report for Fire Separation and Essential Fire Requirements at 46 Haydon Street, Murrurundi”, prepared by Mark Faulkner and dated 19/12/2017, are to be implemented as detailed in the report, including but not limited to:

a) The installation of an intumescent coating to the ceiling so as to achieve a resistance to the incipient spread of fire to the space above itself of not less than 60 minutes;

b) The replacing of doors servicing the internal stairwell with self-closing fire rated doors complying with the provisions of the Building Code of Australia, or conducting
appropriate tests and modifications to the existing doors of the stair well to demonstrate compliance with the same;
c) The upgrading of service penetrations to comply with C3.15 of the Building Code of Australia;
d) The installation of portable fire extinguishers in accordance with E1.6 of the Building Code of Australia;
e) Installation of emergency lighting in accordance with E4.2 and E4.4 of the Building Code of Australia;
f) Installation of exit/directional signage in accordance with E4.5, E4.6 and E4.8 of the Building Code of Australia.

Certification shall be submitted from the installer/practitioner responsible for the implementation of each measure to the relevant standard required by the Building Code of Australia upon completion.

(Reason: Statutory requirement)

Conditions that must be complied with at all times:

7. At all times the implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external), solar glare arising from the materials utilised in the construction process or fit-out, the emission of noises, noxious fumes, odours or waste.

(Reason: To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity)
ADDRESS: LOT: 1 DP: 75638
46 Haydon Street Murrurundi

APPLICATION No: DA 101-2017

PROPOSAL: Change Of Use

PLANS REF: DRAWINGS NO. DRAWN BY DATE RECEIVED

<table>
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<tr>
<th>PLANNING RELATED DRAWINGS / INFO</th>
<th>DRAWINGS NO.</th>
<th>DRAWN BY</th>
<th>DATE RECEIVED</th>
</tr>
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<td>Not dated</td>
<td>11/08/2017</td>
</tr>
<tr>
<td>Building Assessment Report for Fire Separation and Essential Fire</td>
<td>Mark Falkiner</td>
<td>19/12/2017</td>
<td>29/07/2019</td>
</tr>
<tr>
<td>Requirements</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Heritage Management Document</td>
<td>Unknown</td>
<td>June 2019</td>
<td>16 July 2019</td>
</tr>
</tbody>
</table>

OWNER: Ms S R Stone

APPLICANT: Ms S R Stone
46 Haydon Street
MURRURUNDI NSW 2338

AUTHOR: Mrs C T Robinson

DATE LODGED: 11 August 2017

AMENDED: -

ADD. INFO REC’D: 16 July 2019
29 July 2019

DATE OF REPORT: 30 July 2019

SUMMARY OF FACTS

ISSUES: Building work is required to be carried out to ensure compliance with the required fire safety provisions.

SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to conditions
LOCATION MAP

DESCRIPTION OF PROPOSAL

The proposal is for the change of use of part of the ground floor of an existing building to a retail premises.

RELEVANT HISTORY

In July 2017, Council became aware of work being undertaken at the property. A subsequent site visit was carried out by a Council Officer when it was noted that a retail business was being conducted from part of the building. The owner was verbally advised to stop further work and to obtain a development consent.

Development Application 101/2017 was received on 11 August 2017 for a change of use for part of the premises. Additional information has been requested on several occasions to enable assessment of the application to be carried out. This information was received on 29 July 2019.

The site contains a two storey building and additional outbuildings. The main building was originally a single storey building constructed c1870 and established as a hotel. A second storey was added to the building c1920. The liquor licence for the hotel was sold c1950s and the property was subsequently sold to a local purchaser who retained ownership of the building until it was sold to the current owner/applicant in 2016.

From c1950s until 2016, it is understood that the building was used for residential rental accommodation.

A search of Council records has not revealed any formal development consents issued for the site.

REFERRALS

- Heritage Advisor
  Heritage comments have been received and incorporated into the conditions consent.

SUBMISSIONS
Surrounding properties were notified of the development proposal between 28 September 2017 and 31 October 2017. An advertisement was placed in the Scone Advocate on 28 September 2017.

No submissions were received by Council.

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

<table>
<thead>
<tr>
<th>Land Use Table</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning classification</td>
<td>R1 General Residential</td>
</tr>
</tbody>
</table>
| Zoning objectives | • 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. |
| Zoning permissibility | The proposal is not permissible as a retail premises in the R1 zone. Refer to Heritage Conservation Incentives (Clause 5.10) below. |

Clauses (Part 4)

Height of buildings (Clause 4.3)  
Maximum height of buildings is 8.5m. The proposal is contained within an existing building and the proposal does not intend to increase the building height.

Floor space ratio (Clause 4.4 and 4.5)  
Maximum FSR of 0.5:1. The proposal is contained within an existing building utilising 96.2m² of existing floor area. The lot has an area of 3,547m².

Part 5 – Miscellaneous provisions

Heritage conservation (Clause 5.10)  
The building (former Tattersalls Hotel) is a listed heritage item and is within a heritage conservation area. The objectives of Clause 5.10 include:
(a) to conserve the environmental heritage of the Upper Hunter;
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views; and
(c) to conserve archaeological sites.

Clause 5.10(10) Conservation incentives states:

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and

Approval of the development application will enable the continued lawful use of the building and its conservation.

(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

A heritage management document has been prepared for the
development in consultation with Council’s Heritage Advisor. The heritage management document has been assessed as satisfactory.

(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and

A condition of consent is recommended requiring all conservation work identified in the heritage management document to be carried out.

(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and

It is considered that the proposed development will not adversely affect the heritage significance of the heritage item including its setting.

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

It is considered that the proposed development will not have any significant adverse effect on the amenity of the surrounding area.

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**Part 6 – Additional Local Provisions**

| Flood Planning (Clause 6.2) | The northern section of the allotment (not containing the subject building) is mapped as being within the Murrurundi PMF indicative extent of inundation. |

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**STATE ENVIRONMENTAL PLANNING POLICIES**

SEPP No. 55 – Remediation of Land

The subject property has a history of commercial use and it is considered that the site is not likely to be subject to contamination that would require remediation of the land relative to the proposed development and use of the land.

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**REGIONAL ENVIRONMENTAL PLANNING POLICIES**

There are no REP’s relating to the site.

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**DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

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

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**DEVELOPMENT CONTROL PLANS**

<table>
<thead>
<tr>
<th>Development control plan</th>
<th>Considered?</th>
<th>Comment (only if necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper Hunter Development Control Plan 2015</td>
<td>YES</td>
<td>The proposed development has been assessed as satisfactory against Part 5a Commercial development - general, Part 9a Heritage Conservation and Part 10a Floodplain Management.</td>
</tr>
</tbody>
</table>
**Section 94A Levy Contributions Plan 2008**  
Upper Hunter Section 94 Contributions Plan 2017  
Upper Hunter Servicing Plan for Water Supply and Sewerage

<table>
<thead>
<tr>
<th>Description</th>
<th>NA</th>
<th>Water supply and sewerage connected.</th>
</tr>
</thead>
</table>

**PLANNING AGREEMENTS**

There are no planning agreements relevant to the proposal.

**REGULATIONS**

Clause 93 Fire safety and other considerations

1. This clause applies to a development application for a change of building use for an existing building where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.
2. In determining the application, the consent authority is to take into consideration whether the fire protection and structural capacity of the building will be appropriate to the building’s proposed use.
3. Consent to the change of building use sought by a development application to which this clause applies must not be granted unless the consent authority is satisfied that the building complies (or will, when completed, comply) with such Category 1 fire safety provisions as are applicable to the building’s 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 the relevant development consent.
4. Subclause (3) does not apply to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4).
5. The matters prescribed by this clause are prescribed for the purposes of section 4.15 (1) (a) (iv) of the Act.

Fire safety must be considered for the whole of the building. Fire protection measures must protect persons using the building and to facilitate their egress from the building in the event of a fire and/or restrict the spread of the fire to a part of the building with another use or to nearby buildings.

No exemptions are in force under 187 or 188.

**Schedule 1 Forms**

2. Documents to accompany a development application

   (i) If the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure):
       (i) A list of the Category 1 fire safety provisions that currently apply to the existing building, and
       (ii) A list of the Category 1 fire safety provisions that are to apply to the building following its change of use

A building assessment report for fire separation and essential fire requirements was provided by the applicant on 30 July 2019.

**Note:** Category 1 fire safety provision means the following provisions of the Building Code of Australia, namely EP1.3, EP1.4, EP1.6, EP2.1, EP2.2 and EP3.2 in Volume One of that Code and P2.3.2 in Volume Two of that Code.
LIKELY IMPACTS OF THE DEVELOPMENT

Potential Impact on Adjacent Properties
The subject lot is a corner lot immediately adjoined by residential properties. The corner opposite to the west contains a hotel (Railway Hotel) and across the street to the south is an antiques/vintage shop which incorporates a milk bar.

Access, Transport and Traffic
There is existing on-street parking on Haydon and Adelaide Streets.

Public Domain
The applicant has provided a Building Assessment Report which outlines requirements to ensure that fire separation and essential fire services are provided in the building. Building work is required to be carried out to ensure the fire safety of the building and to prevent the spread of fire.

Heritage
The building is listed as a heritage item in Upper Hunter Local Environmental Plan 2013. It is within a Heritage Conservation area. A Heritage Management document has been provided.

Safety, Security & Crime Prevention
The applicant has provided a Building Assessment Report which outlines requirements to ensure that fire separation and essential fire services are provided in the building. Building work is required to be carried out to ensure the fire safety of the building and to prevent the spread of fire.

Economic Impact on the Locality
The proposed use has the potential to generate local employment opportunities and improve the local economy.

Site Design and Internal Design
The Building Assessment Report provided makes recommendations regarding fire risk, prevention and suppression; common wall structure and design between proposed uses and likely compliance with the Building Code of Australia. The building is required to be upgraded to ensure compliance.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposal fits with the local character of the area and will enable conservation of the local heritage item.

THE PUBLIC INTEREST

To ensure public safety, work is required to be carried out so that the building will comply with the Category 1 fire safety provisions.
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

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Considered</th>
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<tbody>
<tr>
<td>1</td>
<td>Statutory controls</td>
<td>YES</td>
</tr>
<tr>
<td>2</td>
<td>Policy controls</td>
<td>YES</td>
</tr>
<tr>
<td>3</td>
<td>Design in relation to existing building and natural environment</td>
<td>YES</td>
</tr>
<tr>
<td>4</td>
<td>Landscaping/open space provision</td>
<td>YES</td>
</tr>
<tr>
<td>5</td>
<td>Traffic generation and car parking provision</td>
<td>YES</td>
</tr>
<tr>
<td>6</td>
<td>Loading and servicing facilities</td>
<td>YES</td>
</tr>
<tr>
<td>7</td>
<td>Physical relationship to and impact upon adjoin development (views, privacy, overshadowing, etc.)</td>
<td>YES</td>
</tr>
<tr>
<td>8</td>
<td>Site Management issues</td>
<td>YES</td>
</tr>
<tr>
<td>9</td>
<td>All relevant S4.15 considerations of Environmental Planning and Assessment Act 1979</td>
<td>YES</td>
</tr>
<tr>
<td>10</td>
<td>Section 89 LGA 93 including Clause 12 considerations of Local Government Regulations 1993</td>
<td>YES</td>
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</tbody>
</table>

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.

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 2008.

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. 101/2017 subject to the conditions of consent in Attachment 1.

REASONS FOR RECOMMENDATION

- The proposal complies with the Upper Hunter Local Environmental Plan 2013.
- 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.
- The proposal will not have an adverse impact on the surrounding locality.
- The proposal will facilitate the conservation of an item of local heritage significance.

CHRISTINE ROBINSON
<table>
<thead>
<tr>
<th>ATTACHMENT NO: 2 - DA 101/2017 - ASSESSMENT - SECTION 4.15</th>
<th>ITEM NO: DESC.08.1</th>
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<tbody>
<tr>
<td>MANAGER PLANNING, BUILDING AND REGULATORY SERVICES</td>
<td></td>
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<tr>
<td></td>
<td>Dates</td>
</tr>
<tr>
<td>---</td>
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</tr>
<tr>
<td></td>
<td>c1870</td>
</tr>
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</tbody>
</table>

* Few original features are intact, but had been removed and chimney pieces.
## Former Tattersalls Hotel
Heritage Assessment and Schedule of New Work

<table>
<thead>
<tr>
<th>Item</th>
<th>Material</th>
<th>Description</th>
<th>Recommendations</th>
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</thead>
<tbody>
<tr>
<td><strong>EXTERIOR</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walls</td>
<td>brick (no cavity)</td>
<td>Repainted in Dulux Acrylic Bare Nude</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Repointed where required in lime mortar (no Portland cement)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rising damp treated with chemical damp proof course.</td>
<td></td>
</tr>
<tr>
<td>Roof</td>
<td>Galvanised steel</td>
<td>Roof and gutters replaced with galvanised steel</td>
<td></td>
</tr>
<tr>
<td>Drainage</td>
<td>PVC</td>
<td>New stormwater to roof and drainage to street installed.</td>
<td></td>
</tr>
<tr>
<td><strong>Verandah</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Infill</td>
<td>weatherboard</td>
<td>Later Infill verandah proposed to be partially retained on west.</td>
<td>All external details and paint colours of be agreed with Heritage Advisor and written approval required.</td>
</tr>
<tr>
<td>Balustrade</td>
<td>Cast iron and</td>
<td>Later weatherboard balustrade on corner to be removed and replaced</td>
<td>All external paint colours of be agreed with Heritage Advisor and written approval required.</td>
</tr>
<tr>
<td></td>
<td>weatherboard</td>
<td>with cast iron balustrade stored on site. Cast iron to be repainted.</td>
<td></td>
</tr>
<tr>
<td>Handrail</td>
<td>Timber</td>
<td>Retain existing handrail and supplement with higher handrail in timber to</td>
<td>All alterations to be agreed with Heritage Advisor and written approval required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>meet BCA requirements</td>
<td></td>
</tr>
<tr>
<td>Posts</td>
<td>Cast Iron</td>
<td>Cast iron to be treated for rust and repainted.</td>
<td>All external paint colours of be agreed with Heritage Advisor and written approval required.</td>
</tr>
<tr>
<td>Structure</td>
<td>Timber</td>
<td>Timber to be replaced with like for like sizes in hardward.</td>
<td>Recommend that timber be cilled.</td>
</tr>
<tr>
<td>Floor</td>
<td>Timber (but joint)</td>
<td>Replace and repair where required with like for like.</td>
<td>Recommend that timber be cilled.</td>
</tr>
<tr>
<td></td>
<td>Concrete (no</td>
<td>Proposed to be retained.</td>
<td>Consider cutting in proximity to wall to prevent rising damp.</td>
</tr>
<tr>
<td></td>
<td>reinforcement)</td>
<td></td>
<td>All alterations to be discussed with Heritage Advisor and written approval required.</td>
</tr>
<tr>
<td>Windows/ French</td>
<td>Timber and glass</td>
<td>Repainted in Dulux Matt Black,</td>
<td></td>
</tr>
<tr>
<td>Doors</td>
<td></td>
<td>Hardware retained. And where required glass replaced</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>New hardware if required should supplement existing hardware.</td>
<td></td>
</tr>
<tr>
<td><strong>Outbuilding</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- former stable</td>
<td>Doors</td>
<td>Doors are required to be restored or reconstructed.</td>
<td>All alterations to be discussed with Heritage Advisor and written approval required.</td>
</tr>
</tbody>
</table>

*June 2019*
<table>
<thead>
<tr>
<th>Item</th>
<th>Material</th>
<th>Description</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cellar</td>
<td></td>
<td>Pump has been installed. Cellar is currently dry.</td>
<td></td>
</tr>
<tr>
<td>Kitchen</td>
<td></td>
<td>Number two: One kitchen has been removed. One kitchen has been renovated to meet BCA requirements. New work includes:</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Re-render walls</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Floor finishes</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Tile walls</td>
<td></td>
</tr>
<tr>
<td>Bathrooms</td>
<td></td>
<td>A number of bathrooms have been altered and fixtures replaced</td>
<td></td>
</tr>
</tbody>
</table>
TRAMAR

Building Assessment Report

For

Fire Separation and Essential Fire Requirements

at

46 Haydon Street, Murrurundi

Prepared By:
Mark Falkiner
Mob: 0403 176305
Email: tfalkiner24@optusnet.com.au
Date: 19/12/2017

Prepared For:
Sae Stone
Ph: 0418209898
Email: littlekickerbell3@bigpond.com
Sue
Further to our recent discussion and subsequent site visit in regards to the fire separation of Retail area from the remainder of the building located at 46 Hayden Street, Murrurundi.

Proposal
Change of use from Hotel and accommodation to a retail outlet on a portion of the ground floor.

Existing Building Description

Date of construction  - 1881
Number of Buildings - One
Rise in storey's:  - 2
External walls:  - Brick
Internal walls:  - Brick
Floor on ground:  - Timber
Roof:  - Metal

Classification of Building Part / Whole
- BCA Class 6-Retail
- BCA Type B Construction

Other Governing Considerations
- Local Council Heritage Order

Proposed Refurbishment
Refurbish a portion of the ground floor to incorporate a retail outlet.

Separation Requirements as per BCA Specification C1.1 Table 4.

Separation between the retail outlet on the ground floor and the future proposed Class 2 Residential units on the above floor, if the units are to be Class 3 Transient Units then additional protection will be required. Class 2 Residential requires 60 Minutes separation.

BCA Class 2.8 – Separation of Classifications in the same Storey.

If a building has parts of different classifications located alongside one another in the same storey:-
   a) Each building element in that story must have the higher FRL prescribed in Specification C1.1 for that element for the classifications concerned; or
   b) The parts must be separated in that storey by a fire wall having-
      i. The higher FRL prescribed in Table 3 or 4; or
      ii. The FRL prescribed in Table 5.

Of specification C1.1 as applicable, for the element for the type of construction and the classifications concerned.
RCA Clause C2.9 – Separation of Classifications in different Storeys

If parts of different classification are situated one above the other in adjoining storeys they must be separated as follows:

a) Type A Construction – The floor between the adjoining parts must have an FRL of not less than that prescribed in Specification C1.1 for the classification of the lower storey.

b) Type B or C Construction – If one of the adjoining parts is of class 2, 3 or 4 the floor separating the part from the storey below must:
   i. Be a floor/ceiling system incorporating a ceiling which has a resistance to the incipient spread of fire to the space above itself or not less than 60 minutes; or
   ii. have an FRL of at least 30/30/30; or
   iii. have a fire protective covering on the underside of the floor, including beams incorporated in it, if the floor is combustible or of metal.

It was noted at the time of inspection that the ceilings are of pressed metal and under the Local Heritage order it is specified they should not be disturbed so an intumescent paint solution is recommended. I would suggest you contact Cap Coatings or an alternative supplier of intumescent paints to confirm your requirements are achievable. If this solution is not suitable I suggest you contact a Certifying Fire Engineer to develop an alternate solution.

Walls

It was determined that all the existing walls are constructed of rendered brick and will meet your requirements for fire separation in the specified area. To achieve and maintain the fire compartmentation on the upper level one of two things will need to be achieved,

a) The ceilings in all the units will need to be rated in a similar manner to the lower floor, or

b) The walls will need to be carried to the underside of the roof sheeting in similar or the same construction as the existing walls.
If neither of the solutions above are achievable then it is recommended you obtain an engineered solution from a suitably qualified person.

Doors

There is a door from the end of the area identified leading to the internal stair case which will need to be fire rated. The Heritage Order has requested these are not to be disturbed. This being the case there are a number of options which include having the timber in the door assessed by a suitably qualified person to determine if the timber can achieve a suitable fire factor allowing it to be deemed 1 hour under the heritage solutions pack. Secondly you can purchase a fire door upgrade kit or finally have an engineered solution developed.

Openings for Service Penetrations

Where an electrical, electronic, plumbing, mechanical ventilation, air conditioning or other service penetrates a building element, other than an external wall or roof, that is required to have an FRL it will need to comply with BCA C3.15 and AS4072.1

Other Requirements

There has been numerous Fire Safety items which will need to be addressed in the proposed development/refurbishment as stated in the letter from Upper Hunter Shire dated 6/12/2017. These requirements include:

- Fire Fighting Equipment
- Smoke Hazard Management
- Visibility in an Emergency, Exit Signs and Warning Hazards
- Paths of Travel

Fire Fighting Equipment- BCA Part E1

As there were no dimensioned plans provided I was unable to determine actual fire compartment sizes but I am confident there are no compartments exceeding 500 square meters and there for no hydrants or hose reels are required.

Portable fire extinguishers will be required to be installed as per BCA Part E1.6

Smoke Hazard Management- BCA Part E2 – Smoke Management

Environmental Planning & Assessment Act 2000 Division 7-186.

The owner of a dwelling within a class 2 building or, that is a class 3 or 4 part of a building, must ensure that the dwelling is equipped with smoke alarms that are located on or near the ceiling.

Visibility In An Emergency, Exit Signs And Warning Systems- BCA Part E4

Emergency lighting system must be installed in every storey of a class 5, 6, 7, 8 or 9 building where the storey has a floor area more than 300 square meters. They are also required in every passageway, corridor, hallway, or the like, having a length of more than 5m from the entrance doorway of any sole occupancy unit in a class 2 or 3 building or class 4 part of a building to the nearest doorway opening directly to:

- A fire isolated stairway, fire isolated passageway or fire isolated ramp
- An external stairway serving instead of a fire isolated stairway
- An external balcony leading to a fire isolated stairway, fire isolated passageway or fire isolated ramp
- A road or open space

Exit signs must be clearly visible to persons approaching the exit and must be installed on, above or adjacent to each:

- An enclosed stairway, passageway or ramp serving as a required exit
- An external stairway, passageway or ramp serving as a required exit
- An external access balcony leading to a required exit
- Door from an enclosed stairway, passageway or ramp at every level of discharge to a road or open space
- Horizontal exit
- Door serving as, or forming part of, a required exit in a storey required to be provided with emergency lighting in accordance with E4.2
Paths of Travel – BCA Part D1 Provision for Escape & D2 Construction of Exits.
Environmental Planning & Assessment Act 2000 Division 7-184,185,186.

All buildings must have at least one exit from each storey. Class 2 to 8 buildings, in addition to any horizontal exit, not less than 2 exits must be provided from the following:
   a) Each storey if the building has an effective height of more than 25m.
   b) A class 2 or 3 building subject to BCA Cl.5.

Certification

Certification for any installed system will need to be obtained initially from the system installer. Final certification for the whole building should be via a certifying engineer or equivalent.

Should you require any further details or clarification, please contact me on the below listed numbers.

Yours Faithfully,
Mark Falkiner GiFireE

Mobile: 0403176305
Email: tfalkiner24@optusnet.com.au
The following diagrams are suggested positioning for exit signs, extinguishers based on my understanding of the compartment relating to DA101-2017. I have given indications of locations for lights, exit signs and extinguishers for future reference.