



Dungog Shire Council
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RECORD OF MEETING HELD AT COUNCIL ON 5 SEPTEMBER 2024

Applicant: Williams River Steel Investments Pty Ltd

Owner: Williams River Steel Investments Pty Ltd

Subject Land: LOT: 1 SEC: 3 DP: 758250, LOT: 3 SEC: 3 DP: 758250 LOT: 20 SEC: 3 DP: 758250 29 - 35 Grey Street CLARENCE TOWN 2321

TPA No: 000370000000

Proposal: Proposed Bar, Dining and Function Centre

Attendees: Tony McLeod
Kris Webb
Craig Maher (DSC Consultant Development Engineer)
Nick Greenhalgh (DSC Senior Building Surveyor)
Jenny Webb (DSC Section Manager Development Services)

Background:

A Pre-DA meeting was requested for the construction of a bar, dining and function centre, including the retention of the existing shop.

Previous Pre-DA Meeting and DA163/2023 were lodged over Lot 1 Sec 3 DP 758250, No 29 Grey Street, Clarence Town by Perception Planning. The DA was withdrawn on 15 May 2024.

The site now incorporates three parcels of land being 29-35 Grey Street, Clarence Town.

The key issues for the applicant have been identified as flooding and carparking.

Engineering:

Traffic and Parking

Any application for development of the site will be required to be accompanied by a Traffic and Parking Assessment. This will need to address current and proposed traffic volumes, adequacy of existing infrastructure and carparking requirements for the proposed development taking into consideration the proposed uses. In particular, the frequency of use of the function centre and the types of events envisaged for the use of the site. Details of any alternative transport methods such as the use of a courtesy bus etc. should be included in the Traffic and Parking Assessment.

Carparking rates would apply in accordance with Council's DCP, noting that the proposed carparking arrangement is more likely to be supported than the previous arrangement proposed under DA163/2023. Consideration should be given to the calculation of gross

floor area and the uses within the development to ensure accurate assessment of car parking requirements, Variations to Council's DCP should be justified within the Traffic and Parking Assessment and depending on the extent of variation, may require the DA to be reported to a Council Meeting for determination.

Should a DA be approved, there would be a requirement to obtain a s138 approval from Council under the Roads Act for works within the road reserve (e.g. driveway crossings, signs, line marking etc.)

Flooding

A flood impact assessment and flood study are to consider the impacts of the development including any off-site impacts. Evacuation will also need to be considered in the DA documentation.

Any proposed development is to be consistent with clause 5.21 of the Dungog LEP 2014, the Dungog DCP Part C Chapter 8 – Managing Our Floodplains and the NSW Flood Risk Management Manual.

Stormwater

The site is within the Williams River Drinking Water Catchment and referral to Hunter Water would be required. It was agreed at the meeting that a copy of Hunter Water's advice relating to DA163/2023 would be provided (see copy attached).

Stormwater management plans to be provided with any DA to address quality and quantity of stormwater. This is to be designed to meet Hunter Water Requirements.

Planning:

The site is zoned E1 Local Centre under the Dungog Local Environmental Plan 2014. Food and drink premises as well as function centres are permissible with consent in the E1 zone. Any application submitted will need to clearly define whether the proposed bar and dining room form part of the function centre or if they are to be separately defined and independent uses of the site.

Planning Instruments

The following State Environmental Planning Policies are relevant to the proposal:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021 (if any for development within 5 m of overhead power lines)
- State Environmental Planning Policy (Sustainable Buildings) 2022 (if the development has an estimated development cost of \$5 million or more)

The following clauses of Dungog Local Environmental Plan 2014 are relevant to the site:

- 5.10 Heritage conservation
- 5.21 Flood planning
- 6.1 Acid sulfate soils
- 6.2 Earthworks
- 6.4 Stormwater management
- 6.5 Drinking water catchments
- 6.10 Williams River catchment

Dungog Development Control Plan No 1 is applicable to the site, in particular:

- C.3 Building Line Setbacks
- C.8 Managing Our Floodplains
- C.9 Employment Development
- C.15 Contaminated land
- C.16 Biodiversity
- C.17 Heritage
- C.18 Water Efficiency
- C.20 Off Street Parking
- C.22 Signage
- C.24 Site Waste Minimisation and Management

Council has previously received enquiries/concerns from the public regarding the number and type of liquor licenses within Clarence Town. It is requested that details of the type of liquor licence that is proposed is included with any DA, together with a description of how the site would operate (e.g. is the bar only available to patrons of the function centre, can liquor only be served with a meal etc).

Given that the proposal includes a new licenced premises, a social impact assessment and safer by design (CPTED) assessment should be submitted with any DA.

Building:

An access consultant's report is recommended to identify BCA compliant access from nominated parking to and within the building, including required facilities.

A BCA Compliance report is not required upfront with DA lodgement based on pre-DA plans as the building design appears to be able to achieve deemed to comply requirements of BCA.

Environmental Health:

As per previous Pre-DA advice:

Acoustic report required to address noise impacts. As well as the proposed use of the site, this should also include assessment of the use any proposed on-street parking (increased noise off-site and doors slamming etc.).

Plans and fit-out design for kitchen should be provided to enable assessment for compliance with Food Act 2003, Foods standard Code and AS4674:2004.

External lighting and potential impacts on amenity of area should be considered in any DA.

Waste Management Plan to be submitted for construction phase as well as ongoing use.

If any modifications are proposed to existing building/shop, need to consider potential for asbestos.

Need to consider Hunter Water requirements for connection to water and sewer, including grease traps.

Developer Contributions:

Section 7.12 contributions would be applicable. The cost estimate for the proposal is to be provided in accordance the Dungog Shire Council Local Infrastructure Contributions Plan 2019.

Documents to be submitted with the Development Application:

- Statement of Environmental Effects
- Plans:
 - Site Plan
 - Cut and fill Plan
 - Bulk Earthworks Plan
 - Elevations
 - Floor plan
 - Fit-out plans for kitchen
 - Hunter Water Stamped Plan
 - Landscape Plan
- Stormwater Management Plan
- Flood Impact Assessment
- Heritage Impact Assessment
- Biodiversity Assessment
- Social Impact Assessment
- Geotech Report (depending on Acid Sulphate Soils and extent of earthworks)
- Noise assessment
- Crime Prevention through Environmental Design (CPTED) Report
- Accessibility Report
- Operational Details (e.g function centre, restaurant, bar, type of liquor licensing, multiple uses at once, hours of operation)
- Waste Management Plan
- Cost Estimate

Referrals:

Council would refer the development application to Hunter Water, in terms of assessing water quality within the Williams River Drinking Water Catchment.

Heritage Impact Statement would be referred to Council's consultant Heritage Advisor for review.

Review of the Water Management (General) Regulation 2018 hydroline spatial data 1.0 identifies that the watercourse/drainage channel traversing the property is no longer mapped.

Referral may be sent to the Lower Hunter Local Area Command for comment on Crime Prevention Through Environmental Design/Safer By Design Evaluation.

Additional Matters:

Given the nature of the proposal, advertising and neighbour notification of the development application would be required.

Conclusion:

The pre-lodgement meeting is intended to assist you in preparing a development application. However, please note that Council is unable to determine whether the development would be approved on the subject property until a development application has been lodged and a detailed development assessment has been carried out in accordance with the Environmental Planning and Assessment Act 1979.

Should you have any further enquires relating to the proposed development or require clarification of any of the matters listed above, please contact Council's Planning Section on (02) 4995 7777.



Jenny Webb

Section Manager Development Services

Brent Cassidy

From: Brent Cassidy
Sent: Wednesday, 18 October 2023 11:12 AM
To: Jenny Webb
Subject: CM: Request for Further Information (RFI) - RE: CNR 60773| Proposed Restaurant and Function Centre | Williams River Catchment

Record Number: HW2023-1198.001

Dear Jenny,

Thank you for Council's referral via the NSW Planning Portal 4 October 2023 seeking Hunter Water's comments on the proposed construction of a Restaurant and Function Centre at 29 Grey St, Clarence Town (Lot 1 DP 758250). Hunter Water understands that this development will involve construction of function centre with dining and bar areas, carparking and landscaping and retention of the existing building with change of use (as per DA63/2020).

The proposed development falls within Hunter Water's Williams River Drinking Water Special Area as gazetted in the *Hunter Water Regulation 2015*. This river catchment supplies approximately half of the water to Grahamstown Dam, which in turn supplies drinking water to around 60% of the population of the Lower Hunter. The Special Area requires appropriate management to protect the drinking water source from potential pollution caused by industry or other activities.

Hunter Water's Operating Licence requires compliance with the Framework for Management of Drinking Water Quality that is part of the Australian Drinking Water Guidelines (ADWG). The Framework requires adoption of a multiple barrier approach to water quality, and states that "the most effective barrier is protection of source water to the maximum degree practical". Protection of land within the Special Area is key to ensuring that this barrier is effective. In accordance with the *Hunter Water Regulation 2015*, prevention of pollution or contamination of water in the Special Area is of paramount importance to Hunter Water.

Hunter Water expects that all development in drinking water catchments will demonstrate a Neutral or Beneficial Effect (NorBE) on water quality. A development is considered to demonstrate NorBE if the development:

- (a) has no identifiable potential impact on water quality, or
- (b) will contain any water quality impact on the development site and prevent it from reaching any watercourse, waterbody or drainage depression on the site, or
- (c) will transfer any water quality impact outside the site where it is treated and disposed of to standards approved by the consent authority.

Further details are provided in Hunter Water's "*Protecting our Drinking Water Catchments: Guidelines for developments in the drinking water catchments*", a copy of which is available on Hunter Water's web site at <https://www.hunterwater.com.au/building-and-developing/developers-and-designers/subdividing-and-developing>. The guidelines were prepared in consultation with the Department of Planning and Environment, local councils and NSW Health.

The primary ways in which commercial development of this type can adversely affect water quality in the catchment are through construction activities, which can release sediment to water bodies, and sewage and stormwater discharge during the occupation phase, which can introduce sediment, pollutants and pathogens into water bodies.

Given that the site drains directly to the Williams River, construction works pose a particular threat to water quality. Erosion and sediment control measures should be implemented at all stages of construction in accordance with Council's requirements and Landcom's documents "Managing Urban Stormwater: Soils and Construction" (the Blue Book) and "Planning for Erosion and Sediment Control on Single Residential Allotments".

If a development is connected to the reticulated sewer network, it is considered to meet NorBE for wastewater.

For stormwater discharge that is leaving a site, a development can demonstrate NorBE for typical stormwater pollutants (total nitrogen, total phosphorus, total suspended solids and gross pollutants) through the use of MUSIC modelling, comparing the post-development pollutant loads to existing pollutant loads. If MUSIC modelling is undertaken, the modelling files should be provided to Hunter Water for review, together with justification for the catchment selected and any parameters used that are outside the usual values.

Stormwater Drain

Our preliminary review has also lead to concern about impacts upon stormwater quality due to alterations (including riparian vegetation) associated with the stormwater drain discussed in the supporting documentation. Whilst we have further consideration to make regarding this aspect of the development, it should be noted that regardless of hydro line mapping status, the 'stormwater drain' is a natural watercourse and whilst alterations to such may not cause impacts to stormwater flows generated from the site (pending further review of the proposed stormwater management plan), any impact to water quality flowing through the watercourse, resultant of changes from the development, could still be considered an identifiable potential impact on water quality associated with the development.

Based on Hunter Water's *preliminary assessment* of the information provided in support of this application, further information is required to properly assess the potential impacts of the proposed development.

The required further information is:

- A stormwater management proposal supported by MUSIC modelling that includes the modelling files and information about the catchment selected and any parameters used that are outside the usual values.
 - As proprietary devices are included in the proposed treatment train please ensure appropriate information about maintenance is included. Additionally performance claims should be supported by information in alignment with WaterNSW guidance 'Using MUSIC in the Sydney Drinking Water' (2019).
- Demonstration that the development will not cause degradation to water quality resultant from alterations to 'stormwater drain' (previously mapped hydro line).

If you require further advice or clarification regarding the submission, or questions regarding the application of NorBE, please contact me on (02) 4979 9545.

Yours sincerely,

Brent Cassidy

Catchment Scientist | Water Planning | Hunter Water Corporation
36 Honeysuckle Drive Newcastle NSW 2300 | PO BOX 5171 HRC NSW 2310

I work permanent part-time, Monday – Friday - 9am – 12:30pm. Possibly available for appointments outside of these hours.

I acknowledge the Traditional Custodians of the land on which I live and work, the Awabakal, Geawegal, Darkinjung, Wonaruah and Worimi peoples and recognise their continuing connection to land, waters and culture. I pay my respects to Elders past and present.