Environmental & Community Services Committee Agenda

10 October 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 **10 October 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

- ACKNOWLEDGEMENT OF COUNTRY
- 2. APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK
- APOLOGIES
- 4. DISCLOSURES OF INTEREST
- 5. PUBLIC PARTICIPATION
- 6. SITE INSPECTIONS

ECSC.10.1 Development Application No. 160/2022 Dwelling house and Strata subdivision **Location**: 99 Liverpool Street Scone (Lot 22 DP 558794)

7. BUSINESS ITEMS

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS
ECSC.10.1 DEVELOPMENT APPLICATION No. 160/2022 DWELLING HOUSE AND STRATA SUBDIVISION.3
ECSC.10.2 DEVELOPMENT APPLICATION (MODIFICATION) DA 154/2022-253



Environmental & Community Services

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

ECSC.10.1 DEVELOPMENT APPLICATION NO. 160/2022 DWELLING

HOUSE AND STRATA SUBDIVISION

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Paul Smith - Senior Environmental Planner

PURPOSE

On 26 September 2022, Council received Development Application No. 160/2022 for a single residential dwelling and subdivision of one (1) lot into two (2) at No. 99 Liverpool Street Scone (Lot 22 DP 558794). The development application was amended on 13 April 2023 to be a strata subdivision. The development application is being referred to the Environmental & Community Services Committee as it does not comply with the Upper Hunter Development Control Plan 2015 and the overall merits of the development are unsatisfactory.

RECOMMENDATION

That Council refuse Development Application No. 160/2022 for a dwelling house and strata subdivision at 99 Liverpool Street Scone (Lot: 22 DP: 558794) for the reasons given in Attachment 1.

BACKGROUND

Council has not considered this matter previously.

REPORT/PROPOSAL

Applicant: Jordan Long – Perception Planning

Owner: Annette English

Location: 99 Liverpool Street Scone (Lot 22 DP 558794)

Proposal: Dwelling House and Strata Subdivision

Zone: R1 General Residential



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The development site comprises an existing 890m² residential zoned lot with a 47.7m frontage to Guernsey Street and a 19m frontage to Liverpool Street and is located approximately 250m west of the Scone commercial centre. The site contains items of local heritage significance and is located within the West Scone Conservation Area. The land is occupied by a building that is currently used as an office premises (floor area of 180m²) and an existing dwelling (floor area of 60m²), although it appears that this building is being used as an office premises too.

The amended development application proposes the construction of a 17.86m x 11.376m x 6.5m high single storey dwelling and strata subdivision (refer to Attachment 3, 4 and 5). The use component of development is properly characterised as a detached dual occupancy in the Upper Hunter Local Environmental Plan 2013. Dual occupancies are permitted with consent in the R1 General Residential Zone.

The development application was submitted on 21 November 2022. A number of issues were identified in relation to compliance with the Upper Hunter Local Environmental Plan 2013, inconsistent information in the Statement of Environmental Effects, heritage issues, inadequate plans and non-compliance with the Upper Hunter Development Control Plan 2015. The applicant was sent a memo dated 9 January 2023 drawing attention to these issues and was provided with an opportunity to address them. Following receipt of the applicant's response, a request for further information was made on 1 May 2023 in relation to plans, vehicle parking, information about the existing dwelling, floor space ratio and the landscaping plan. On 4 July 2023, the applicant provided a landscape plan, car parking plan and response to the request for further information. Overall the responses have not demonstrated that the development as proposed has merit.

On 4 September 2023 the applicant was advised of the issues and given a further opportunity to respond by 18 September 2023. However, a response was not provided within this timeframe.

There are many issues that call into question the merits of this development application, all of which have been communicated to the applicant. These issues are:

- Plans the floor plan shows a pergola is to be installed by the owner. The pergola is not shown on the other plans including the 3D streetscape perspectives. In this regard there is insufficient information to assess this aspect of the development.
- Inadequate details of the existing dwelling (potentially requiring it to be included as a change of use from an office premises).
- Non-compliance with the front building line setback development control.
- The proposed use of the road verge for the low shrub landscaping in lieu of non-compliance with the front setback development control is unacceptable.
- The proposed use of on-street parking for a residential premises is unacceptable and the access to the existing dwelling does not allow for safe ingress/egress of vehicles.
- The internal driveway to the front of the garage does not have a sufficient length to enable a parked vehicle to be contained fully within the lot boundary.
- Likely impact of the development on heritage conservation including existing heritage items and the West Scone Conservation Area.
- Likely impact of the development on a tree that is part of a heritage item (notwithstanding
 the comments made to the contrary it is considered likely that proposed dwelling would
 adversely impact on the tree).
- Loss of off-street parking for the existing building

It is considered that the majority of these issues could be addressed by redesigning the proposed development.



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OPTIONS

- 1. That Council refuse Development Application No. 160/2022 for a dwelling house and strata subdivision at 99 Liverpool Street Scone (Lot: 22 DP: 558794) for the reasons given in Attachment 1.
- 2. That Council defer the determination of Development Application No. 160/2022 to give the applicant time to submit additional information to address the issues raised in the planning assessment report.

CONSULTATION

The development application was placed on public exhibition from 9 November 2022 to 23 November 2022 in 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.

2.5 Provide efficient and effective advisory, assessment and regulatory services focused on being customer 'friendly', responsive and environmentally responsible.

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 (refer to full consideration in Attachment 2). The development application does not comply with the following outcomes to be achieved.

Part 4 Residential Developments of the Upper Hunter Development Control Plan 2015:

 Building setbacks – front - provides that building setbacks from the primary road frontage facades of existing adjoining buildings. Where there are different setbacks, consideration would be given to the average of the setbacks of those primary facades.

The purpose of the front setback is to allow for *landscaping to reduce the visual impact* of buildings on the public domain and to provide a *transitional zone from the public to private space and allow for car parking and landscaping.*

In this case, the dwelling at No. 65 Guernsey Street has a front setback of 6.2m and the existing dwelling at No. 99 Liverpool Street has a setback of 0m. In this regard the required setback is 3.1m. In this regard the proposed dwelling with a front setback of 2.5m does not comply.



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- Private open space and landscaping The private open space does not have sufficient area to provide a landscaped buffer between adjoining properties. In addition, due to the non-compliance with the front setback development control, the applicant proposes to make up for this by establishing landscaping in the road reserve (the applicant has not sought owners consent to use this land as part of the development).
- Off-street parking The proposed dwelling has a gross floor area (GFA) of 212.5m2 and
 as such two parking spaces are required. However, only one off-street parking space is
 proposed in a single garage. There is insufficient space available within the driveway to
 house a second vehicle without it encroaching onto the footpath. The applicant has
 suggested that the second parking space will be in the street, however this does not
 comply with the UHDCP.

Part 12a Access and Parking requires: Driveway design details are provided

In relation to the existing dwelling, the development application proposes to utilise a 3.5m wide space on the southern side of the dwelling for off-street car parking. No details of this have been shown on the plans. There are concerns about the use of this space for parking and the potential risks to pedestrian safety. The fence height and the building are likely to impede the sightlines of a driver reversing a vehicle. Under the circumstances, a forward in and out arrangement for vehicles may be more appropriate.

IMPLICATIONS

a. Policy and Procedural Implications

NA

b. Financial Implications

Development application fees of \$1,805.00 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 5).

The Environmental Planning and Assessment Regulation 2021 requires landowners consent to be obtained if the application is made by a person other than the landowner. The development application proposes that some of the front landscaping associated with the proposed dwelling house will occur on the road verge (of Guernsey Street) which is land owned by the Upper Hunter Shire Council. The applicant has not provided evidence of having obtained the landowner's consent for this component of the development.

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.



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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 applicant has submitted a BASIX certificate for the proposed dwelling.

f. Other Implications

Nil

CONCLUSION

The development application has been assessed as unsatisfactory 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 not in keeping with the site context, is an inappropriate form of development for the site and is likely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be refused for the following reasons:

- The development does not promote good design and amenity of the built environment
- The front building setback does not comply with the Upper Hunter Development Control Plan 2015.
- There is insufficient off-street parking to service the existing and proposed development.
- The front setback is insufficient for adequate landscaping within the lot and parking of a vehicle in the driveway.
- Landowner's consent has not been obtained to carry out part of the development on land under the control of the Upper Hunter Shire Council
- The development is likely to adversely impact on a heritage item and the Scone West Conservation Area

ATTACHMENTS

- 1 DA 160/2022 Reasons for Refusal
- 2 DA 160/2022 Planning Assessment Report
- 3. DA 160/2022 Updated Architectural Plans
- 4 DA 160/2022 Proposed Subdivision Plan
- **5** DA 160/2022 Landscape plan

DA 160/2022 - Reasons for Refusal

- Pursuant to Section 1.3 of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with object (g) of the Act as it does not promote good design and amenity of the built environment.
- Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Clause 5.10 Heritage Conservation of the Upper Hunter Local Environmental Plan 2013 as the proposal is likely to have an adverse impact on the heritage significance of existing heritage items and the West Scone Conservation Area.
- Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part 4 (Residential Development) of the Upper Hunter Development Control Plan 2015 in relation to the lack of off-street parking, on-site front landscaping and non-compliance with the front setback control.
- 4. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the proposed development is inconsistent with the provisions of Part 9 (Heritage Conservation) of the Upper Hunter Development Control Plan 2015 as the proposal is likely to have an adverse impact on the heritage significance of existing heritage items and the West Scone Conservation Area.
- 5. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act* 1979 the proposed development is inconsistent with the provisions of Part 12a (Access and Vehicle Parking) of the Upper Hunter Development Control Plan 2015 as access to the proposed parking space servicing the existing dwelling poses a safety risk to pedestrians.
- 6. Pursuant to Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* the proposed development is likely to have an unacceptable adverse impact on the streetscape and amenity of the area by being constructed too close to the front boundary and not allowing sufficient area for landscaping.
- Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest as it will have a negative impact on the integrity of existing heritage items and the West Scone Heritage Conservation Area.

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: 99 Liverpool Street Scone - Lot: 22 DP: 558794

APPLICATION No: DA 160/2022

PROPOSAL: Dwelling house and Strata Subdivision

OWNER: Ms Annett English

APPLICANT: Jordan Long

AUTHOR: Paul Smith

DATE LODGED: 2 November 2022

AMENDED:

ADD. INFO REC'D: The applicant provided additional information and a revised

Statement of Environmental Effects on 18 April 2023 in response

to a request for further information on 9 January 2023.

The applicant provided landscape plan and further information on 4 July 2023 following a request for further information on 1 May 2023 in relation to parking, existing dwelling, landscaping and

floor space ratio.

DATE OF REPORT: 26 April 2023

SUMMARY OF FACTS

ISSUES: Non-compliance with front setback requirements, inadequate off-

street parking, and proposed front landscaping on land not owned by the applicant, adverse impact on heritage conservation values. The applicant has not been forthcoming with information about the existing dwelling on the land- it appears that it is used as an office premises, however the development application does not

propose a change of use.

SUBMISSIONS: No submissions were received.

RECOMMENDATION: Refusal

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SCHEDULE OF PLANS SUBMITTED

PLAN TITLE/JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE	DATE RECEIVED
Cover Sheet Ref: 208925	1	6	McDonald Jones	06.03.2023	
Site Plan Ref: 208925	2	6	McDonald Jones	06.03.2023	
Water Management Plan Ref: 208925	3	6	McDonald Jones	06.03.2023	
Ground Floor Plan Ref: 208925	4	6	McDonald Jones	06.03.2023	
Window and Door Schedules Ref: 208925	5	6	McDonald Jones	06.03.2023	
Elevations/Sections Ref: 208925	6	6	McDonald Jones	06.03.2023	
Elevations Ref: 208925	7	6	McDonald Jones	06.03.2023	
3D Streetscape Ref: 208925	13	6	McDonald Jones	06.03.2023	

LOCATION MAP



DESCRIPTION OF PROPOSAL

The development site comprises an existing 890m2 residential zoned lot with a 47.7m frontage to Guernsey Street and a 19m frontage to Liverpool Street, located approximately 250m west of the Scone commercial centre. The land is a heritage item containing a building that is currently used as an office premises (floor area = 180m2) and an existing dwelling (floor area = 60m2), although it appears that this building is being used as an office premises too.

The amended development application proposes the construction of a 17.86m x 11.376m x 6.5m high single storey dwelling and strata subdivision.

RELEVANT HISTORY

The site has been used for various commercial purposes. The vacant section of land formerly contained a stable block up until the early 2000s and now appears to be used as off-street parking associated with the commercial use. Based on information provided by the applicant there is an existing 1 storey weather board "dwelling" on the land with a floor area of $60m^2$ (although it would appear that this building is being used as an office premises too.

REFERRALS

Internal Referrals

Infrastructure Services (Water & Sewer)

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The development application was referred to the Infrastructure Services (Water and Sewer) for assessment in relation to the provision of water and sewer services. A response was provided noting the development application has been amended to be a strata subdivision. Under this arrangement the land is not subdivided into 2 separate lots. Currently there is a water & sewer connection servicing this property – additional connections would not be required under a Strata Title application. Overall the recommendation is that the development should proceed with not specific water and sewer conditions. Notwithstanding additional water and sewer contributions would be required.

<u>Planning Comment</u>: Noted. A condition of consent pertaining to a Notice of Requirements under the Water Management Act 2000 would need to be imposed should Council see fit to grant consent to the development.

Infrastructure Services (Assets – traffic, roads, stormwater, street trees)

The development application was referred to the Infrastructure Services (Assets) for assessment. The following issues were raised:

- Two vehicle spaces required for proposed new dwelling on site.
- Landscaped area not to be on Council verge and is to be entirely within property boundary.
- Appropriate planting of street trees approved but not in lieu of a reduced building setback.
- Driveway in front of garage not long enough to prevent overhang onto Council verge. All
 parking to be with property boundary.
- Provision of off-street parking space for the existing commercial premises to be shown (5 spaces required based on floor area). Ingress/egress from the existing commercial building site and dwelling to be in a forward direction only.
- Vehicle crossovers to be shown and designed to meet Council's current standard guidelines.
- Adequate sight distance to be provided at the vehicle crossovers.

<u>Planning Comment</u>: These matters have been considered in relation to the Upper Hunter Development Control Plan.

Heritage Advisor

The development application was referred to the Heritage Advisor for assessment in relation to heritage matters. The following comments were made:

The design of the proposed new dwelling is assessed as having a detrimental impact on the West Scone Conservation Area and the listed heritage item *Shop (former Willow Tree Hotel and former butcher shop),* which is located on the same site. The former Willow Tree Hotel is a prominent and important historic building located on the corner of Liverpool and Guernsey streets. There are also a number of heritage items in the vicinity of the proposed development which include:

Scone RSL Former Boorers Mill	67–71 Guernsey Street	t Lot 1, DP 368876; Lot B, DP 394354	Local	12	
Residence—stone cottage	68 Guernsey Street	Lots A and C, DP 152433	Local	148	
Baptist Church	72-74 Guernsey Street	t Lot 74, DP 1150759	Local	133	
Mill Cottage	73 Guernsey Street	Lot 1, DP 1090169	Local	13	
Mower Shop (former Campbells Store Garage		treet Lots 91–94, DP 591291 treet		Local	13 4
Veterinary clinic (former Campbells Chambers)	106 Liverpool Street	t Lot B, DP 411573		Local	15 6
Commercial premises	109 Liverpool Street	t Lots 12–14, DP 1125438		Local	14 3

These listed heritage items and other buildings contribute to the significance of the conservation area. The West Scone Conservation Area is historically important as the earliest settlement area of Scone with the first Scone courthouse, an early grammar school and a number of other significant buildings including the former Willow Tree Hotel. The consistency of scale and form of the

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residential buildings with garden areas, are an important part of the conservation area and hence new development should follow the guidelines of the Upper Hunter DCP 2015 and current DCP2023, and contribute to the existing quality of the conservation area.

`The siting of the proposed new development on the same site as an important listed heritage item and its visual prominence from Liverpool and Guernsey Street requires a design that is in keeping with the conservation area. The Upper Hunter DCP2015 includes **C. General Design and Siting Guidelines**:

- New buildings and infill development does not detract from the setting of heritage items or conservation areas.
- The existing characteristics of the street and the surrounding area are maintained and enhanced.
- An appropriate visual setting is provided for heritage items and heritage conservation areas.
- The significance of the conservation area and heritage items is able to be interpreted and is not subsumed by new development.

The proposed building is assessed as detracting from the setting of the former Willow Tree Hotel. This part of the site is currently vacant and includes a mature tree and grassed area. There may also be archaeological evidence of a former stable on this site.

The scale of the proposed new dwelling results in a street frontage with minimal side setbacks and a minimal street setback. This is not in keeping with the residential pattern of gardens to the rear with mature trees, street frontage gardens and a pattern of side setbacks for the driveway.

The proposed front setback of 2.5 metres is too minimal, does not allow for a garden area and hence detracts from the conservation area. A minimal side setback of 2.309 metres is allowed and the driveway and garage setback to the street frontage of 3.640 metres are minimal.

The DCP 2015 Design Guidelines for New Buildings in the conservation area includes:

- Development in the vicinity of listed heritage items or within heritage conservation areas should respect and complement the built form character of those items in terms of scale, setback, siting, external materials, finishes and colour.
- Front and side setbacks should be typical of the spacing between buildings located in the vicinity of the new development.
- New development should have regard to the established site patterns of the locality.

While this is a single story building, the scale of the street frontage and setbacks have been assessed as not complementing the built form and character of the surrounding residences. Front and side setbacks have been assessed as atypical in the conservation area. The established site patterns are for garden areas that allow for a front garden and rear garden and driveway setback, and the rear and front garden with adequate planting zones, all of which repeat the established patterns.

The DCP 2015 **Design Guidelines** include:

 New buildings should establish a neighbourly connection with nearby buildings by way of reference to important design elements such as verandahs, chimneys or patterns of openings and building entry addressing the street.

These characteristic elements have not been developed in the proposed design. The dwelling has been designed with a porch which is too small in dimensions. Typical houses in the conservation area include verandah frontages for a large proportion for the street frontage and small porches are not a common feature in the residential area. This porch offers little articulation to the street frontage and the garage remains a dominant element with a minimal setback from the street. The roof form is hipped and in a form that is uncharacteristic of the early residential houses that included separated roofed areas to verandahs and hips or gables that define proportioned bays.

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The development and minimal setbacks are likely to encroach on the root zone of the mature tree on the site. Mature trees are an important part of the conservation area and protection of root zones, replacement and enhancement of the tree canopy should be conditioned in any new development in order to prevent the cumulative deterioration of the tree canopy.

The new dwelling is assessed as detracting from the setting of the Former Willow Tree Hotel and the conservation area.

<u>Planning Comment:</u> The heritage advisor had an initial pre-lodgement meeting with the applicant and expressed concerns about the development as proposed and made suggestions for how the proposed dwelling might be better designed to address the heritage concerns. Following the lodgement of the development application further recommendations were provided in relation to increasing the setback of the garage by an additional 2m, increasing the size of the porch to depth of a minimum of 2 metres and at least a third of the street frontage and overall advising that the proposed dwelling has too large a footprint for the site as the required setbacks and verandah frontage cannot be achieved hence a reduction in the area is required.

SUBMISSIONS

The development application was placed on public exhibition from 9 November 2022 to 23 November 2022 in accordance with the Upper Hunter Community Participation Plan.

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

	COMMENT		
Land Use Table			
Zoning classification	R1 General Residential		
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. The development is consistent with the zone objectives.		
Zoning permissibility	The applicant proposes the development to be a strata subdivision and the construction of a single storey dwelling. The development is properly characterised as a dual occupancy as there is an existing dwelling and once the proposed dwelling is constructed there will be two dwellings (see the dictionary definition of dual occupancy). Dictionary Definition: dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.		
Clauses (Part 4)	awomings on one lot of land, but does not include a secondary awoming.		
Minimum Subdivision Lot Size (Clause 4.1)	Not applicable		
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 land is in an area where the height of buildings development standard is approximately 6.934m (as advise on Page 23 of the SoEE). In this regards the development complies.		

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Floor space ratio (Clause 4.4 and 4.5)	The objectives of this clause are to provide an appropriate density of development consistent with the established centres hierarchy and to ensure building density, bulk and scale makes a positive contribution towards the desired built form as identified by the established centres hierarchy. In this area the FSR development standard is set at 0.5:1. Based on a site area of 890m2 and that gross floor area of all buildings being 431.66m2 (Proposed Dwelling = 212.56m2, Existing dwelling = 60m2 and commercial building = 159.8m2) the FSR is 0.48:1.
Exceptions for development standards (Clause 4.6)	Not Applicable
Part 5 - Miscellaneous	
Development near zone	Not Applicable
Development near zone boundaries (Clause 5.3)	Not Applicable
Controls relating to miscellaneous permissible uses	Not Applicable
(Clause 5.4)	ALCA P. II
Architectural roof features (Clause 5.6) Conversion of fire alarms	Not Applicable
(Clause 5.8)	Not Applicable
Dwelling house or secondary dwelling affected by natural disaster (Clause 5.9)	Not Applicable
Heritage conservation (Clause 5.10)	 (1) Objectives The objectives of this clause are as follows— (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, (c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance. (2) Requirement for consent Development consent is required for any of the following— (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)— (i) a heritage item, (ii) an Aboriginal object, (iii) a building, work, relic or tree within a heritage conservation area, (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item, (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, (d) disturbing or excavating an Aboriginal place of heritage significance, (e) erecting a building on land— (i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance, (f) subdividing land—

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	(i) on which a heritage item is located or that is within a heritage conservation area, or (ii) on which an Aboriginal object is located or that is within an
	Aboriginal place of heritage significance.
	Planning Comment: The development site is within the West Scone Conservation Area and is a local heritage item listed in Schedule 5 of the UHLEP - Shop (former Willow Tree Hotel and former butcher shop) the proposed dwelling as proposed is considered to be detrimental to the significance of the heritage item and the conservation area. The development for the single dwelling as proposed fails to demonstrate any relationship or connection to the existing buildings on the land. No consideration has been given to the impact of the proposed single dwelling on No. 97 Guernsey Street which is also a heritage item.
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	Not Applicable
Standards that cannot be used to refuse consent – playing and performing music (Clause 5.20)	Not Applicable
Flood Planning (Clause 5.21)	(a) to minimise the flood risk to life and property associated with the use of land, (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change, (c) to avoid adverse or cumulative impacts on flood behaviour and the environment, (d) to enable the safe occupation and efficient evacuation of people in the event of a flood. (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
	Planning Comment: The land is in the flood planning area. Based on the

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Fig Tree Gully Flood Study, the flood water depth in Guernsey Street to the front of the site averages 0.2-03m in the 1 in 100 year (1%AEP) event. The applicant advises that the floor level of the proposed residence will be 750mm above natural ground level and as such would be above the flood planning level.

- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
- (b) the intended design and scale of buildings resulting from the development,
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,(d) the potential to modify, relocate or remove buildings resulting from
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

<u>Planning Comment</u>: The proposed development is likely to be above the flood planning level. Should the application be approved, it is recommended that a flood evacuation plan be prepared and submitted prior to the issue of an Occupation Certificate.

Part 6 – Additional Local	
Provisions	
Earthworks (Clause 6.1)	The development proposal will require minor earthworks.
Terrestrial Biodiversity (Clause 6.3)	Not Applicable
Groundwater vulnerability (Clause 6.4)	Not Applicable
Drinking water catchments (Clause 6.5)	Not Applicable
Riparian land and watercourses (Clause 6.6)	Not Applicable
Airspace operations (Clause 6.7)	Not Applicable
Development in areas subject to aircraft noise (Clause 6.8)	Not Applicable
Events permitted without development consent (Clause 6.9)	Not Applicable

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Essential Services (Clause 6.10)	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— (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage, (d) stormwater drainage or on-site conservation, (e) suitable vehicular access.
	Planning Comment: The development application proposes an additional dwelling on the land such as to create a detached dual occupancy. It is considered that essential services of water supply, electricity and stormwater area available to the development. Suitable vehicular access is available to the "proposed residence" as shown by a concrete driveway, however there are concerns about the suitability of the proposed access for the existing dwelling.
Location of sex services premises (Clause 6.11)	Not Applicable

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (Transport and Infrastructure) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	4.6 Contamination and remediation to be considered in determining development application (1) A consent authority must not consent to the carrying out of any development on land unless— (a) it has considered whether the land is contaminated, and (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 (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. Planning Comment: The site is not identified on the contaminated land registers. The land has been used for commercial purposes. The site is unlikely to be contaminated.
SEPP No. 65 – Design Quality of Residential Flat Development	Not applicable
SEPP (Housing) 2021	Not applicable
SEPP (Industry and Employment) 2021	Not applicable
SEPP (Resources and Energy) 2021	Not applicable
SEPP (Primary Production) 2021	Not applicable
SEPP (Biodiversity and Conservation) 2021	Not applicable

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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.

UPPER HUNTER DEVELOPMENT CONTROL PLAN 2015			
Development control plan section	Considered?	Comment (only if necessary)	
Part 2 Adequacy of Plans	Acy of Plans Yes No details of the propose only on the floor plan at have been provided. I development as propose assessed.		
Part 3 Subdivision			
Part 4 Residential Development	Yes	Refer to Attachment 1	
Part 9 Heritage Conservation	Yes	Refer to heritage advisor comments.	
Part 10 Natural Hazards	Yes		
Part 11 Environmental Protection			
Part 12 Access and Vehicle Parking	Yes	Does not satisfy off-street parking requirements.	

CONTRIBUTIONS PLANS	BUTIONS PLANS		
Development control plan	Considered?	Comment (only if necessary)	
Section 94A Levy Contributions Plan 2008	YES	The development has an estimated value of \$300,000. In this regard a 1% levy would be applicable if the application is approved - \$3,000.00	
Upper Hunter Development Contributions Plan 2017	NA		
Development Servicing Plan for Water Supply and Sewerage		The development proposes one additional dwelling and as such water and sewer contributions would be applicable. It is recommended that the following condition of consent be imposed:	
	YES	Prior to the issue of Construction Certificate (Subdivision Works Certificate) or Subdivision Certificate (whichever occurs first), a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.	

PLANNING AGREEMENTS

There are no planning agreements relevant to the proposal.

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REGULATIONS

The Environmental Planning and Assessment Regulation 2021

Clause 24 (1) A development application must-

- (a) be in the approved form, and
- (b) contain all the information and documents required by—(i) the approved form,

The approved form provided in the Application Requirements states that drawings must include: *elevations* and sections showing proposed external finishes and heights of any proposed buildings. Although the applicant has submitted elevations of the proposed dwelling house, they do not include the proposed pergola structure that will be added to the front of the garage.

LIKELY IMPACTS OF THE DEVELOPMENT

Context and Setting

The locality of Guernsey Street from Liverpool Street to Kingdon Street comprises a combination of commercial and residential building/land uses that reflect the intersection of zone boundaries for commercial, residential and mixed use. The eastern side of Guernsey Street is initially from the Liverpool Street intersection has a set of older buildings (No. 101 Guernsey St) with zero setbacks for a distance of approximately 30m. This is followed by two vacant lots (Nos. 109 Guernsey Street). The built forms are then predominantly single dwellings with front building line setbacks of 5-15m (the new motel has a 12.4m front setback). The front yards are landscaped and predominantly fenced with post and wire. No. 78 Guernsey Street (corner lot) has an approx. 2m high hedge which obscures the fence. The western side of Guernsey Street is dominated by single dwellings with front building line setbacks ranging from 3.3m to 6.6m. The streetscape is broken up by the two storey and large form of the Scone RSL which has a zero setback. All dwelling lots are fenced with steel mesh, steel picket or timber picket. There are two mature Eucalypt trees in the road centre and some trees/shrubs within the road reserve area.

The proposed dwelling has the potential to adversely impact on the streetscape and amenity of the area by being constructed too close to the front boundary and not allowing sufficient area for landscaping.

Although there is not a consistent fencing style for residential properties along this section of Guernsey Street, all the residential lots have front fences which defines the character of the locality. The Addendum to the Statement of Heritage Impact suggests "front fencing should not be required to be consistent with the site not being fenced to Guernsey Street in living memory". However the site has not previously been developed for the purposes of a dual occupancy and as such new fencing should be provided to be consistent with the established streetscape pattern.

Built Form

The development comprises the construction of a new dwelling – 15m x 11.3m x 6.85m high, with exterior timber cladding (James Hardie Primeline Newport (170mm) and zincalume roof. Overall the built form presents a blank appearance that imposes itself on the public realm – accentuated by the lack of articulation, reduced setback and insufficient potential for landscaping.

Access, Transport and Traffic

The development has the potential for a minor increase in traffic movement in the area. This section Guernsey Street already has a parking deficit in relation to overflow parking from the RSL club taking up space on the street. As discussed in relation to the DCP, insufficient parking has been identified (three spaces will be required). The proposed single dwelling creates a requirement for two parking spaces. The applicant's suggestion that one of the spaces be on-street is unacceptable. The development also has the effects of removing the off-street parking for the existing commercial premises.

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It is not clear from the plans where the off-street parking for the existing dwelling will be located once the dual occupancy is in place. It is noted from the plans that there is a 3.5m wide fenced area on the southern side of the existing dwelling that could be converted to an internal driveway and parking spaces. However this has not been shown on the plans.

Public Domain

The development proposes a 3.64m long and approx. 3m wide internal driveway at the front of the garage of the dwelling. This does not satisfy the requirements of AS2890 – Off-street parking facilities which requires car-parking of 5.5m long. The current proposal would mean that vehicles that park in the driveway are likely to encroach in the road reserve/footpath. In this regard, the development has an adverse impact on the public domain. A request was made to alter the building by moving the garage component 2m back (for heritage reasons) and this would have also addressed the issue of parking. However this request was declined.

Heritage

The proposed development is likely to have an adverse impact on the heritage values of the site and locality as previously discussed.

Flora and Fauna

The site for the proposed new dwelling is mostly clear of vegetation, with the exception of ground cover. There is an existing Jacaranda Tree which the applicant advises will be retained. However it seems likely that the proposed single dwelling will impact on the tree protection zone (TPZ) and eventually result in the tree death.

Natural Hazards

The development site is in an area that is potentially affecting by flooding from Fig Tree Gully. However the flood level (around 200mm to 300mm in the 1% AEP) is not likely to impact on the development.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is not considered to be suitable for the development as proposed. There is insufficient area to provide an adequate front setback, landscaping and off-street parking.

THE PUBLIC INTEREST

The development is not considered to be in the public interest as it relies on the public domain for the provision of an on-street parking space, it removes the off-street parking space potential for the existing commercial development. The development detracts from the heritage values of the existing site and conservation area.

SUMMARY OF LIKELY IMPACTS OF THE DEVELOPMENT

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

ENV	IRONMENTAL 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

CONSISTENCY WITH THE AIMS OF PLAN

The development is inconsistent with the specific aims of the plan: UHLEP Aims 1.2 (2)(a)(iii) to encourage the proper management, development and conservation of natural and human-made resources in the Upper Hunter by protecting, enhancing and conserving the environmental, scenic and cultural heritage of the Upper Hunter.

The development is inconsistent with the objectives of the controls UHLEP Heritage Conservation Objectives 5.10 1(a) to conserve the environmental heritage of the Upper Hunter, and (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views and (4) Effect of proposed development on heritage significance: The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

In this regard the development application is inconsistent with the aims and objectives of the Upper Hunter Local Environmental Plan 2013 as outlined in this report and as such, consent must not be granted.

SUBMITTORS CONCERNS

No submissions were received.

CONCLUSION

The development application was submitted on 21 November 2022 for a single dwelling and subdivision (1 lot into 2 lots). A number of issues were identified in relation to compliance with the Upper Hunter Local Environmental Plan 2013, inconsistent information in the Statement of Environmental Effects, heritage issues, inadequate plans, not providing a landscaping plan and non-compliance with the Upper Hunter Development Control Plan 2015. The applicant was sent a memo dated 9 January 2023 drawing attention to these issues and providing an opportunity to address them. Following the response a request for further information was issued on 1 May 2023 in relation to plans, vehicle parking, information about the existing dwelling, floor space ratio and the landscaping plan. On 4 July 2023 the applicant provided a landscape plan, car parking plan and response to the request for further information. Overall the responses have not demonstrated that the development as proposed has merit. On 4 September 2023 the applicant was advised of the issues and given a further opportunity to respond by a specified date (18.09.2023), however no response was provided within this timeframe.

Consequently the application has been assessed as unsatisfactory 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 not in keeping with the site context, is an inappropriate form of development for the site and is likely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be refused.

RECOMMENDATION

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

THAT Council, as the consent authority, refuse Development Application No. 160/2022 for development of a dwelling house and strata subdivision on land at 99 Liverpool Street Scone (Lot 22 DP 558794), as shown on the submitted plans, for the following reasons:-

- Pursuant to Section 1.3 of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with object (g) of the Act as it does not promote good design and amenity of the built environment.
- Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 the
 proposed development is inconsistent with the provisions of Clause 5.10 Heritage
 Conservation of the Upper Hunter Local Environmental Plan 2013 as the proposal is likely to
 have an adverse impact on the heritage significance of existing heritage items and the West
 Scone Conservation Area.
- Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979
 the proposed development is inconsistent with the provisions of Part 4 (Residential
 Development) of the Upper Hunter Development Control Plan 2015 in relation to the lack of
 off-street parking, on-site front landscaping and non-compliance with the front setback control.
- 4. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Part 9 (Heritage Conservation) of the Upper Hunter Development Control Plan 2015 as the proposal is likely to have an adverse impact on the heritage significance of existing heritage items and the West Scone Conservation Area.
- 5. Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* the proposed development is inconsistent with the provisions of Part 12a (Access and Vehicle Parking) of the Upper Hunter Development Control Plan 2015 as access to the proposed parking space servicing the existing dwelling poses a safety risk to pedestrians.

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- Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the
 proposed development is likely to have an unacceptable adverse impact on the streetscape
 and amenity of the area by being constructed too close to the front boundary and not allowing
 sufficient area for landscaping.
- 7. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as it will have a negative impact on the integrity of existing heritage items and the West Scone Heritage Conservation Area.

REASONS FOR RECOMMENDED DECISION

- The development does not promote good design and amenity of the built environment
- The front building setback does not comply the Upper Hunter Development Control Plan 2015.
- There is insufficient off-street parking to service the existing and proposed development.
- The front setback is insufficient for adequate landscaping within the lot and parking of a vehicle in the driveway.
- Landowner's consent has not been obtained to carry out part of the development on land under the control of the Upper Hunter Shire Council
- The development is likely to adversely impact on a heritage item and the Scone West Conservation Area

PAUL SMITH
SENIOR ENVIRONMENTAL PLANNER

Attachment 1: Upper Hunter Development Control Plan 2015 – Compliance Table - Part 4 – Urban residential

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guideline s (Yes/No/N A)	Comments
Design & siting			
A. Density	NA		The applicant needs to identify how many bedrooms are in the existing building.
B. Floor space ratio	Yes		
C. Battle-axe lots	NA		
D. Building setbacks - front	No		The applicant proposes a front setback of 2.5m which does not meeting the Outcome to be achieved that is 4.5m from the primary road frontage to the building line. However the UHDCP also provides that building setbacks from the primary road frontage facades of existing adjoining buildings. Where there are different setbacks, consideration would be given to the average of the setbacks of those primary facades. The purpose of the front setback is to allow for landscaping to reduce the visual impact of buildings on the public domain and to provide a transitional zone from the public to private space and allow for car parking and landscaping. In this case the dwelling at No. 65 Guernsey Street has a front setback of 6.2m and the existing dwelling at No. 99 Liverpool Street has a setback of 0m. In this regard the required setback is 3.1m. In this regard the development does not comply. The development has to rely on undertaking the landscaping on land that is not in the ownership of the applicant. The development as proposed also provides for a 3.6m setback from the garage to the front property boundary thus resulting in vehicles parking in the driveway encroaching into the road reserve/public footpath.

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Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guideline s (Yes/No/N A)	Comments
			The DCP also provides that a vehicular driveway must be clear of obstructions which may prevent drivers having a timely view of pedestrians The driveway the existing dwelling (which is part of the dual occupancy and proposed Strata Lot 1) is obstructed by the wall of the building and existing colorbond fence. This is likely to prevent drivers having a timely view of pedestrians whilst egressing. Given that the existing driveway is in the location of the former stables on the site, Council has not record of having approved the driveway or fencing in this location.
E. Building setbacks - side & rear	Yes		
F. General design considerations	Yes	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		

Oı	utcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guideline s (Yes/No/N A)	Comments
L.	Natural site features	Yes		The site is within the flood planning area, however it is unlikely that the flood levels will significantly impact the proposed development.
M.	Private open space & landscaping	No	No	The private open space does not have sufficient area to provide a landscaped buffer between adjoining properties. In particular due to the non-compliance with the front setback development control, the applicant proposes to make up for this by establishing landscaping in the road reserve area including three trees (<i>Lager stoemiaindica x fauriei</i> and shrubs (<i>Santolina chamaecyparssus</i>).
N.	Accessibility & adaptability	NA	NA	
О.	Heritage			The site is within a Conservation Area and is a heritage item. The existing colorbond fence (and associated gate) to the existing dwelling does not comply with the design guidelines – which requires that "Colorbond fences are not to be used when visible from the street".
P.	Relocated dwellings	NA	NA	
	ccess & infrastructu	re		
Q.	Off street parking & access	No		The proposed dwelling has a gross floor area (GFA) of 212.5m2 and as such two parking spaces are required. The existing dwelling has a GFA is 60m2 and as such two spaces are required. In this regard a total of three parking spaces are required.

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Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guideline s (Yes/No/N A)	Comments
			In relation to the new dwelling two parking spaces are required, however only one parking space in a single lock up garage and the second space in the driveway is insufficient to house a vehicle with encroaching onto the footpath. In response to Council's request for further information the applicant the applicant states:
			The proposed dwelling design with a single parking space has occurred in response to Council's heritage officer's comments prior to lodgement of the application, to reduce garage dominance to the streetscape in the HCA.
			Sufficient parking is available on the street, thus reduction in one space will not negatively impact the street from a parking or traffic perspective.
			The heritage advisor has provided a comment on an earlier plan version (as part of a pre-lodgement meeting) the double garage being out of proportion with the rest of the building and suggest a single garage might be appropriate. This is related to how the building might be designed to better respond to the conservation values of the site and locality. This does not constitute approval for a reduction in the number of off-street parking spaces. The proposal to use the street as the parking space for a residential premises is unacceptable.
			The development also removes the car parking for the existing commercial premises which based on the floor area of 180m², requires five off-street parking spaces.
			Part 12a Access and Parking requires:
			Driveway design details are provided
			No plan has been provided for access to the strata lot that will contain the existing dwelling.
			The minimum dimensions, design and construction of parking bays, aisles, driveways, loading areas etc is in accordance with Australian Standard AS 2890.1 Off-street Parking facilities. The driveway in front of the garage has a length of 3.6m. The required length is 5.4m. Although the proponent may claim this is not intended as a parking space it is likely to be used for any second vehicle or visitor parking.

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Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guideline s (Yes/No/N A)	Comments
			Adequate on site manoeuvring and circulating areas is provided to ensure that all vehicles enter and leave the site do so in a forward direction. In relation to the existing dwelling the development application proposes to utilise an existing 3.5m wide. No details of this have been shown on the plans. There are concerns about this space to be used as part of a dual occupancy arrangement in relation to pedestrian safety. The space does not allow for vehicles to enter and exit in a forward direction and the fence height and the building are likely to impede the sightlines of a driver of a reversing vehicle.
R. Water	Yes		
S. Sewerage	Yes		
T. Electricity & telecommunications	Yes		
U. Stormwater management	Yes		
V. Waste minimisation & management	Yes		
W. Clothes drying facilities	Yes		
X. Numbering	No		Would be subject to conditions of consent.

Outcomes to be achieved	Satisfies Outcomes to be achieved (Yes/No/NA)	Complies with Design guideline s (Yes/No/N A)	Comments
Y. Outdoor lighting	Yes		
Z. Mailboxes	No		The details have not been provided.

4b Ancillary residential structures & activities

Outcomes to be achieved	Compliance with Design guidelines (Yes/No)	Comments
A. General design considerations		
B. Outbuildings, carports & detached garages		
C. Fences, screens & courtyard walls Fencing		

Attachment 2: Upper Hunter Development Control Plan 2015 – Compliance Table - Part 3 – Subdivision

- Subdivision		ı	Т
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 of	lesign		
A. Subdivision purpose & general considerations	Yes		
B. Adjoining development	??		Need to consider the subdivision in relation to heritage conservation issues.
C. Lot size, shape & orientation	Yes	Yes	
D. Natural site features	No		The development application requires the removal of at least 1 street tree to facilitate access to proposed Lots 102 and 103. Arborist report has not been provided.
E. Natural hazards	NA		
F. Landform modification	Yes		Associated with road within access handle – not explicitly mentioned in SEE.
G. Land contamination	No		Need to provide contaminated land report.

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			1
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?)
Movement & access networks			
H. Street network	NA		
I. Crown roads	NA		
J. Future road widening & upgrading	NA		
K. Access to lots from public roads	Yes		
L. Pedestrian & cyclist access	No		Not shown on plan but the in the DCP compliance document the applicant states: Pedestrian and cycle paths will be designed in accordance with UHSC Draft Engineering Guidelines for Subdivisions and Developments (as amended).
Infrastructure			
M. Reticulated water	Yes		
N. Reticulated sewerage	Yes		The applicant proposes to relocate the existing sewer infrastructure.

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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?)
O. On-site waste water management	NA		
P. Stormwater management	Yes		
Q. Street lighting	Yes		
R. Electricity & telecommunications	Yes		
S. Public open space	NA		Public open spaces is not required for a subdivision of this scale.

12

13

DA

UPPER HUNTER SHIRE COUNCIL

SHEET INDEX

BASIX AREAS

TOTAL FLOOR AREAS

COMPLIANCE AREAS

LANDSCAPED AREA (FRONT)

LANDSCAPED AREA (REAR)

GROSS FLOOR AREA

SITE COVERAGE AREA

CONDITIONED

ALFRESCO

GARAGE

LIVING

PATIO

UNCONDITIONED

COVER SHEET SITE PLAN WATER MANAGEMENT PLAN GROUND FLOOR PLAN WINDOW & DOOR SCHEDULES **ELEVATIONS / SECTION ELEVATIONS** KITCHEN DETAILS BATHROOM DETAILS ENSUITE DETAILS LAUNDRY DETAILS FLOOR COVERINGS HOUSE EXTERIOR 3D VIEWS

SUSTAINABILITY COMMITMENTS

WATER COMMITMENTS

3 STAR (> 7.5 BUT <= 9L/MIN) SHOWER HEADS 4 STAR TOILET SUITES 4 STAR KITCHEN TAPS 5 STAR BATHROOM TAPS

246.82 m² TOTAL ROOF AREA

3051 L WATER TANK(S) MINIMUM CAPACITY 246.82 m² MINIMUM ROOF AREA TO TANK(S)

RAINWATER TANK(S) TO BE CONNECTED TO:

- AT LEAST ONE OUTDOOR TAP
- ALL TOILETS
- WASHING MACHINE

NO RETICULATED RECYCLED WATER SUPPLY

150 m² GARDEN/LAWN AREA

ENERGY COMMITMENTS

HOT WATER SYSTEM

- GAS CONTINUOUS FLOW - 6 STAR

HEATING SYSTEM

- 3-PHASE REVERSE CYCLE AIR CONDITIONING EER 3.5 - 4.0

COOLING SYSTEM

- 3-PHASE REVERSE CYCLE AIR CONDITIONING EER 3.0 - 3.5

VENTILATION (EXHAUST FANS)

- AT LEAST ONE BATHROOM: DUCTED TO OUTSIDE AIR, MANUAL SWITCH ON/OFF
- KITCHEN RANGEHOOD: DUCTED TO OUTSIDE AIR, MANUAL SWITCH ON/OFF
- NO MECHANICAL VENTILATION TO LAUNDRY

PRIMARY FLUORESCENT/LED LIGHTING INCLUDING

- N/A

NATURAL LIGHTING TO

136.75

15.58

20.67 20.97

166.34 4.58

212.56 m²

173.10

42.20

122.33

210.62

- 2 BATHROOMS/TOILETS

ALTERNATIVE ENERGY

- PHOTOVOLTAIC SYSTEM - MINIMUM 6.64KW PEAK

- GAS COOKTOP, ELECTRIC OVEN
- FIXED OUTDOOR CLOTHESLINE BY OWNER

BASIX CERTIFICATE:

- 1246069S (14TH-APR-2022)

GENERAL INFORMATION

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH NCC AND APPLICABLE AUSTRALIAN STANDARDS AT TIME OF APPROVAL

THESE PLANS FEATURE WORKS REQUIRED BY THE OWNER THAT MAY BE EXCLUDED FROM THE SCOPE OF THE CONTRACT WITH THE BUILDER, BUT HAVE BEEN INCLUDED IN THESE DRAWINGS TO ASSIST IN THE OVERALL PLANNING AND ASSESSMENT. SOME REGULARLY EXCLUDED WORKS INCLUDE DRIVEWAYS, RETAINING WALLS AND SITE DRAINAGE. PLEASE REFER TO YOUR CONTRACT TENDER AND COLOUR SELECTIONS DOCUMENTATION FOR DETAILS.

BUILDING INFORMATION

GROUND FLOOR PITCHING HEIGHT(S): 2745mm FRAMES AND TRUSSES: STEEL ROOF PITCH (U.N.O.): 30.0° ELECTRICITY SUPPLY: 3-PHASE GAS SUPPLY: **BOTTLED LPG** SHEET METAL ROOF MATERIAL:

ROOF COLOUR: MEDIUM ROOF INSULATION: R4.1 BATTS MIN. 60mm FOIL FACED BLANKET

WIND DRIVEN ROOF VENTILATORS:

WALL MATERIAL: CLADDING WALL COLOUR: DARK WALL INSULATION: R2.0 BATTS

WALL WRAP TO CLADDING

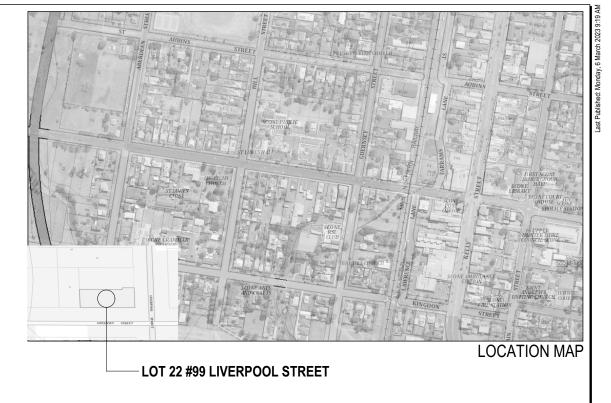
FLOOR INSULATION: N/A

SITE & ENGINEERING INFORMATION

DESIGN WIND CLASSIFICATION: N2 SITE CLASSIFICATION: P-H1 SLAB CLASSIFICATION: H1

SLAB TO BE IN ACCORDANCE WITH AS 2870. REFER TO ENGINEER'S DRAWINGS FOR ALL SLAB DETAILS.





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SPECIFICATION GENONE COPYRIGH^{*} © 2023

DRAWN BASIX TO PLANS JDI 2022.04.19 SOO 2022.06.01 AMENDED SITE PLAN 4 COUNCIL RFI - 3D STREETSCAPE SOO 2023.02.02 5 PRELIM CONSTRUCTION PLANS THT 2023.02.03 SOO 2023.03.06 TREE TO REMAIN NOT REMOVED

ANNETTE PATRICIA THERESE ENGLISH & DANIEL GEORGE MORGAN 99 LIVERPOOL STREET, SCONE NSW 2337 LOT / SECTION / DP COUNCIL: UPPER HUNTER SHIRE COUNCIL 22 / - / 558794

HOUSE DESIGN HOUSE CODE EATON H-EATCLAS17310 FACADE DESIGN FACADE CODE CLASSIC F-EATCLAS01 SHEET TITLE: SHEET No.: SCALES: COVER SHEET 1 / 13

DO NOT SCALE DRAWINGS, USE GURED DIMENSIONS ONLY. CHEC AND VERIFY DIMENSIONS AND LEVELS PRIOR TO THE OMMENCEMENT OF ANY WORK. DISCREPANCIES TO BE REPORTED TO THE DRAFTING OFFICE 208925

XXAXAY0LI1 14 Apr 2022

PRELIMINARY

CONSTRUCTION **DRAWING** DATE:

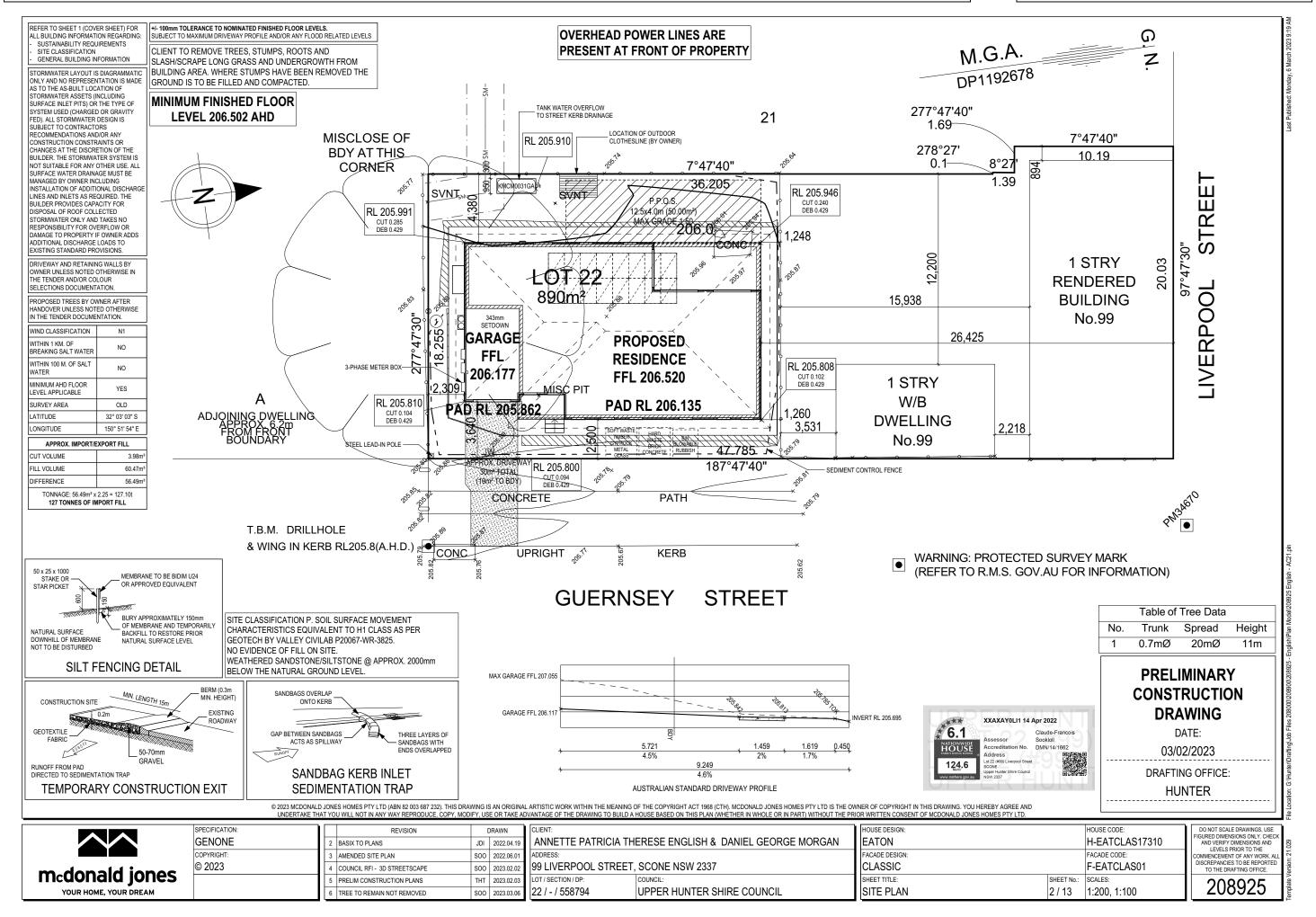
03/02/2023

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Upper Hunter Shire Council - Environmental & Community Services Committee Agenda - 10 October 2023





SURFACE INLET PITS) OR THE TYPE OF SYSTEM USED (CHARGED OR GRAVITY FED). ALL STORMWATER DESIGN IS SUBJECT TO CONTRACTORS
RECOMMENDATIONS AND/OR ANY CONSTRUCTION CONSTRAINTS OR CHANGES AT THE DISCRETION OF THE BUILDER. THE STORMWATER SYSTEM IS NOT SUITABLE FOR ANY OTHER USE. ALL SURFACE WATER DRAINAGE MUST BE MANAGED BY OWNER INCLUDING INSTALLATION OF ADDITIONAL DISCHARGE LINES AND INLETS AS REQUIRED. THE BUILDER PROVIDES CAPACITY FOR DISPOSAL OF ROOF COLLECTED STORMWATER ONLY AND TAKES NO RESPONSIBILITY FOR OVERFLOW OR DAMAGE TO PROPERTY IF OWNER ADDS ADDITIONAL DISCHARGE LOADS TO EXISTING STANDARD PROVISIONS.

NOTE TO PLUMBER: ROOF WATER FROM COLLECTION AREAS TO BE DIVERTED TO WATER TANK. BALANCE TO STREET KERB. COLLECTION AREA = 246.82m²

ALL STORMWATER OVERFLOW OTHER THAN THAT BEING DIRECTED TO WATER TANK(S) TO BE DIRECTED TO STREET KERB.

PLUMBING LEGEND

WATER PUMP IN ACC. WITH LOCAL

RECYCLED COLD TANK COLD

WATER TANK

OVERFLOW WM

WC YARD TAP

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DRAWN 2 BASIX TO PLANS JDI 2022.04.19 SOO 2022.06.01 AMENDED SITE PLAN 4 COUNCIL RFI - 3D STREETSCAPE SOO 2023.02.02 5 PRELIM CONSTRUCTION PLANS THT 2023.02.03 6 TREE TO REMAIN NOT REMOVED SOO 2023.03.06

KMCM0031GA (3051L) ABOVE

CLIEN ANNETTE PATRICIA THERESE ENGLISH & DANIEL GEORGE MORGAN 99 LIVERPOOL STREET, SCONE NSW 2337 LOT / SECTION / DP: COUNCIL: UPPER HUNTER SHIRE COUNCIL 22 / - / 558794

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XXAXAY0LI1 14 Apr 2022

PRELIMINARY

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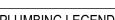
03/02/2023

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tion No. DMN/14/1662

208925



WATER AUTHORITY REQUIREMENTS

TANK CAPACITY TO BE MAINTAINED AT MINIMUM 10% CAPACITY

ALL RECY. WATER TO BE IN APPROVED COLOUR CODED PIPEWORK (PURPLE)

ALL DRAINAGE LINES ARE FOR ROOF WATER/WATER TANK DRAINAGE ONLY

WATER LINE

WATER LINE TO

CHARGEDLINE

STORMWATER

WASHING MACHINE WATER CLOSET

mcdonald jones

YOUR HOME, YOUR DREAM

MAINS WATER YAR

Upper Hunter Shire Council - Environmental & Community Services Committee Agenda - 10 October 2023

REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING:
- SUSTAINABILITY REQUIREMENTS PROVIDE AND INSTALL 3 PHASE REVERSE CYCLE AIR CONDITIONING SYSTEM, NUMBER AND POSITIONING OF OUTLETS AND THE FINAL LOCATION OF THE RETURN AIR SITE CLASSIFICATION GRILLE WILL BE DETERMINED ON SITE BY THE AIR GENERAL BUILDING INFORMATION CONDITIONING CONTRACTOR AND IS SUBJECT TO TRUSS LAYOUT AND ANY OTHER CONSTRUCTION CONSTRAINTS CDP CHARGED DOWNPIPE DIRECTED TO TANK FRAME MANUFACTURER TO PROVIDE CLEARANCE FOR PASSAGE OF FAN COIL UNIT FROM RETURN AIR OPENING T SDP STANDARD DOWNPIPE DIRECTED TO STORMWATER DISCHARGE FINAL FAN COIL LOCATION. ALL MECHANICAL VENTILATION TO BE DISCHARGED TO OUTDOOR AIR AS PER ANY PART OF THE FASCIA, GUTTERING OR DOWNPIPE THAT IS WITHIN 450mm OF ANY BOUNDARY IS TO BE NON-NCC REQUIREMENTS COMBUSTIBLE IN ACCORDANCE WITH THE NCC. FIRE RESISTANT PLASTERBOARD TO BE INSTALLED BEHIND COOKTOP ALL EXTERIOR SLARS TO BE GRADED BY CONCRETER TO ACHIEVE APPROX. 1:100 FALL TO OUTSIDE EDGE WITH MAXIMUM CROSSFALL OF 30mm OVER ENTIRE SLAB. ALL EXTERIOR STEPS AND LANDINGS BY OWNER UNLESS NOTED OTHERWISE ALL GROUND FLOOR BULKHEAD AND SQUARE SET OPENING FRAMES TO BE 2455 ABOVE FFL UNLESS NOTED OTHERWISE ALL GROUND FLOOR INTERNAL DOORS TO BE 2340 HIGH UNLESS NOTED OTHERWISE (EXCLUDES CAVITY SLIDING DOORS) REFER TO WINDOW & DOOR SCHEDULES FOR FULL DETAILS OF ALL WINDOWS AND DOORS UNLESS NOTED OTHERWISE ALL ROOMS ARE REFERENCED AS FOLLOWS: PROVIDE SQUARESET WALL/CEILING JUNCTIONS TO ENSUITE. * 6.1 FLOOR PLAN LEGEND HS / WS HOB SPOUT / WALL SPOUT 124.6 FACE BRICK / COMMON BRICK HEBEL SOUND INSULATION **PRELIMINARY** BRICK ARTICULATION JOINT AJ 3D DENOTES DRAWER SIDE **CONSTRUCTION** \mathbf{M} EXHAUST FAN L.B.W LOAD BEARING WALL \oplus THIS DOOR OPENS FIRST I],, SMOKE ALARM # LIFT OFF HINGE DRAFTING OFFICE: WATER POINT WP FRIDGE WATER POINT ALL DIMENSIONS ARE FRAME DIMENSIONS GAS GAS BAYONET © 2023 MCDONALD JONES HOMES PTY LTD (ABN 82 003 687 232). THIS DRAWING IS AN ORIGINAL ARTISTIC WORK WITHIN THE MEANING OF THE COPYRIGHT ACT 1968 (CTH). MCDONALD JONES HOMES PTY LTD IS THE OWNER OF COPYRIGHT IN THIS DRAWING. YOU HEREBY AGREE AND UNDERTAKE THAT YOU WILL NOT IN ANY WAY REPRODUCE, COPY, MODIFY, USE OR TAKE ADVANTAGE OF THE DRAWING TO BUILD A HOUSE BASED ON THIS PLAN (WHETHER IN WHOLE OR IN PART) WITHOUT THE PRIOR WRITTEN CONSENT OF MCDONALD JONES HOMES PTY LTD. SPECIFICATION DRAWN **GENONE** ANNETTE PATRICIA THERESE ENGLISH & DANIEL GEORGE MORGAN BASIX TO PLANS JDI 2022.04.19 COPYRIGHT AMENDED SITE PLAN SOO 2022.06.01

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SHEET TITLE:	SHEET No.:	SCALES:					
GROUND FLOOR PLAN	4 / 13	1:100					

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XXAXAY0LI1 14 Apr 2022

DRAWING

DATE:

03/02/2023

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YOUR HOME, YOUR DREAM

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4 COUNCIL RFI - 3D STREETSCAPE

5 PRELIM CONSTRUCTION PLANS

6 TREE TO REMAIN NOT REMOVED

SOO 2023.02.02

THT 2023.02.03

SOO 2023.03.06

LOT / SECTION / DP:

22 / - / 558794

WINDOW SCHEDULE

0, 1 ASSUME LOOKING FROM OUTSIDE	

fD CODE	ROOM	HEIGHT	WIDTH F	PERIMETER	AREA FRAME (m²) TYPE	BAL RATIN	IG SILL TYPE	ORIENT.	GLAZING AREA (m²)	ADDITIONAL INFORMATION¹	
Wall DD1416		1,370	1,570	5,880	2.15 ALUMINIUM	N/A	NONE	E	1.75 CLEAR	MP 785	
Supp DD1418		1,370	1,810	6,360	2.48 ALUMINIUM	N/A	NONE	Е	2.05 CLEAR	MP 905	
D1006		1,030	610	3,280	0.63 ALUMINIUM	N/A	NONE	N	0.48 CLEAR		
F1812		400	850	2,500	0.34 ALUMINIUM	N/A	ANGLED	W	0.26 CLEAR		
F1812		1,800	1,210	6,020	2.18 ALUMINIUM	N/A	NONE	E	1.97 CLEAR		
F1824		1,800	2,410	8,420	4.34 ALUMINIUM	N/A	NONE	E	4.04 CLEAR		
DD1416		1,370	1,570	5,880	2.15 ALUMINIUM	N/A	NONE	N	1.75 CLEAR	MP 785	
DD1416		1,370	1,570	5,880	2.15 ALUMINIUM	N/A	NONE	N	1.75 CLEAR	MP 785	
ow DD1416		1,370	1,570	5,880	2.15 ALUMINIUM	N/A	NONE	N	1.75 CLEAR	MP 785	
DD1416 Wall Stipp DD1416		1,370	1,570	5,880	2.15 ALUMINIUM	N/A	NONE	N	1.75 CLEAR	MP 785	
walr ort DD1416		1,370	1,570	5,880	2.15 ALUMINIUM	N/A	NONE	N	1.75 CLEAR	MP 785	
₩01 D1409	STUDY NOOK	1,370	850	4,440	1.16 ALUMINIUM	N/A	NONE	E	0.96 CLEAR		
W02 D1409	BED 2	1,370	850	4,440	1.16 ALUMINIUM	N/A	NONE	E	0.96 CLEAR		
W03 D1409	BED 2	1,370	850	4,440	1.16 ALUMINIUM	N/A	NONE	Е	0.96 CLEAR		
W04 D1409	BATH	1,370	850	4,440	1.16 ALUMINIUM	N/A	NONE	Е	0.96 CLEAR		
W05 D1409	LDRY	1,370	850	4,440	1.16 ALUMINIUM	N/A	NONE	E	0.96 CLEAR		
W06 D1409	BED 3	1,370	850	4,440	1.16 ALUMINIUM	N/A	NONE	Е	0.96 CLEAR		
W07 D1409	BED 3	1,370	850	4,440	1.16 ALUMINIUM	N/A	NONE	Е	0.96 CLEAR		
W08 A1006	PDR	1,030	610	3,280	0.63 ALUMINIUM	N/A	NONE	N	0.44 CLEAR		
W09 SFS1224	HOME THEATRE	1,200	2,410	7,220	2.89 ALUMINIUM	N/A	NONE	N	2.54 CLEAR		
W10 SFS1224	HOME THEATRE	1,200	2,410	7,220	2.89 ALUMINIUM	N/A	NONE	W	2.54 CLEAR		
W11 A/F1809	FAMILY / LIVING	1,800	850	5,300	1.53 ALUMINIUM	N/A	NONE	W	1.19 CLEAR	BP 600	
W12 A/F1809	FAMILY / LIVING	1,800	850	5,300	1.53 ALUMINIUM	N/A	NONE	W	1.19 CLEAR	BP 600	
W13 FS400x1210	ENS	400	1,210	3,220	0.48 ALUMINIUM	N/A	NONE	W	0.36 CLEAR		
W14 DD1818	MASTER SUITE	1,800	1,810	7,220	3.26 ALUMINIUM	N/A	NONE	W	2.76 CLEAR	MP 905	
					44.20				37.04		

EXTERIOR DOOR SCHEDULE

** ASSUME LOOKING FROM OUTSIDE										
	ID CODE°	CODE° ROOM HEIGHT WIDTH AREA FRAME BAL (m²) TYPE RATING SILL TYPE		ORIENT.	GLAZING TYPE	DOOR TYPE ADDITIONAL INFORMATION¹				
	820		2,106	887	1.87 TIMBER	N/A	SNAP HEADER	NE	DOOR(S): N/A - SIDELIGHT(S): N/A	SWINGING LEAF SIZE: 2040 x 820mm
	920		2,106	1,650	3.47 TIMBER	N/A	SNAP HEADER	N	DOOR(S): N/A - SIDELIGHT(S): CLEAR	SWINGING LEAF SIZE: 2040 x 920mm
	D01 920	ENTRY	2,406	987	2.37 TIMBER	N/A	SNAP HEADER	Е	DOOR(S): CLEAR - SIDELIGHT(S): N/A	SWINGING LEAF SIZE: 2340 x 920mmXVP12
	D02 FS2424	DINING	2,400	2,410	5.78 ALUMINIUM	N/A	SNAP HEADER	W	CLEAR, TOUGHENED	SLIDING
	D03 SF2424	FAMILY / LIVING	2,400	2,410	5.78 ALUMINIUM	N/A	SNAP HEADER	N	CLEAR, TOUGHENED	SLIDING

19.27 m²

INTERIOR DOOR SCHEDULE

QTY	CODE	TYPE	HEIGHT	WIDTH	GLAZING	ADDITIONAL INFORMATION
1	1000 SS	SQUARE SET OPENING	2,455	1,000	N/A	
2	2 x 620	SWINGING	2,340	1,240	N/A	
1	2 x 720	SWINGING	2,340	1,440	N/A	
1	2 x 720 CSD	CAVITY SLIDING	2,340	1,440	N/A	
1	2 x 770	SWINGING	2,340	1,540	N/A	
1	2135 SS	SQUARE SET OPENING	2,455	2,135	N/A	
1	720	SWINGING	2,340	720	N/A	LIFT-OFF HINGES
1	720 CSD	CAVITY SLIDING	2,340	720	N/A	
2	770	SWINGING	2,340	770	N/A	
1	770 CSD	CAVITY SLIDING	2,340	770	N/A	
4	820	SWINGING	2,340	820	N/A	
1	820 CSD	CAVITY SLIDING	2,340	820	N/A	
1	900 SS	SQUARE SET OPENING	2,455	900	N/A	

PICTURE/TV RECESS & SQUARE SET WINDOW SCHEDULE

QTY TYPE HEIGHT WIDTH AREA (m²)

> ***** * 6.1 XXAXAY0LI1 14 Apr 2022

REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING: - SUSTAINABILITY REQUIREMENTS - SITE CLASSIFICATION - GENERAL BUILDING INFORMATION

PRELIMINARY CONSTRUCTION DRAWING

DATE:

03/02/2023

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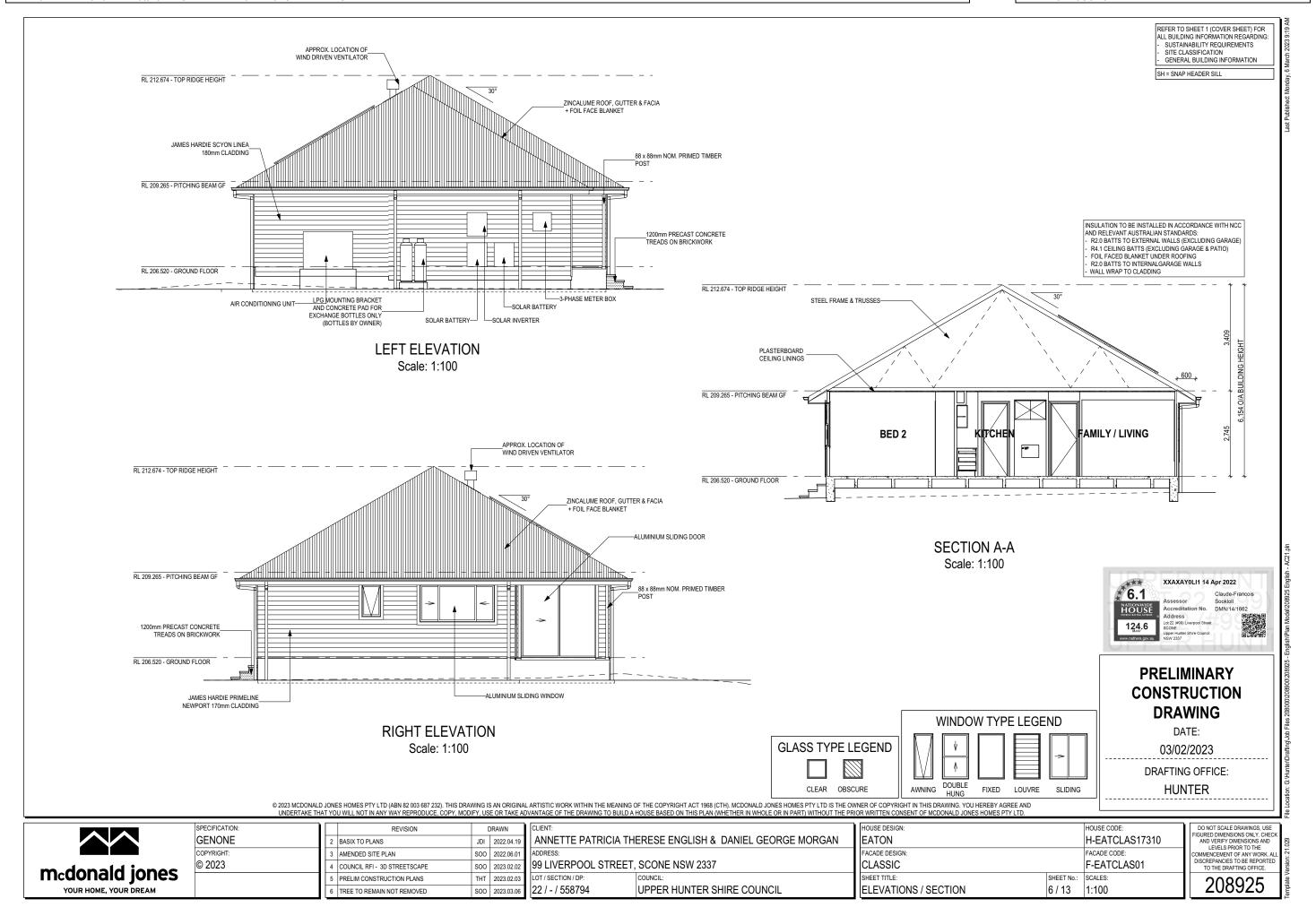
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3	AMENDED SITE PLAN	S00	2022.06.0		
4	COUNCIL RFI - 3D STREETSCAPE	S00	2023.02.0		
5	PRELIM CONSTRUCTION PLANS	THT	2023.02.0		
6	TREE TO REMAIN NOT REMOVED	S00	2023.03.0		

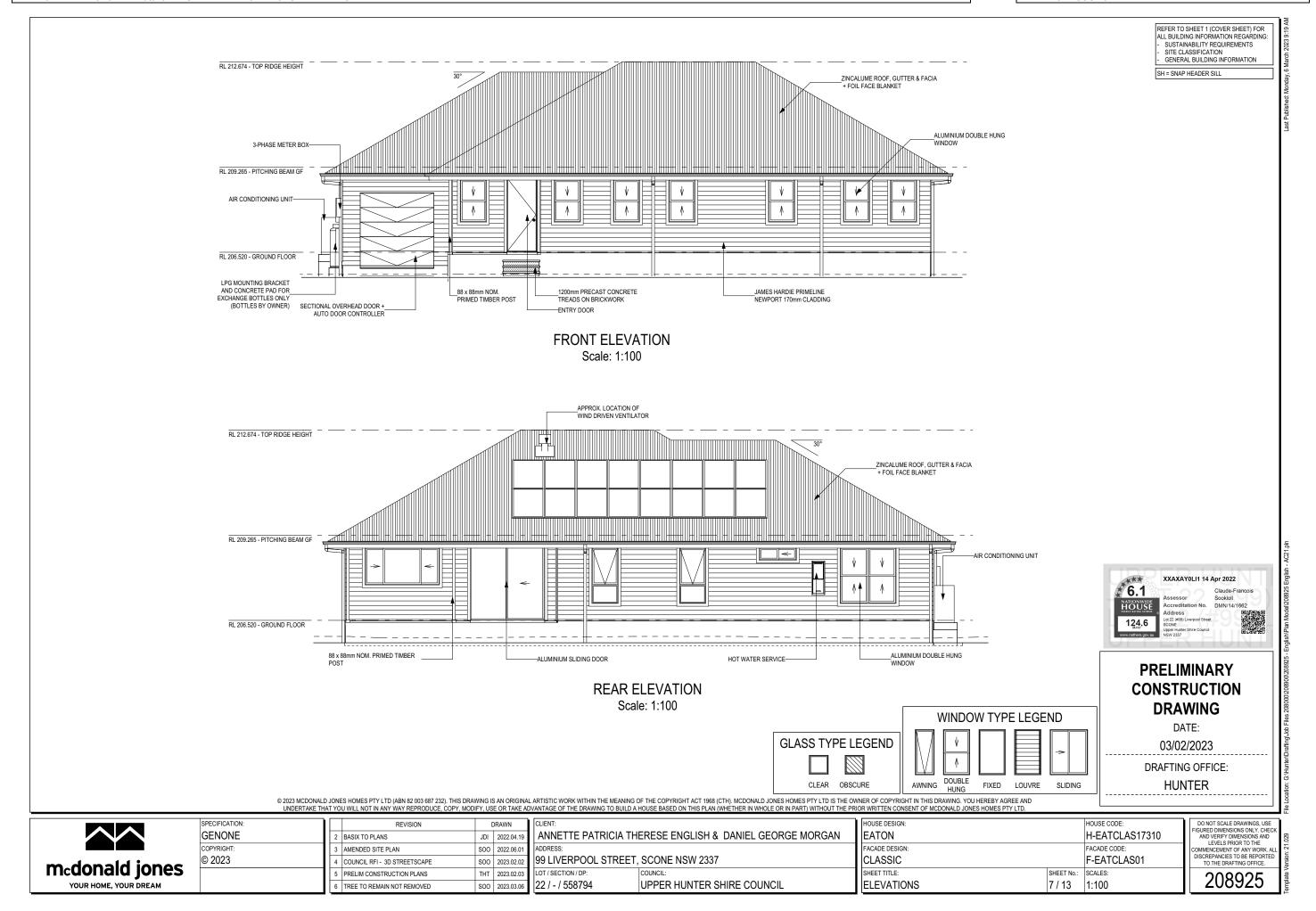
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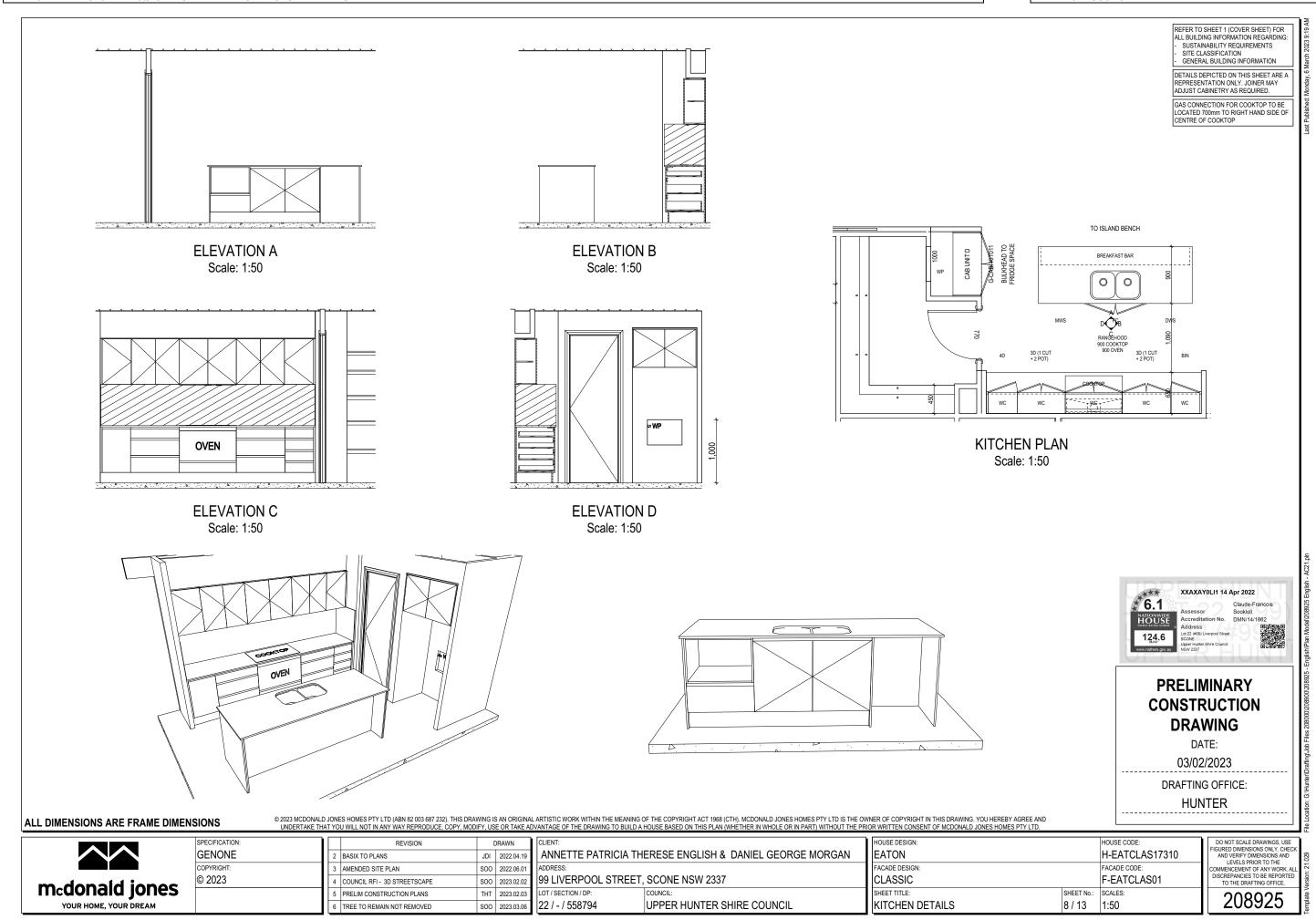
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ı	WINDOW & DOOR SCHEDULES		5 / 13						

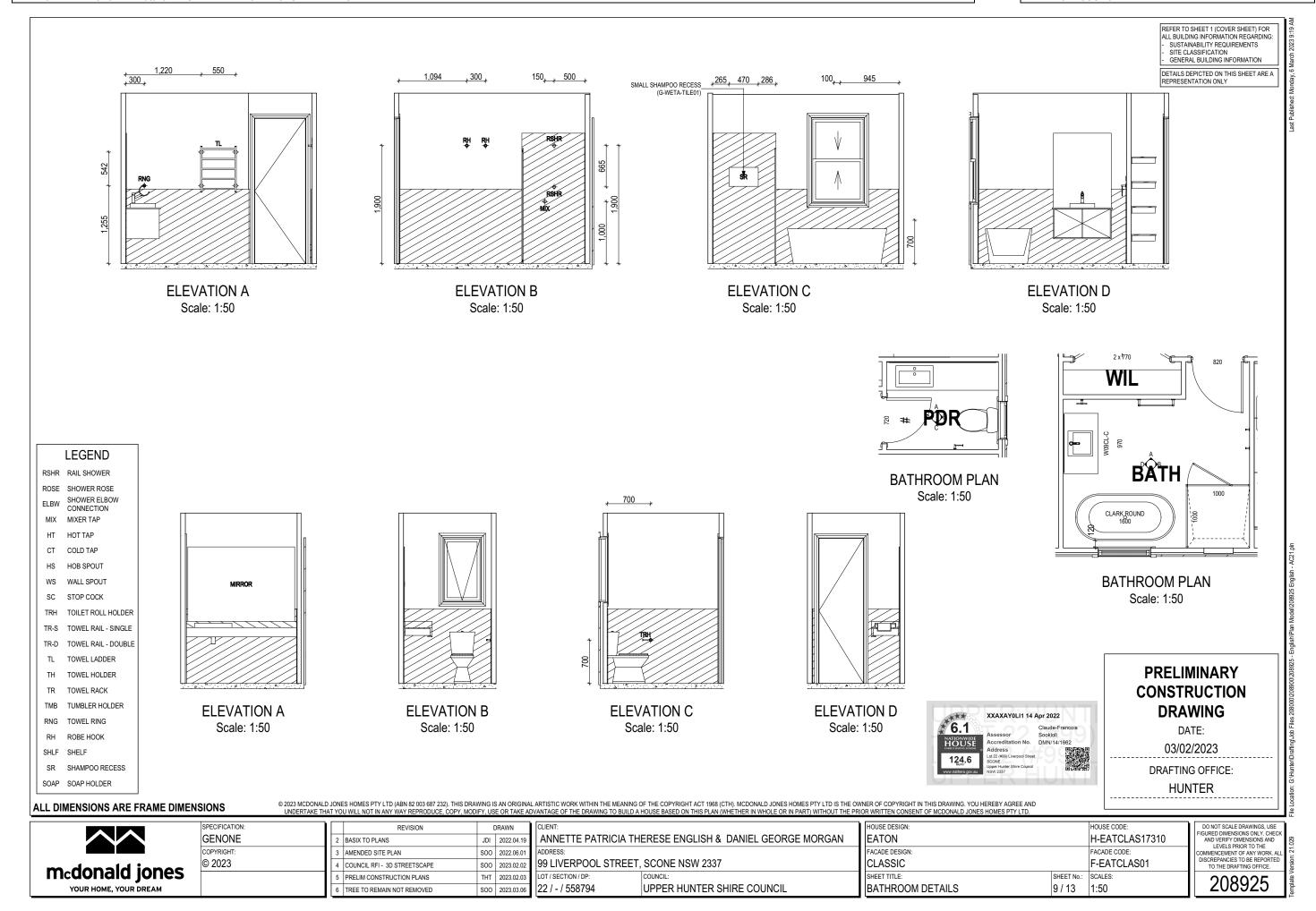
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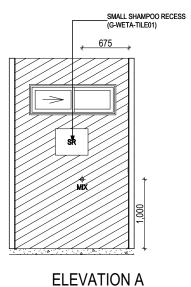
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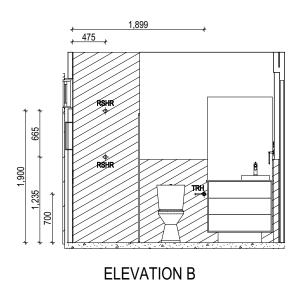




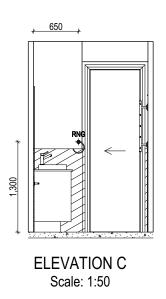


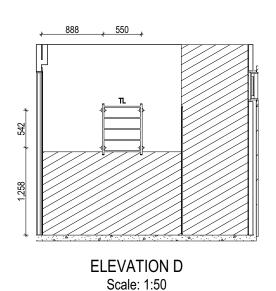


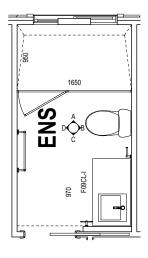
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ENSUITE PLAN Scale: 1:50

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ELBW SHOWER ELBOW CONNECTION MIX MIXER TAP HT HOT TAP CT COLD TAP HOB SPOUT HS WALL SPOUT SC STOP COCK TOILET ROLL HOLDER TR-S TOWEL RAIL - SINGLE TR-D TOWEL RAIL - DOUBLE TOWEL LADDER TOWEL HOLDER TR TOWEL RACK TMB TUMBLER HOLDER RNG TOWEL RING SHLF SHELF

SR SHAMPOO RECESS SOAP SOAP HOLDER

LEGEND

RSHR RAIL SHOWER ROSE SHOWER ROSE

REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING
- SUSTAINABILITY REQUIREMENTS SITE CLASSIFICATION GENERAL BUILDING INFORMATION DETAILS DEPICTED ON THIS SHEET ARE A REPRESENTATION ONLY

PRELIMINARY CONSTRUCTION DRAWING XXAXAY0LI1 14 Apr 2022 Claude-Francois Sookloll 1 No. DMN/14/1662 DATE:

03/02/2023

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YOUR HOME, YOUR DREAM

ALL DIMENSIONS ARE FRAME DIMENSIONS

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ANNETTE PATRICIA THERESE ENGLISH & DANIEL GEORGE MORGAN 99 LIVERPOOL STREET, SCONE NSW 2337 LOT / SECTION / DP: 22 / - / 558794 UPPER HUNTER SHIRE COUNCIL

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- SITE CLASSIFICATION GENERAL BUILDING INFORMATION

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LEGEND

RSHR RAIL SHOWER ROSE SHOWER ROSE ELBW SHOWER ELBOW CONNECTION MIX MIXER TAP

HOT TAP CT COLD TAP

HOB SPOUT WALL SPOUT SC STOP COCK

TOILET ROLL HOLDER TR-S TOWEL RAIL - SINGLE TR-D TOWEL RAIL - DOUBLE TOWEL LADDER TOWEL HOLDER

TOWEL RACK TMB TUMBLER HOLDER

SR SHAMPOO RECESS SOAP SOAP HOLDER

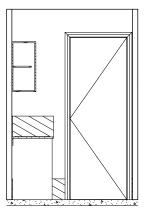
RNG TOWEL RING

SHLF SHELF

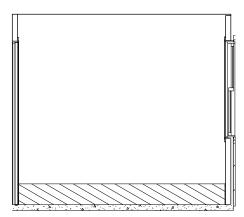
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HS

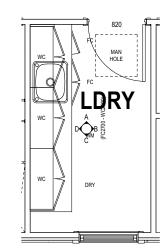
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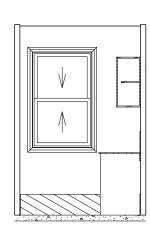
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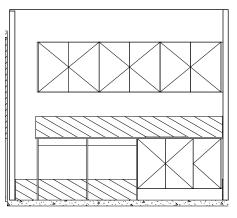
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LAUNDRY PLAN Scale: 1:50



ELEVATION C Scale: 1:50



ELEVATION D Scale: 1:50



PRELIMINARY CONSTRUCTION DRAWING

DATE:

03/02/2023

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	SPECIFICATION:		REVISION	[DRAWN				
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	© 2023	4	COUNCIL RFI - 3D STREETSCAPE	S00	2023.02.02				
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FACADE DESIGN:		FACADE CODE:						
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SHEET TITLE:	SHEET N	o.: SCALES:						
LAUNDRY DETAILS	11 / 1	3 1:50						

DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS ONLY. CHECK AND VERIFY DIMENSIONS AND LEVELS PRIOR TO THE COMMENCEMENT OF ANY WORK. AL DISCREPANCIES TO BE REPORTED TO THE DRAFTING OFFICE. 208925

REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING:
- SUSTAINABILITY REQUIREMENTS SITE CLASSIFICATION GENERAL BUILDING INFORMATION

FLOOR TILES SHOWN ON PLAN DO NOT INDICATE THE SIZE OR JOINT LOCATIONS OF THE ACTUAL FLOOR TILES. TIMBER FLOORING SHOWN ON PLAN DOES NOT INDICATE THE BOARD SIZE OR DIRECTION OF THE ACTUAL FLOORING.

COVERINGS LEGEND



COVER GRADE CONCRETE



TIMBER/LAMINATE (BY OWNER)



TILE (UPGRADED AREAS)



**** * 6.1 XXAXAY0LI1 14 Apr 2022

PRELIMINARY CONSTRUCTION DRAWING

DATE:

03/02/2023

DRAFTING OFFICE:

HUNTER

mcdonald jones YOUR HOME, YOUR DREAM

SPECIFICATION: **GENONE** COPYRIGHT: © 2023

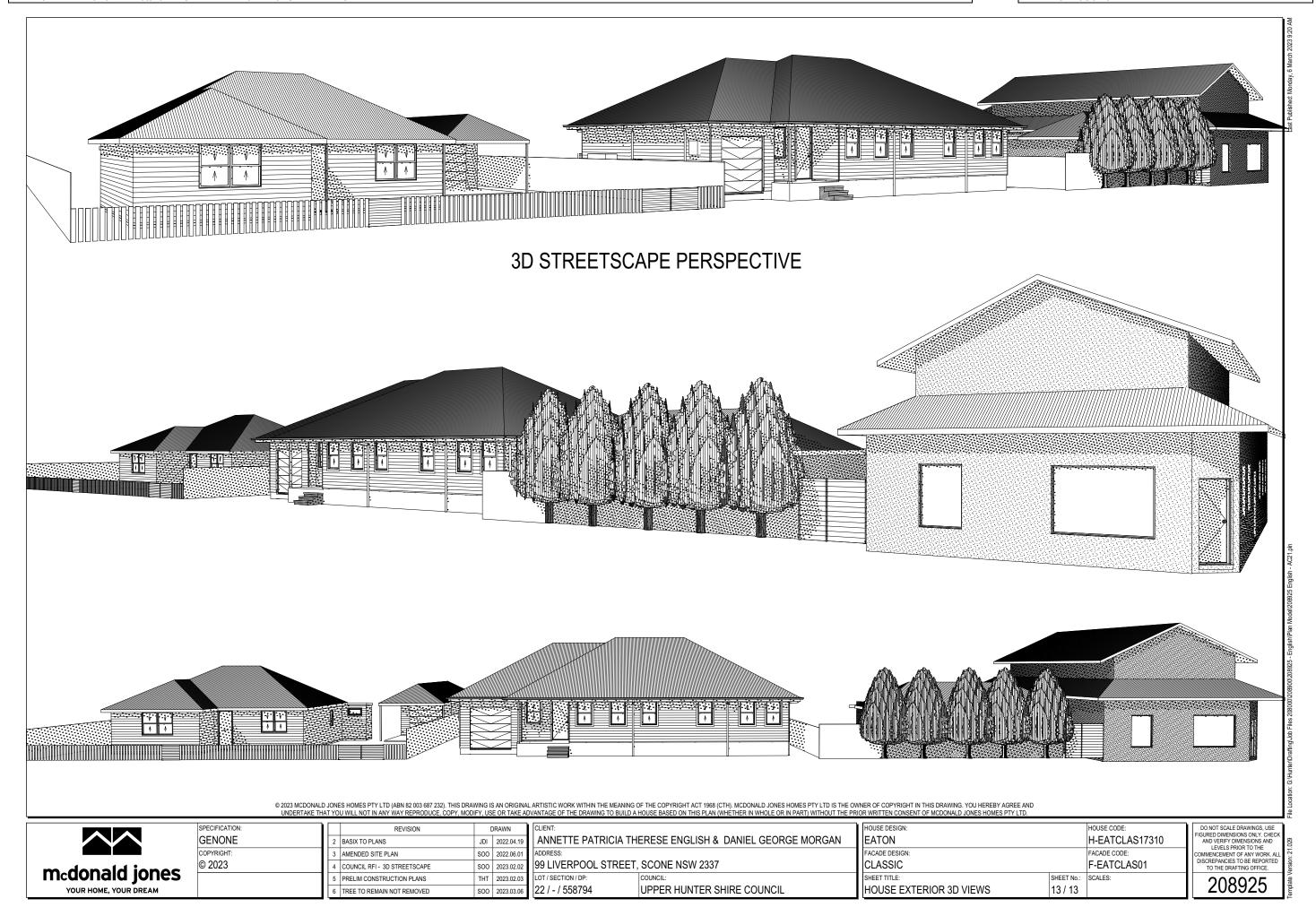
DRAWN 2 BASIX TO PLANS JDI 2022.04.19 AMENDED SITE PLAN SOO 2022.06.01 4 COUNCIL RFI - 3D STREETSCAPE SOO 2023.02.02 5 PRELIM CONSTRUCTION PLANS THT 2023.02.03 6 TREE TO REMAIN NOT REMOVED SOO 2023.03.06

© 2023 MCDONALD JONES HOMES PTY LTD (ABN 82 003 687 232). THIS DRAWING IS AN ORIGINAL ARTISTIC WORK WITHIN THE MEANING OF THE COPYRIGHT ACT 1968 (CTH). MCDONALD JONES HOMES PTY LTD IS THE OWNER OF COPYRIGHT IN THIS DRAWING. YOU HEREBY AGREE AND UNDERTAKE THAT YOU WILL NOT IN ANY WAY REPRODUCE, COPY, MODIFY, USE OR TAKE ADVANTAGE OF THE DRAWING TO BUILD A HOUSE BASED ON THIS PLAN (WHETHER IN WHOLE OR IN PART) WITHOUT THE PRIOR WRITTEN CONSENT OF MCDONALD JONES HOMES PTY LTD. ANNETTE PATRICIA THERESE ENGLISH & DANIEL GEORGE MORGAN 99 LIVERPOOL STREET, SCONE NSW 2337 LOT / SECTION / DP: COUNCIL: UPPER HUNTER SHIRE COUNCIL 22 / - / 558794

HOUSE CODE: HOUSE DESIGN: EATON H-EATCLAS17310 FACADE DESIGN FACADE CODE CLASSIC F-EATCLAS01 SHEET TITLE: SHEET No.: SCALES: FLOOR COVERINGS 12 / 13 1:100

DO NOT SCALE DRAWINGS, USE FIGURED DIMENSIONS ONLY. CHECK AND VERIFY DIMENSIONS AND LEVELS PRIOR TO THE COMMENCEMENT OF ANY WORK. AL DISCREPANCIES TO BE REPORTED TO THE DRAFTING OFFICE.

208925

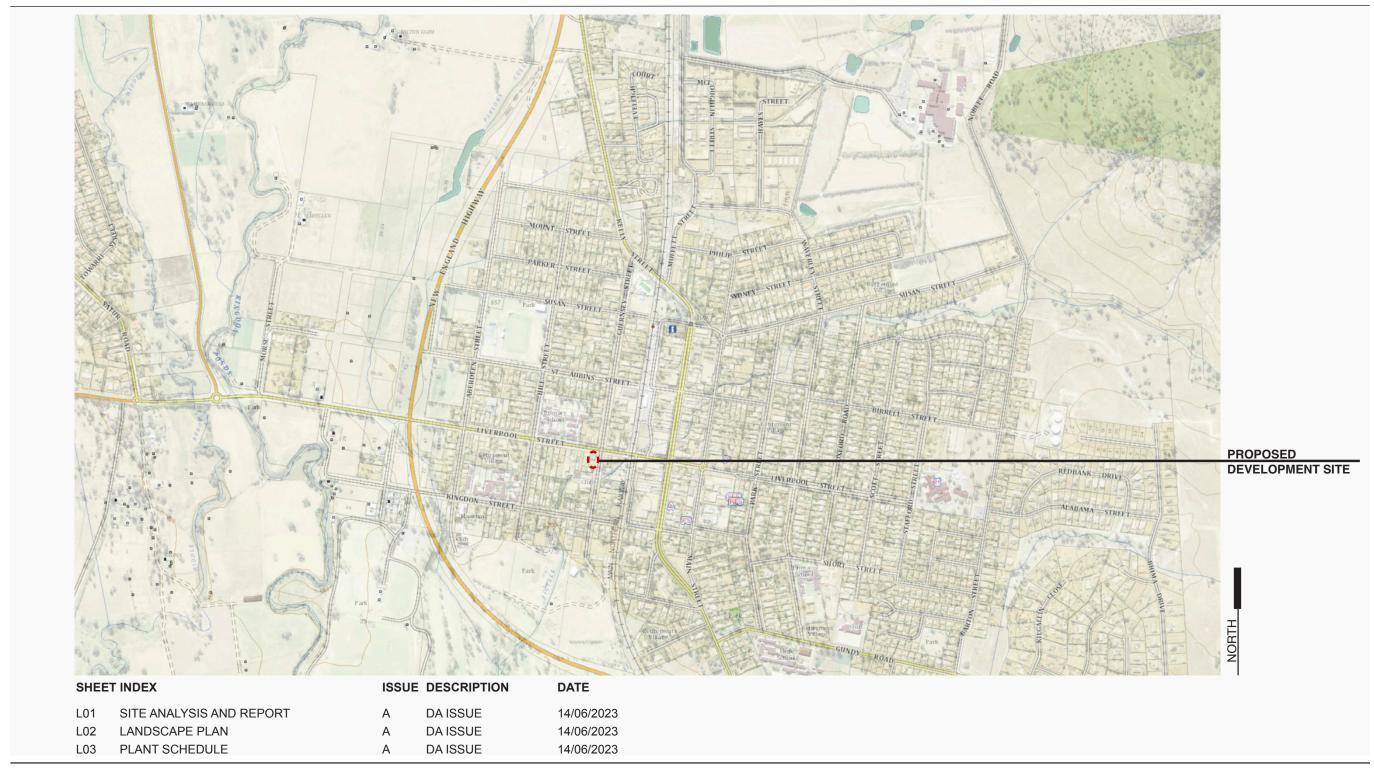




99 Liverpool Street, SCONE

Lot 23/ DP 839174

Landscape Documentation



99 LIVERPOOL STREET, SCONE

Geawegal Land

LOT 22 / DP 558794

ZONE: R1 - GENERAL RESIDENTIAL

SITE AREA: 891m2

PROPOSAL

The project proposes to build a single residential dwelling to the rear of an existing building, along with associated infrastructure and landscaping. The landscape documentation attached is in support of the Development Application.

THE SITE

The project site ('the site') comprises a single corner lot which forms an irregular rectangular block. Guernsey Street bounds the site to the east, which also provides access to the site. The existing single storey building, which is used for commercial purposes, bounds the site to the north. Residential housing adjoins the site to the south and west. Topographically the site could be considered generally flat. The predominant character of the area is defined by the residential housing that surrounds the majority of the site.

Vegetation

A mature Jacaranda tree, is positioned centrally on the rear southern boundary. It is proposed to retain this tree. The remainder of the site primarily consists of an open lawn area. There are three existing street trees along Guernsey Street, with the opportunity to plant additional street trees adjacent to the site. Existing Cypress hedging along the eastern boundary is proposed to be removed and replaced with new planting that will continue along the length of the boundary. The site's local climatic conditions (including soil type below), will need to be considered when selecting new plant species. Planting within the site on the boundaries, where possible, will assist with visual screening and privacy.

Soil

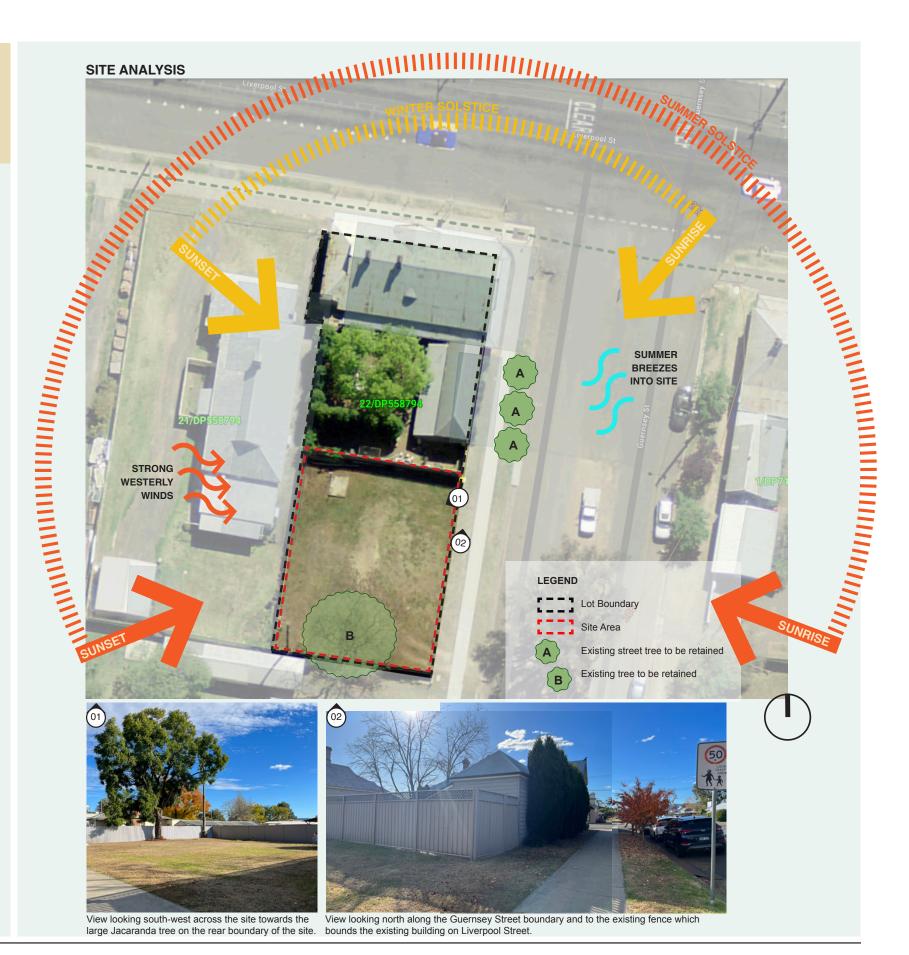
Site soil falls into the 'Hunter Soil Landscape' with the dominant A horizon (topsoil) constituting a brownish black clay loam with moderate structure, which is moderately alkaline (Matthei, L.E. *Soil Landscapes of Newcastle*, Department of Land and Water Conservation Sydney, 1995). Amelioration prior to any landscape works would be beneficial. Topsoils have a higher pH may benefit from adding compost, manures, mulch or iron chelates. Organic matter incorporation may help to improve structural stability and moisture holding capacity. Soil testing in the first instance will be able to determine whether the soil quantity or quality is not adequate and if there is a requirement to import soil.

PROPOSED LANDSCAPE APPROACH

The existing site characteristics have been considered to form a proposal which aims to create an attractive, functional and aesthetically pleasing landscape.

The following general principles include:

- · Retention of the existing mature Jacaranda tree.
- Provide additional street trees to Guernsey Street to enhance the streetscape.
- Landscaping has been incorporated into the development where possible, particularly along
 the boundaries, to assist in visually softening the new building and address privacy for open
 space areas.
- Suggested plant species chosen are considerate of the local climatic conditions, in terms of wind and sun exposure, and also ongoing maintenance requirements.
- Incorporate a diverse planting palette that utilises several species for each application, to
 ensure seasonal variation and allow for a consistent level of amenity in the instance one
 species under-performs.

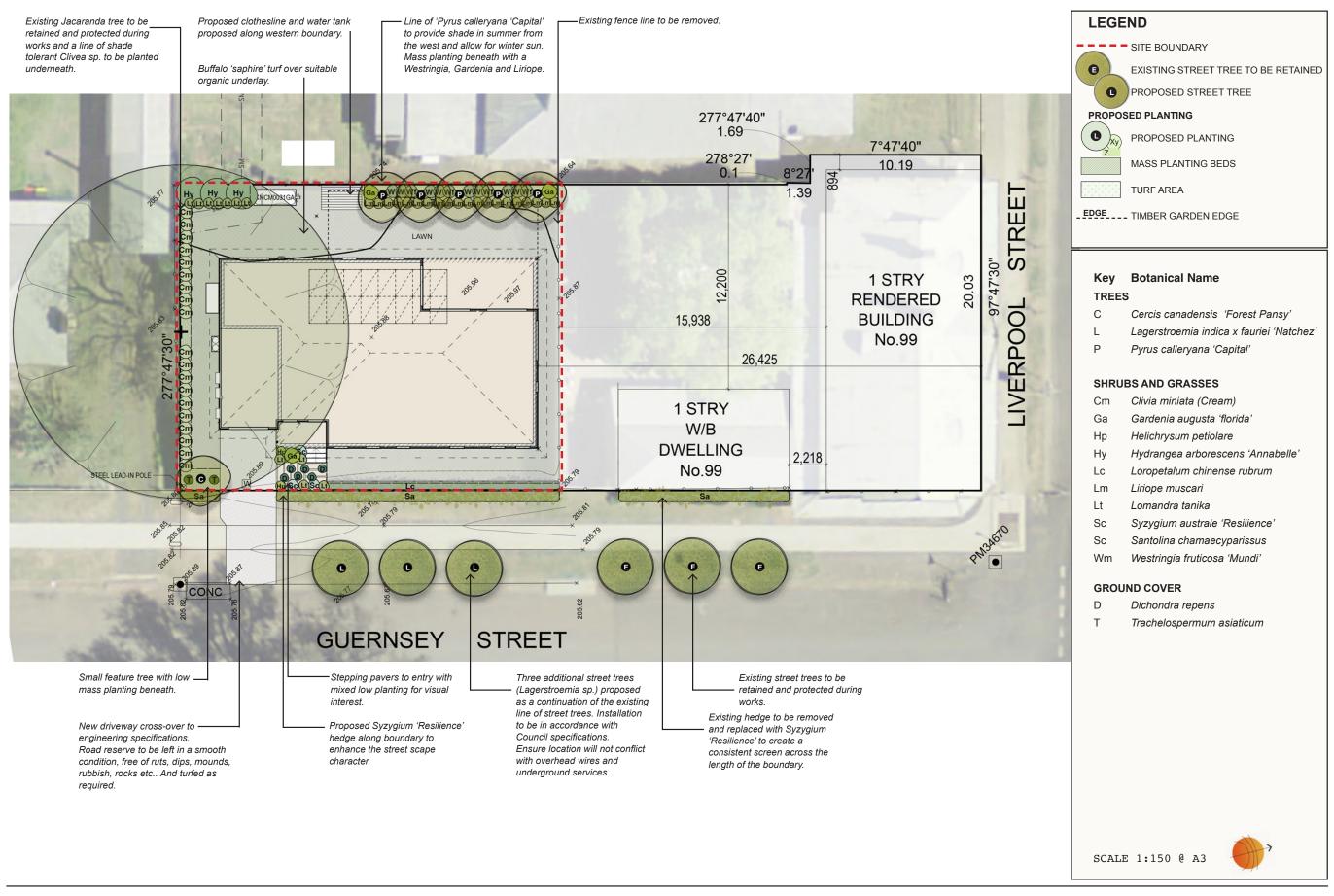


L01 Site Analysis

99 LIVERPOOL STREET, SCONE, NSW DATE: JUNE 2023 PROJECT NO. GSP220409 - DA ISSUF:

A - PRELIMINARY

GREEN SPACE PLANNING Co.
3/19 BOLTON STREET NEWCASTLE NSW 2300
PH 0423 684 382



L02 Landscape Plan

99 LIVERPOOL STREET, SCONE, NSW DATE: JUNE 2023 PROJECT NO. GSP220409 - DA ISSUE: A - PRELIMINARY



PLANTING SCHEDULE	PLANT IMAGES
-------------------	--------------

Key	Botanical Name	Common Name	Pot Size	Mature Height	Mature Width	Quantit
TREES	S					
С	Cercis canadensis 'Forest Pansy'	Cercis	45L	5m	3m	1
L	Lagerstroemia indica x fauriei 'Natchez'	Crepe Myrtle	45L	6m	3m	3
Р	Pyrus calleryana 'Capital'	Ornamental Pear	45L	7m	3m	5
SHRU	BS AND GRASSES					
Cm	Clivia miniata (Cream)	Clivia	140mm	0.5m	0.5m	19
Ga	Gardenia augusta 'florida'	Gardenia	140mm	1.0m	1.0m	3
Нр	Helichrysum petiolare	Licorice Plant	140mm	0.2m	1m	2
Ну	Hydrangea arborescens 'Annabelle'	Hydrangea	140mm	1.2m	1.5m	3
Lc	Loropetalum chinense rubrum	'China Pink'	140mm	1.5m	1.2m	15
Lm	Liriope muscari	Lily Turf	140mm	0.6m	0.6m	20
Lt	Lomandra tanika	Tanika	140mm	0.4m	0.4m	11
Sc	Syzygium australe 'Resilience'	Lilly Pilly	200mm	4.0m	1.2m	23
Sc	Santolina chamaecyparissus	Lavender Cotton Bush	140mm	0.6m	0.5m	3
Wf	Westringia fruticosa 'Mundi'	Mundi	140mm	0.5m	1.0m	12
GROU	IND COVER					
D	Dichondra repens	Kidney Weed	140mm	0.2m	0.5m	12
Т	Trachelospermum asiaticum	Star Jasmine	140mm	0.3m	1.0m	4



L03 Plant Schedule

99 LIVERPOOL STREET, SCONE, NSW DATE: JUNE 2023 PROJECT NO. GSP220409 - DA ISSUE: A - PRELIMINARY



Report To Environmental & Community Services Committee 10 October 2023



Environmental & Community Services

ECSC.10.2 DEVELOPMENT APPLICATION (MODIFICATION) DA

154/2022-2

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Community Services

AUTHOR: Matt Clarkson - Manager Planning, Building & Regulatory

Services

PURPOSE

On 21 August 2023, Council received an application to modify the development consent in respect of Development Application No. 154/2022 for demolition and construction of a new emergency services facility at Lot 1 Section 3 DP 758672, 70 Bettington Street Merriwa 2329.

The application is being referred to the Environmental & Community Services Committee as it is seeking to delete Condition No. 4 in relation to the payment of Section 7.12 developer contributions.

RECOMMENDATION

That Council modify the development consent in respect of Development Application No. 154/2022 for demolition and construction of a new emergency services facility at Lot 1 Section 3 DP 758672, 70 Bettington Street Merriwa 2329 subject to the conditions of consent in Attachment 1.

BACKGROUND

Development Application No. 154/2022 was approved under delegated authority on 15 November 2022. It involved demolition and substantial additions to an existing emergency services facility to create office accommodation and a workshop. It also proposed to construct a shed for the storage of equipment and to formalise car parking

REPORT/PROPOSAL

Applicant: Avid Project Management Pty Ltd
Owner: Upper Hunter Shire Council

Proposal: Demolition and construction of a new emergency services facility Location: Lot 1 Section 3 DP 758672, 70 Bettington Street Merriwa 2329

Zone: E1 Local Centre

The applicant proposes the following modification to development consent 154/2022;

- Delete condition 4 of consent (payment of developer contributions of \$13,253.06)
- Divide the development into two (2) stages
- Storage shed increased in size from 12mx 9m x4.2m high to 14m x 9m x 4m high but floor level lowered by 720mm
- Shed extension floor level lowered by 240mm but overall height of building unaltered.
- Minor changes to external cladding
- Minor changes to internal layout and construction materials
- Not provide disabled access to shed extension.

The applicant has provided justification for the developer contribution exemption stating they are already contributing significant public benefit to the community by providing an upgraded facility for the provision of rescue services within the LGA (see Attachment 3). It could also be reasonably argued that the upgrade does not create a heightened impact on public infrastructure, therefore the contributions are unwarranted.

With regard to not wishing to provide disabled access to the shed extension, this will be a

Report To Environmental & Community Services Committee 10 October 2023



Environmental & Community Services

matter for the Principal Certifier to be considered at the time of the Construction Certificate.

OPTIONS

- That Council modify the development consent in respect of Development Application No. 154/2022 for demolition and construction of a new emergency services facility at Lot 1 Section 3 DP 758672, 70 Bettington Street Merriwa 2329 subject to the conditions of consent in Attachment 1.
- 2. That Council refuse to modify the development consent in respect of Development Application No. 154/2022 for demolition and construction of a new emergency services facility at Lot 1 Section 3 DP 758672, 70 Bettington Street Merriwa 2329, stating the reasons for refusal.

CONSULTATION

No neighbor notification was undertaken as the proposal is largely unchanged from the original application as notified.

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.

2.5 Provide efficient and effective advisory, assessment and regulatory services focused on being customer 'friendly', responsive and environmentally responsible.

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

Approval of the application as recommended would result in Council forgoing \$13,253.06 in contributions.

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 3).

Report To Environmental & Community Services Committee 10 October 2023



Environmental & Community Services

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

Nil

f. Other Implications

Nil

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. It is appropriate to approve the application subject to the recommended conditions of consent.

ATTACHMENTS

- 1 DA 154/2022-2 Draft Conditions
- 2 DA 154/2022-2 Assessment Report
- 3 DA 154/2022-2 Applicant justification letter and staging plans

MODIFIED CONSENT DA 154-2022-2

Identification of approved plans

 The development must be carried out in accordance with the development application, the drawings referenced below and Statement of Environmental Effects dated 22 August 2022 except where amended by the conditions of consent.

JOB REFERENCE NO	SHEET NO	REVISION No	DRAWN BY	DATE
090-22	01,07,08,& 09	Α	P.B. Eveleigh Plan Service	17/08/2022
22-093	C00 & C06	С	RHM Consulting Engineers	14/09/2022
22-093	C01, C02, C03, C04, C05, C06, C07, C08 C09,,C10, C11 & C12	В	RHM Consulting Engineers	15/8/2022
090-22	00	В	P.B. Eveleigh Plan Service	9/05/2023
090-22	02	С	P.B. Eveleigh Plan Service	8/05/2023
090-22	03, 04	D	P.B. Eveleigh Plan Service	8/08/2023
090-22	05	В	P.B. Eveleigh Plan Service	8/05/2023
090-22	06	С	P.B. Eveleigh Plan Service	8/08/2023
090-22	08	D	P.B. Eveleigh Plan Service	14/09/2023
Staged Storm Water Plan	C11	В	RHM Consulting Engineers	Notations not dated

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

 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:

 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:

 Deleted. Pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of \$13,253.06 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 where applicable.

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

 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.)

 Prior to the issue of any construction certificate for the development, approval pursuant to Section 68 of the Local Government Act 1993 shall be obtained from Council for all sewer, stormwater and water supply works.

Note: All applications are to be made online via the NSW Planning Portal.

(Reason: To ensure compliance with the provision of the Local Government Act 1993

and subordinate regulations)

Conditions that must be addressed prior to commencement:

7. 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)

- 8. 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)

- 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 to 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)

10. 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:

- 11. Any person acting on this consent must ensure that:-
 - (a) materials must not be burnt on the site.
 - (b) vehicles entering and leaving the site with soil or fill material must be covered.
 - (c) dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To protect the environment and the amenity of the surrounding area)

12. The applicant shall bear the cost of all works associated with the development that occurs on

Council's property.

(Reason: To ensure the proper management of public land and funds)

- 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. Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from Council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

(Reason: To ensure public safety and amenity on public land)

- 15. Any person acting on this consent must ensure that:-
 - (a) all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
 - (b) all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
 - (c) demolition work must be undertaken in accordance with the provisions of AS2601-Demolition of Structures.
 - (d) the builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

 Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council or the relevant public authority.

(Reason: To ensure costs associated with the development are not transferred to the public)

 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:

18. The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Department of Fair Trading Sewer Service Diagram is to be submitted to Council within seven (7) days following the final drainage inspection and prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the Australian Standard & Local Authority requirements.)

19. All required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall fully constructed, sealed, line marked, sign posted, numbered in accordance with the consent and AS2890 prior to the issue of any Occupation Certificate for stage two.

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

 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.)

21. Prior to the issue of any Occupation Certificate a sealed driveway shall be constructed from the kerb and gutter to the edge of the property boundary in accordance with the profile on the approved plans.

The crossover and layback shall be constructed in accordance with Council's standard drawing number 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. All applications are to be made online via the NSW Planning Portal.

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

21A Prior to the issue of an occupation certificate, for stage two, an easement to drain water is to be registered over adjoining properties to convey stormwater to Blaxland Street. Documentary evidence of registration is to be submitted to certifying authority to demonstrate compliance

(Reason: To ensure that there is a legal right to dispose of stormwater over adjoining land.)

Conditions that must be complied with at all times:

22. 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 the kerb and gutter (piped). If concrete footpath exists; pipework is to be under bored to the existing kerb inlet.

(Reason: To ensure the suitable disposal of stormwater generated by the development)

Note: A separate approval under Section 68 of the Local Government Act 1993 is required for water supply, sewerage and stormwater drainage work.

ATTACHMENT NO: 1 - DA 154/2022-2 DRAFT CONDITIONS	ITEM NO: ECSC.10.2

DEVELOPMENT APPLICATION

ASSESSMENT REPORT

Under Section 4.15 of the Environmental Planning and Assessment Act 1979

Date:



Proposed Development Summary

DA No: 154-2022

Proposal: S4.55 (1A) Introduce Staging, Minor Amendments to Plans & Delete

Condition 4 of DA 154/2022

Address: LOT: 1 SEC: 3 DP: 758672

70 BETTINGTON STREET MERRIWA

Applicant: Avid Project Management Pty Ltd

Date Lodged: 05/09/2023

Provide a detailed description of the proposal and how it relates to the site (e.g. new dwelling number of storeys, building height, number of bedrooms, floor areas, car parking, access, landscaping, external colours and finishes, etc.).

Description of Proposal The applicant proposes the following modification to development consent 154/2022;

- Delete condition 4 of consent
- Divide the development into 2 stages
- Storage shed increased in size from 12mx 9m x4.2m high to 14m x 9m x 4m high but floor level lowered by 720mm
- Shed extension floor level lowered by 240mm but overall height of building unaltered.
- Minor changes to external cladding
- Minor changes to internal layout and construction materials
- Not provide assessable access to shed extension. (BCA matter, to be determined by Certifying Authority at CC stage)

Relevant History (comment if necessary)

Provide brief history relevant to site, previous land uses, previous development applications and background to current application.

The site is on the edge of local centre area but shares boundaries with dwellings and an aged care facility. The site has been the site of the Merriwa Rescue Squad for a number of years.

DA 154/2022 was approved under delegated authority on the 15th November 2022, it involved a demolition of an existing building and substantial additions to an existing building to create office accommodation and workshop. It is also proposed to construct a shed for the storage of equipment and to formalise car parking.

DA Development Control Unit & 4 15 Evaluation

Page 1 of 9

Internal Referrals	Comment:
☐ Health & Building	None required
■ Water & Waste	
☐ Technical Services	
☐ Heritage Adviser	
External Referrals	Comment:
□ RFS	None required
□ RMS	
Mine Subsidence Board	
☐ Office of Water	
□ Other	
Other Matters	Environmental Planning and Assessment Act 1979
eg, government policies, planning studies, research reports, management plans.	 (1A) Modifications involving minimal environmental impact 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 proposed modification is of minimal environmental impact, and Comment: The proposed modification is of minimal environmental impact. (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and Comment: The proposed modification is substantially the same development which consent was originally granted for.
	(c) it has notified the application in accordance with—
	(i) the regulations, if the regulations so require, or
	(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
	Comment: The proposed modification was not notified.

Page 2 of 9

The relevant matters for consideration und		Upper Hunter Local Environmental Plan 2013		
Section 4.15 of the Environmental	Land Use Table	Comment		
Planning and	Zoning classification			
Assessment Act 1979 are assessed under the				
following headings:	Zoning objectives	The proposal meets zone objectives		
	Zoning permissibility	Proposal type: Additions and alterations to emergency services facility. Storage shed ancillary to existing use		
		Permissible in above zoning: ✓ Yes □ No		
Part 4 Principal Devel	opment Standards: Clause	4.1 to 4.6		
Considered:				
✓ Yes				
□ No				
□ N/A				
Part 5 Miscellaneous	Provisions: Clause 5.1 to 5.	13		
Considered:				
√Yes				
□ No				
□ N/A				
Part 6 Additional Loca	al provision: Clause 6.1 to 6	.11		
Considered:				
✓ Yes				
□ No				
□ N/A				
State Environmental I	Planning Policies			

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ITEM NO: ECSC.10.2

■None Applicable
■ SEPP (Biodiversity and Conservation) 2021
□SEPP (Building Sustainability Index: BASIX) 2004
■SEPP (Exempt and Complying Development Codes) 2008
■SEPP (Housing) 2021
□SEPP (Industry and Employment) 2021
□SEPP (Planning Systems) 2021
□SEPP (Primary Production) 2021
✓SEPP (Resilience and Hazards) 2021
□SEPP (Resources and Energy) 2021
✓SEPP (Transport and Infrastructure) 2021
□SEPP No 65—Design Quality of Residential Apartment Development
OFFICE AND A STATE OF THE STATE
SEPP (Transport and Infrastructure) 2021 lists emergency service facilities as permissible use in E1 zone
Draft Environmental Planning Instruments
None applicable
Regulations
Complies with relevant regulations
Contributions Plans
□ None Applicable
✓ S94a Levy Contributions Plan
☐ Scone Contributions Plan
☐ Merriwa Contributions Plan
☐ Murrurundi Contributions Plan
The applicant has request that Council delete the condition that requires a contribution on the grounds that the development is providing a community facility that will benefit Merriwa and surrounding district.
It is considered that this is a reasonable argument and for that reason it is recommended that condition 4 of the original consent be deleted
UPPER HUNTER DEVELOPMENT CONTROL PLAN 2023
Part 3 Subdivision Satisfactory: □Yes □ No ✓N/A
Satisfactory. 4165 4140 VIV/A

DA Development Control Unit & 4.15 Evaluation

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Part 4 Urban Residential	Satisfactory: □Yes □ No ✓N/A
	O/ DAI- DAI/A
Part 5 Commercial and Mixed Use Development	Satisfactory: ✓Yes □ No □N/A
Part 6 Industrial Development	Satisfactory: □Yes □ No ✓N/A
	,
Part 7 Rural Development	Satisfactory: □Yes □ No ✓N/A
Part 8 Other Development	Satisfactory: ✓Yes □ No □N/A
Part 9 Heritage Conservation	Satisfactory: ✓Yes □ No □N/A
Part 10 Natural Hazards	Satisfactory: □Yes □ No ✓N/A
Part of Facility and the Part of the	CVan DNa DNIA
Part 11 Environmental Protection	Satisfactory: ✓Yes □ No □N/A
Part 12 Specific Infrastructure Issues	Satisfactory: ✓Yes □ No □N/A
Part 13 Specific Localities	Satisfactory: □Yes □ No ✓N/A
Part 14 Vegetation Permits	Satisfactory: □Yes □ No ✓N/A

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ENVIRONMENTAL IMPACTS				
Context and Setting	Satisfactory:	√Yes	□ No	□N/A
Built Form	Satisfactory:	✓Yes	□ No	□N/A
Potential Impact on Adjacent Properties	Satisfactory:	✓Yes	□ No	□N/A
Access, Transport and Traffic	Satisfactory:	✓Yes	□ No	□N/A
Public Domain	Satisfactory:	√Yes	□ No	□N/A
Utilities	Satisfactory:	√Yes	□ No	□N/A
Heritage	Satisfactory:	√Yes	□ No	□N/A
Other Land Resources	Satisfactory:	✓Yes	□ No	□N/A
Stormwater	Satisfactory:	√Yes	□ No	□N/A
The modification will divide stormwater disposal into 2 stages. Stage one will involve all roof war overflow connected to the street gutter and a temporary line to drain water from front carpark ar two will involve the completion of the formal car parking and at this stage surface drainage pits of drained via an easement to a nearby street.	ea to a pit at th	ne rear of	the site.	Stage
Concern was raised by a neighbour on the original application in relation to issues they were ha this site. It was found the main problem was lack of proper disposal of roof water as existing gut				
It is considered that the modification will still adequately address these concerns as roof water surface water will be directed to the rear of the site, away from the neighbours home, in stage of		t gutter a	nd the bu	ılk of

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Soils	Satisfactory: ✓YeS	□ No	□N/A
Flora and Fauna	Satisfactory: ✓YeS	□ No	□N/A
Waste	Satisfactory: ✓YeS	□ No	□N/A
Energy	Satisfactory: ✓YeS	□ No	□N/A
Noise and Vibration	Satisfactory: ✓YeS	□ No	□N/A
Natural Hazards	Satisfactory: QYeS	□ No	√ N/A
Safety, Security and Crime Prevention	Satisfactory: ✓YeS	□ No	□N/A
Social Impact on Locality	Satisfactory: ✓YeS	□ No	□N/A
Economic Impact on Locality	Satisfactory: ✓YeS	□ No	□N/A
Site Design and Internal Design	Satisfactory: ✓YeS	□ No	□N/A
Construction	Satisfactory: ✓YeS	□ No	□N/A

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A cond Code	A condition has been applied to ensure plans submitted at construction certificate stage will show compliance with National Construction Code						
Site	Site Suitability (Site is conductive to development & fits/suits locality) satisfactory: ✓Yes □ No □N/A						
			0/ - - N				
Is the	e development in the	Public Interest?	✓Yes □ No				
Envi	ronmental Appraisa		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 a	nd 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 S4.15 c and Assessment Ac	YES					
	DETERMINATION						
✓		the development is consistent with the speci ent controls. As such, consent to the develop	fic aims of the plan and the objectives of the ment may be granted .				
٥	☐ The development is inconsistent with the specific aims of the plan and/or the objectives of the come and/or the objectives of the controls as outlined in this report and as such, consent must not be granted .						
и	Concluding Comments Assessment of the application did not reveal any issues that would warrant refusal. Accordingly it is recommended that consent be granted						
W	ritical in deciding hether to grant						
consent? Which issues need to							
	e addressed by onditions?						

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Recommendation	☐ Grant consent without conditions
If the applicant is a	✓ Grant consent with conditions (see attached condition sheet)
public authority, conditions may only	☐ Grant deferred commencement consent
be imposed with	☐ Grant staged consent
consent of the Minister or applicant.	☐ Refuse consent for the reasons indicated in attached schedule
	☐ Issue combined consent and construction certificate.
Reasons for recommendation The reasons for the decision (having regard to any statutory requirements applying	 ✓ 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 ✓ Will not have an adverse impact on the surrounding locality Additional reasons;
to the decision), and how community views were taken into account in making the decision.	Additional reasons,



19 September 2023

Mr John Rix Upper Hunter Shire Council

By upload to the NSW Planning Portal

RE: S4.55 (1A) Introduce Staging, Minor Amendments to Plans & Delete Condition 4 of DA 154/2022

Dear John,

We refer to your Request for Information dated 13 September 2023 and respond as follows:

1. Please provide revised plans showing sealed accessible parking space and path of travel to reception/office area as part of stage one of the development.

A revised plan showing the sealed accessible parking space (utilising the existing concrete slab) is attached.

2. Please provide a more detailed letter outlining your reasons as to why Council should delete condition 4 of the consent.

A copy of the letter to Mat Pringle, Director Planning and Infrastructure Services at Upper Hunter Shire Council dated 29 March 2023 is attached. This letter formed the basis of an application to review the determination of DA 154/2022 under Section 8.2 of the EP&A Act, specifically in relation to Condition 4. This application had to be withdrawn due to the 6-month time limit being reached for review of the determination, at which point Council advised that Condition 4 could be reviewed under a Section 4.55 modification application.

A copy of the email correspondence prior to the submission of the application under Section 8.2 of the EP&A Act is also attached for your reference.

Should you have any queries in relation to the above or attached, please contact the undersigned.

Yours Faithfully

AVID PROJECT MANAGEMENT PTY LTD

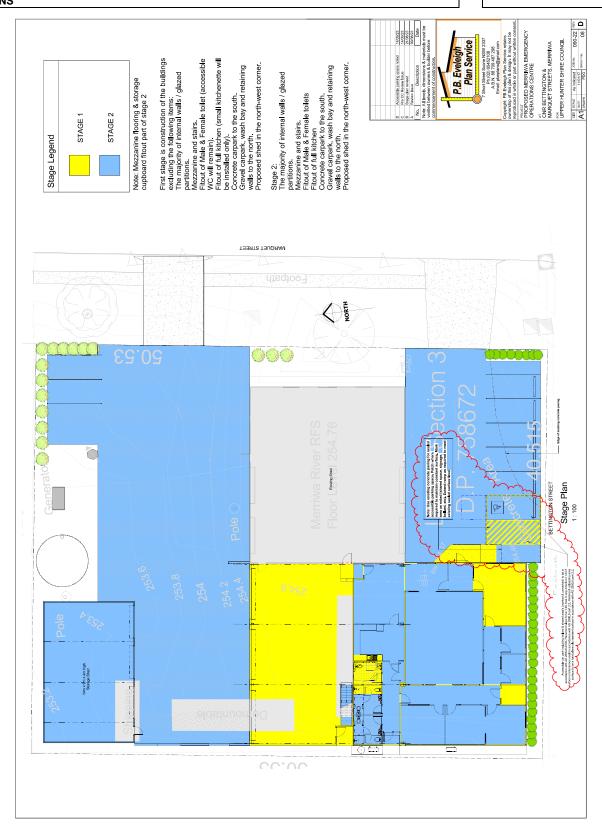
PROJECT MANAGEMENT SERVICES

David Read **Director**

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AVID PROJECT MANAGEMENT PTY LTD ABN 79 603 986 858





29 March 2023

Mr Mat Pringle Director Planning and Infrastructure Services Upper Hunter Shire Council 135 Liverpool Street SCONE, NSW 2337

By upload to the NSW Planning Portal

RE: DA 154-2022: 70 BETTINGTON STREET, MERRIWA – REQUEST TO DELETE CONDITION 4

Dear Mat,

Further to our recent email correspondence, we confirm that Avid Project Management Pty Ltd has been engaged by Merriwa and District Rescue Squad Inc to manage the delivery of the emergency services centre that was approved in the subject Development Application.

We have been asked by our client to request the deletion of Condition 4 of the subject Development Application, as all costs associated with the development (design fees, authority fees and construction costs) are already contributing to a significant public benefit to the community by providing an upgraded facility for the provision of rescue services within the Local Government Area.

We appreciate Council's consideration of this request, and look forward to hearing from you shortly.

In the meantime, should you require any further information, please don't hesitate to contact the undersigned.

Yours Faithfully,

AVID PROJECT MANAGEMENT PTY LTD

David Read <u>Director</u>

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