

JOINT REGIONAL PLANNING PANEL
Hunter Central Coast

JRPP No	2013HCC004
DA Number	DA40/2013
Local Government Area	Singleton Council
Proposed Development	Temporary Accommodation Village pre-fabricated rooms – en-suited accommodation rooms, dining room, general administration buildings
Street Address	319 Putty Road, Glenridding
Applicant	The Mac Property Services Pty Ltd
Number of Submissions	1838
Recommendation	Refusal
Report by	Alison Clark – Senior Town Planner

Assessment Report and Recommendation

Executive Summary

Proposed Development

The following works are proposed as part of the development:

- 1321 accommodation rooms
- Central facilities building containing kitchen area, crib, indoor dining area, outdoor seating area and amenities block
- Gymnasium
- Multi-purpose court
- Lap pool
- 6 gazebos throughout the site
- Laundry facilities
- Car & bus parking
- Access road
- Landscaping

Referral to Joint Regional Planning Panel

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to Schedule 4A, Clause 6(b) of *Environmental Planning and Assessment Act 1979*. The proposed development has a capital investment value of \$101 million.

Permissibility

The site is zoned 1(a)(Rural Zone) pursuant to *Singleton Local Environmental Plan 1996*. The proposal is best defined as a boarding house which is prohibited in the zone. Despite the development being prohibited Council has undertaken a merit assessment of the proposal to ensure a full and thorough assessment has been completed.

Consultation

The development application was advertised with the exhibition period commencing on the 22 March 2013 and closing on the 19 April 2013. Council had two requests to extend the notification period. The first resulted in the exhibition period being extended to the 3 May 2013, and the second resulted in the exhibition period being extended until the 17 May 2013. Both extensions to the exhibition period were advertised in the local paper, on Council's website and adjoining neighbours were notified by letter. The application was on exhibition for a period of 57 days, with approximately 1838 submissions received during the exhibition period.

Under the provisions of clause 104 of *State Environmental Planning Policy (Infrastructure) 2007* the application was referred to Roads and Maritime Service (RMS) as a traffic generating development.

The application was also referred to the NSW Police, Department of Defence and Wanaruah Local Aboriginal Land Council.

Key Issues

The key issues identified in the assessment are as follows:

- Permissibility
- Compliance with the objectives of the 1(a)(Rural Zone)
- Visual impact
- Suitability of proposed landscaping
- Flooding
- Emergency evacuation
- Socio economic impacts

Recommendation

That Development Application No. 40/2013 be refused, subject to the reasons contained in APPENDIX A.

1. Background

The development application was lodged on 28 February 2013. Council requested additional copies of the documents submitted as part of the application on 8 March 2013 to allow for the exhibition of the application.

The application was notified and publicly exhibited from 22 March 2013 to 19 April 2013. A number of interested parties sought an extension of time to review the development application. As a result the exhibition period was extended until 3 May 2013. A further request to extend the exhibition period was received, which resulted in the exhibition period being extended until 17 May 2013. Both extensions to the exhibition period were advertised in the Singleton Argus, on Council's website and adjoining neighbours were notified in writing. The exhibition period was for a period of 57 days. 1838 submissions were received during the exhibition period.

On 7 June 2013 the applicant submitted an amended plan and requested, under clause 55 of the *Environmental Planning and Assessment Regulations 2000*, that Council amend the development application. Council advised the applicant on 27 June 2013 that the amendment would not be accepted, given it did not address the key issues of the application. The applicant was also given the opportunity to withdraw the application, with a partial refund of fees offered.

On 19 July 2013 the applicant submitted the same amended plan and requested, under clause 55 of the *Environmental Planning and Assessment Regulations 2000*, that Council amend the development application. The applicant also requested that additional information be accepted by Council to form part of the amended application. On 1 August 2013 Council advised the applicant the following amended and additional information would be accepted and considered as part of the application:

Additional Information

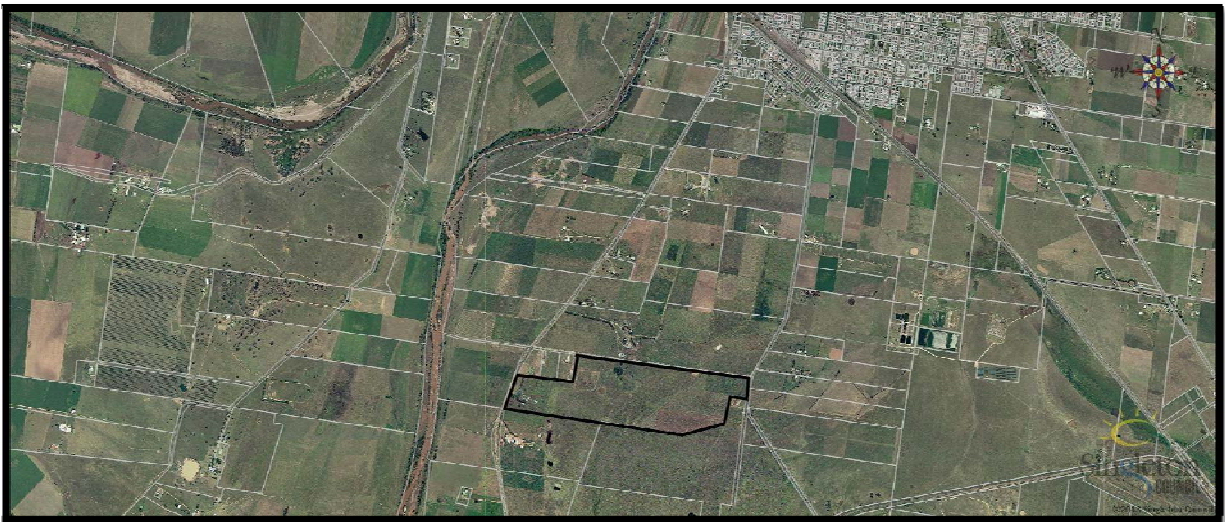
- Strategic Planning Assessment prepared by Urbis dated July 2013
- Visual Impact Assessment prepared by Urbis dated July 2013
- Community Action Plan prepared by The Mac Services Group Limited dated July 2013
- AHIMS Search dated 7 January 2013
- Mid-Western Regional LGA, Muswellbrook LGA and Singleton LGA Mining Employees Data prepared by Western Research Institute dated 18 June 2013
- Social Indicators and Survey for Narrabri prepared by Western Research Institute dated 30 May 2013
- Response to submissions prepared by Western Research Institute dated 24 June 2013
- Boundary Planting Information prepared by Nicholas Bray Landscapes dated 19 July 2013
- Plant Growth Rates Boundary Planting prepared by Nicholas Bray Landscapes dated 19 July 2013
- Species Mix of Boundary Planting prepared by Nicholas Bray Landscapes dated 19 June 2013
- Detail of Semi Advanced Boundary Planting prepared by Nicholas Bray Landscapes dated 19 July 2013

Amended Information

- Plan of Management prepared by Urbis dated July 2013
- Flood Evacuation Plan prepared by The Mac Services Group Limited dated July 2013
- Masterplan prepared by Scott Carver dated 24 May 2013. The revised masterplan removes 180 accommodation rooms from the central portion of the site.
- Stormwater Management Plan (Alternate Scheme) prepared by Robert Bird Group dated July 2013

In accordance with the provisions of clause 90 of the *Environmental Planning and Assessment Regulations 2000* the applicant was also advised that Council would not re-exhibit the application as a result of the amendment to the application. The amendment to the application does not substantially change the development that is proposed. The applicant did not amend all of the supporting reports or documentation to reflect the amended design.

2. Site and Locality Description



Map 1: Aerial photo showing locality. Subject site is highlighted.

The development site consists of one parcel being Lot 60 DP 871167. The lot has an area of approximately 51 hectares. The site is located approximately 3km south of Singleton. The site is bound by Heuston Lane and rural properties to the north, Army Camp Road and rural properties to the east, rural properties to the south, and Putty Road and rural properties to the west. It slopes from high points in the eastern and western portions of the site, down through the centre of the site to low points along the northern and southern boundaries. The site is irregular in shape, having a frontage of approximately 230m to Putty Road, 135m to Army Camp Road and 1140m to Heuston Lane. The development site currently contains a dwelling and is used for grazing purposes. The development is located within the eastern portion of the site, which covers approximately 43 hectares. This area of land has been previously cleared and consists of grassland, with some isolated paddock trees.

The site is not located within a Heritage Conservation Area and does not contain any items of heritage significance as listed under Schedule 3 of *Singleton Local Environmental Plan 1996*.

The site is not within a mine subsidence district, does not contain any significant vegetation and is not identified as bush fire prone land. The site is identified as flood prone land, and this is discussed further in the report.

3. Project Description

The Temporary Accommodation Village pre-fabricated rooms – en-suited accommodation rooms, dining room, general administration buildings development has a capital investment value of \$101,300,000.

The following works are proposed as part of the development:

- 1321 accommodation rooms which contain a bed, desk, television, fridge, robe and en-suite
 - 1281 single rooms with a floor area of 16m²
 - 40 double rooms with a floor area of 24m²
- 1740m² central facilities building which contains:
 - kitchen area
 - crib
 - indoor dining area
 - outdoor seating area
 - amenities blocks
- 130m² hall
- 169m² shop
- 226m² administration and reception area
- 288m² maintenance shed
- 238m² gymnasium
- 187m² recreation room
- 25m lap pool
- Tennis court
- Central recreation area
- 1151 car parking spaces
- 7 bus parking spaces
- Upgraded access road

The development proposes to upgrade the access from Army Camp Road via Heuston Lane. Putty Road via Heuston Lane will only be used in case of emergency.

Refer to **APPENDIX B** for a copy of plans and elevations

4. Consultation

The development application was advertised with the exhibition period commencing on the 22 March 2013 and closing on the 19 April 2013. Council had two requests to extend the notification period. The first resulted in the exhibition period being extended to the 3 May 2013, and the second resulted in the exhibition period being extended until the 17 May 2013. The application was on exhibition for a period of 57 days. Three notices were placed in the Singleton Argus to advertise the development and the subsequent extensions to the exhibition period.

In accordance with Council's public notification policy under Singleton Development Control Plan 2012 the application was publicly notified from 22 March 2013 to 17 May 2013. Surrounding property owners were notified (by individual letters) of the application and the subsequent extensions to the exhibition period as detailed above.

In response to this public notification and advertising process, approximately 1800 written submissions were received. A detailed list and assessment of the issues raised is provided later in this report.

5 Referrals

The application was referred to RMS under the provisions of clause 104 of *State Environmental Planning Policy (Infrastructure) 2007*. The comments received by Council on 24 May 2013 are attached at **APPENDIX C**.

The application was also referred to the NSW Police. The comments received by Council on 4 July 2013 are attached at **APPENDIX C**.

The application was also referred to the Department of Defence. The comments received by Council on 22 April 2013, and supplementary advice received on 7 May 2013, are attached at **APPENDIX C**.

The application was also referred to the Wanaruah Local Aboriginal Land Council. The comments received by Council on 29 March 2013 are attached at **APPENDIX C**.

6. Section 79C Considerations

(a)(i) the provisions of any environmental planning instrument

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The development is subject to the provisions of the Infrastructure SEPP pursuant to the requirements of Clause 101, 104 and Schedule 3 of the SEPP.

Clause 101(2) Development with frontage to classified road requires Council to consider the following:

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

Vehicular access to the development will be via Heuston Lane from Army Camp Road. Neither of these roads are identified as a classified road.

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

The vehicular access to the land will be via Heuston Lane from Army Camp Road, with access to Putty Road from Heuston Lane denied by RMS, except in case of emergency.

(ii) the emission of smoke or dust from the development, or

Given the development is an accommodation facility it is not expected that there will be significant smoke or dust emissions from the site.

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

The development proposes to gain access to the site via Heuston Lane from Army Camp Road. Both of these roads are local roads, for which Council is the Roads Authority. Access to Putty Road via Heuston Lane will be denied, except in case of emergency. No details on how the applicant proposes to deny access to Putty Road have been provided.

The application was referred to RMS for comment. RMS provided a number of conditions, in particular they require the developer to upgrade the Carrington Street and Putty Road intersection to ensure it is capable of handling the increase in traffic that will be generated by this development.

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

The proposed development will provide accommodation for approximately 1300 people and is therefore considered sensitive to traffic noise and vehicular emissions. The accommodation facility is setback approximately 400 metres from Putty Road so it is unlikely there will be an adverse impact from traffic noise or vehicles emissions.

The proposed development is characterised as a traffic generating development, requiring referral to Roads and Maritime Services (RMS), as it will have 200 or more motor vehicles. The application was referred to RMS on 18 March 2013. Comments from RMS were received by Council on 24 May 2013. RMS raised no objections to the proposed development provided a number of conditions are imposed. These conditions require the following:

- Upgrade of the Putty Road/Carrington Street intersection to a CHR/AUL type intersection.
- All access to the development being from Putty Road via Carrington Street.

- No access to the development from Putty Road via Heuston Lane, except in case of emergency.
- Provision of a Construction Traffic Management Plan to RMS and Council.
- Preparation of a Traffic Impact Assessment prior to the commencement of any works after stage 1.
- Preparation of a Construction Traffic Management Plan for the decommissioning works to be submitted to RMS and Council.

State Environmental Planning Policy (Rural Lands) 2008 (Rural Lands SEPP)

The development site is zoned 1(a)(Rural Zone) under the provisions of the *Singleton Local Environmental Plan 1996*. The Rural Lands SEPP applies to any rural zoned land. The applicant has not addressed any of the provisions of the Rural Lands SEPP in the information submitted as part of this application.

The aims of the Rural Lands SEPP and an assessment of the development against these is provided below:

2 Aims of Policy

The aims of this Policy are as follows:

(a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,

The proposed development is not a rural or related purpose. The development is for an accommodation facility that will house approximately 1300 people. The development will provide an intensive accommodation facility within an area typically used for agricultural purposes.

(b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,

An assessment of the application against the rural planning principals is provided further in this report.

(c) to implement measures designed to reduce land use conflicts,

The applicant has not addressed land use conflicts adequately in the information submitted with the application. Given the agricultural land uses of the surrounding lands, it is likely there will be land use conflicts not only from the development, but also from adjoining land onto the development. These land use conflicts include noise, spray drift, odour, traffic, light spill and glow.

(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,

The development site is not identified as State significant agricultural land.

(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

The development site is not a concessional lot.

Clause 7 of the Rural Lands SEPP provides a number of rural planning principals. The rural planning principals and an assessment of the development against these is provided below:

7 Rural Planning Principles

The Rural Planning Principles are as follows:

(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

The development site is identified as Class 3 agricultural land. The NSW Department Primary Industries identifies that Class 3 agricultural land has a moderate production level and is best suited to grazing land or pasture improvement. The use of the land for an accommodation facility will prevent the land being used for any agricultural use, and will also impact on the ongoing agricultural use of the adjoining lands.

The proposed development does not promote or protect opportunities for productive and sustainable economic activities in the area. Currently the development site is used for grazing purposes and the proposed development will prohibit this agricultural use from continuing on the site. In addition to this the surrounding land is used for agricultural purposes, including cropping and livestock production. Given the intense nature of the proposed accommodation village there will be impacts on the adjoining lands that may impact on their ability to remain a productive and sustainable economic activity.

(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,

The use of the development site for an accommodation facility does not recognise the importance of the rural land in the locality. The accommodation facility will remove a large portion of agricultural land from the locality and will also fragment the adjoining agricultural land.

(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

Agriculture is an important industry to the Singleton community. It provides employment to the surrounding locality, along with produce and positive economic impacts. The adjoining properties are currently used for a variety of agricultural uses which provide a social and economic benefit to the community. The proposed development may have an adverse impact on the operation and viability of these agricultural uses which would conversely reduce the social and economic benefits that are derived.

(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

The Singleton Land Use Strategy 2008 does not identify the locality as being within a candidate area for an increase in density. The proposed development does not represent a desirable land use for the rural locality. As discussed in detail in this report the development site is heavily constrained in terms of environmental impacts.

(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

The development site is constrained by flooding. The Singleton Floodplain Risk Management Plan (SFRMP) identifies the subject site as graduating from high hazard floodway, to low hazard floodway to low hazard flood storage. The development plans submitted with the application show a high hazard floodway exclusion area. This area will not be built upon or developed as part of this application.

In addition to being flood prone from Hunter River flood events, the site is also impacted upon by a local flooding event. The local flooding event is a result of the catchment area, known as the Doughboy, flowing through the site.

The development site has been previously cleared of most vegetation. Some exotic paddock trees will require removal as a result of the accommodation facility. There are also some hollow bearing trees that will be removed, which is identified as a key threatening process under the *Threatened Species Conservation Act 1995* and *Environmental Protection & Biodiversity Conservation Act 1999*.

The proposed development does not avoid constrained land as detailed above.

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

The locality is characterised by open rural land, with a number of single residential dwellings located within the agricultural land. Currently the land is used for agricultural purpose, such as cropping and livestock production, with some smaller parcels used as rural lifestyle lots. The proposed accommodation village will change the rural character of the locality, and will impact on the existing rural lifestyle and settlement pattern.

The high density accommodation village will introduce a number of land use conflicts, such as noise and lighting impacts, which may have an adverse economic impact on adjoining agricultural enterprises.

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

The proposed development is to be connected to reticulated water and sewer. There have been some issues identified with the connection of these services and this is discussed in detail later in this report.

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The Singleton Land Use Strategy was adopted and endorsed in 2008. The land use strategy identifies that the Glenridding locality is not suitable for further development given the flooding impacts and constraints. The proposed development does not appear to have had regard to the Singleton Land Use Strategy given the high density of the accommodation facility and its location in a high hazard flood area.

State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)

Clause 5(1) identifies SEPP 44 applies to any Local Government Area (LGA) that is listed in Schedule 1. Singleton is listed in Schedule 1, therefore the policy applies to the proposed development.

Part 2 of SEPP 44 applies as the development site is more than 1 hectare in size. In accordance with the provisions of Clause 7(1) before a Council may grant consent for development, it must be satisfied whether or not the land is a potential koala habitat. The flora and fauna report, prepared by Ozark Environmental and Heritage, identifies that the site is considered potential koala habitat.

As the site has been identified as potential koala habitat, Council must consider the provisions of Clause 8 of SEPP 44 to determine if the land is core koala habitat.

SEPP 44 defines core koala habitat as *“an area of land with a resident population of koalas, evidenced by attributes such as breeding females (that is, females with young) and recent sightings of and historical records of a population.”* The flora and fauna report identifies that there is a record of a koala sighting immediately north of the development site, however no resident koala populations or breeding females have been identified on or within the immediate vicinity of the development site.

Due to the lack of evidence that the site has a resident population of koalas it is not considered to be core koala habitat and no other provisions of SEPP 44 apply.

State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

Clause 7(1) of SEPP 55 provides that a consent authority must not consent to a development unless it has considered the following:

(a) it has considered whether the land is contaminated, and

The applicant submitted a Phase 1 Environmental Site Assessment, prepared by Coffey Environments, as part of the application. The assessment involved a desktop study and walkover of the site, no sampling was undertaken as part of the assessment. The assessment identifies four areas of concern that require further investigation. These concerns relate to possible former agricultural activities, potential run-on of chemicals from neighbouring properties, surface water in the two storage dams and a possible former dairy in the northern section of the site. The report recommends that a Phase 2 contamination assessment, including soil and water sampling, be undertaken across the site.

Based on the information supplied by the applicant Council considers that the site has potential to be contaminated, and that the issue has not been adequately addressed in the development application.

(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

The information supplied by the applicant has identified that there is a potential for site contamination, however further investigations have not been undertaken to determine the extent of the contamination. Therefore Council cannot be satisfied that there is not significant contamination on the site that would adversely impact on the proposed development.

(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.

As further site investigations have not been undertaken the extent of the land contamination and any remediation works required are unknown. Council does not have sufficient information available to be satisfied that the land can and will be remediated.

The proposed development would change the use of the land from agricultural purposes to accommodation purposes, so the provisions of Clause 7(2) of SEPP 55 apply as follows:

(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

Subclause (4) of SEPP 55 provides as follows:

(4) The land concerned is:

(a) land that is within an investigation area,

The development site is not within an investigation area.

(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,

The Planning Guidelines SEPP 55–Remediation of Land identifies agriculture as a use in Table 1. As the development site has been previously used for agricultural purposes it is land specified in subclause 4.

Council must therefore consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.

As discussed previously, the applicant has submitted a Phase 1 Environmental Site Assessment which provides a preliminary assessment of site contamination. The report highlights some environmental areas of concern and recommends that a Phase 2 contamination assessment be undertaken.

Given the findings of the preliminary assessment and the requirements of the guidelines the provisions of Clause 7(3) of SEPP 55 apply as follows:

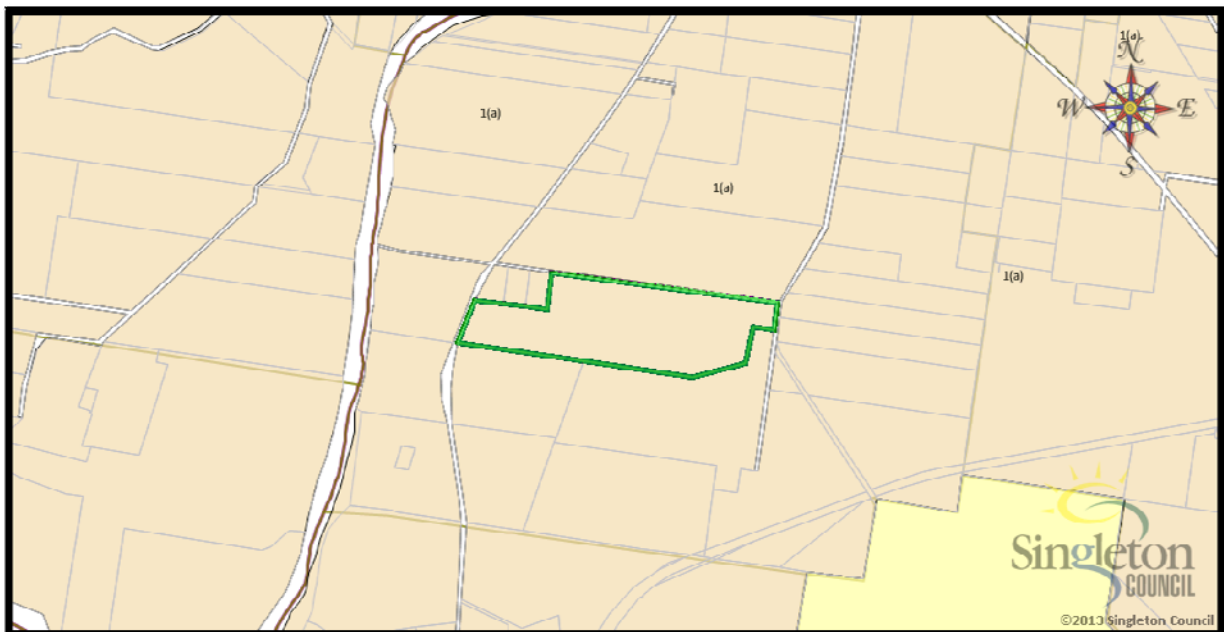
(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.

The guidelines outline that a detailed investigation is only required when the preliminary assessment indicates that the land is contaminated or was formally used for an activity listed in Table 1 and the proposed use has the potential to increase the risk of exposure to contamination.

Council considers that a detailed investigation is required given the findings of the preliminary assessment and also the requirements of the guidelines with regards to previous uses listed in Table 1. The proposed development seeks consent to develop an accommodation facility that will provide housing for up to 1321 people. In addition to this bulk earthworks are proposed, which has the potential to disturb contaminated land.

The applicant has not submitted a detailed investigation for consideration by Council.

Singleton Local Environmental Plan 1996



Map 2: Zoning map extract. Subject site is highlighted.

Under *Singleton Local Environmental Plan 1996* the subject site is zoned 1(a)(Rural Zone).

The aims and objectives of the *Singleton Local Environmental Plan 1996* and a planning assessment of the development against these is provided below.

2 What are the aims and objectives of this plan?

For the purpose of achieving the objects of the Environmental Planning and Assessment Act 1979, the aims and objectives of this plan are as follows:

(a) to provide a framework for controlling and co-ordinating development within the Singleton local government area,

Not applicable.

(b) to ensure the most appropriate and efficient use or management of land and natural resources,

The development site is located within a rural locality, where the surrounding land supports a number of agricultural enterprises. Currently the site is predominately used for grazing purposes. The proposed development will see approximately 43 hectares of the site developed to provide an accommodation facility. The proposed development is to be located on the portion of the site that is currently used for grazing purposes. The applicant has identified that the remainder of the site will continue to support agricultural uses, however this will need to be significantly constrained to ensure land use conflicts do not occur.

Given the intensity of the proposed development, there are likely to be impact on the ongoing agricultural uses of the development site and surrounding lands. The development will see approximately 1300 people being housed on the site, which is a significant increase in the local population. The increase in density will bring about impacts on adjoining lands as they will need to modify current land management practices. An example of this is The Phase 1 Environmental Site Assessment identifies that run-on of chemicals from adjoining land is a potential contamination issue. The current chemical use and land application would need to be adapted to ensure there is no run-off to the development site. Given the flooding impacts in the locality this may be difficult to achieve.

The development site is identified as being subject to local and regional flooding. The local flooding events, locally known as the Doughboy, are experienced at regular intervals. The adjoining landowners have identified that they rely on this local flooding event as part of their land management practices. It provides a significant volume of water which is captured in farm dams and also saturates the soil to allow natural grasses to grow which then provides feed for livestock. This local flood event has been factored into the land management practices in the area and is used in a way that benefits the landowners. The proposed development will impact on the natural flow paths of this flood event, which will then have impacts on land downstream.

The proposed development is therefore not considered the most appropriate or efficient use or management of the land.

(c) to co-ordinate economic development so that there is optimum and equitable economic and social benefit to the local community,

The socio economic impact assessment provided with the application does not adequately address the social or economic impacts of the proposed development. As a result of this there are questions with regards to the ability of the development to provide optimum and equitable economic and social benefits to the local community. In particular there are concerns that the proposed development could adversely impact existing short term accommodation businesses and to a lesser extent other local businesses such as cafes and restaurants. The socio economic impact assessment assumes that 80% of the demand for the proposed development will come from workers who currently reside in the Singleton area. Should this assumption be correct there is a likelihood that the development will have an adverse economic impact on the local community.

(d) to ensure that the environmental impact of development is adequately assessed, including the consideration of alternatives,

As discussed previously the development site is identified as being impacted by local and regional flooding. Whilst the flooding impacts on the proposed development may be able to be mitigated, there are likely to be impacts to adjoining lands. The proposed development will result in a change to the natural flow paths of the flood waters, which will provide impacts on adjoining land management practices.

The applicant has identified that the accommodation units will be raised above the 1 in 100 year flood event to ensure they are not inundated by flood waters. Whilst this may be a suitable way of ensuring there is no flood damage to the buildings, it does not address the potential impacts on the change to the flood paths nor does it address the potential costs associated with evacuation, clean up and damage to property or vehicles that would be expected after a flooding event. Typically the setting of minimum floor levels is applied to existing development areas, not greenfield sites such as the one the proposed development is to be placed upon.

(e) to establish a pattern of broad development zones as a means of:

(i) separating incompatible uses,

The development seeks to establish a residential type use within an existing rural locality. The surrounding land supports a number of agricultural uses, such as cropping, grazing and livestock production. The agricultural use of the land produces various levels of noise, odour and dust that make it incompatible with a residential development such as the one proposed.

Given the agricultural uses are established, and have been undertaken on the land for a considerable number of years, it is not considered suitable to discontinue these uses in favour of the proposed development.

(ii) minimising the cost and environmental impact of development,

The proposed development requires the provision of major infrastructure, given it is to be located within a rural area which currently has limited services. Reticulated water and sewer would be required to service the development. Council's Utilities Engineer (Special Projects and Development) has confirmed that these services can be provided, however significant works will be required to facilitate this.

It has also been identified that to facilitate the connection of the site to reticulated sewer the developer would be required to negotiate access over private land. It is not known if the applicant has been successful in negotiating access over the affected land to enable the works to be undertaken.

In addition to the provision of water and sewer services, the existing road network will require upgrading to be capable to supporting the significant increase in traffic expected from the development.

The development site's location in a rural locality means significant works are required to be able to provide adequate services to the site. The works required will not minimise the costs of the development, and the works will also provide limited benefit to the community given the sites rural location on a no through road on the edge of the floodplain.

(iii) maximising efficiency in the provision of utility, transport, retail and other services,

The development site is not currently serviced by reticulated water or sewer and it does not have access to public transport services.

The Singleton CBD is located approximately 3km north of the development site and would be able to provide public transport, retail and other services.

The applicant has requested a variation to the parking requirements as they advise workers will be bused to their workplace. No information as to how workers will be transported from their principal place of residence to the site is provided. The applicant has also advised that they will provide a bus service to take workers into Singleton. No detail on how this bus service will operate has been provided.

Given the location of the site it is unlikely that residents of the accommodation facility will walk into Singleton to access the services available, so they would be reliant on the bus service provided by the development. The reliance on a bus service does not provide a suitable degree of flexibility to the residents of the accommodation facility. Given the mining industry operates on a 24 hour basis, it is reasonable to expect that residents of the facility will want to access the services of Singleton services outside normal hours of operation and it is not known if this can occur through the bus service proposed.

(f) to retain options for alternative land use strategies so that flexibility to allow economic, social and environmental change is unhindered,

The proposed accommodation facility does represent an alternative land use that would service the fluctuating demands for accommodation as a result of the mining industry. Whilst this may be a positive, the location and constraints on the development site result in the development being unsuitable.

(g) to encourage adoption of land management practices which are sustainable over long periods of time without degradation of natural environmental systems,

The proposed development will change existing land management practices, some of which have been in place generations.

(h) to provide adequate protection and minimise risk for the community (as far as possible) from environmental hazards, including flooding, soil erosion, bushfires and pollution,

The placement of a 1321 room accommodation facility on a floodplain is not consistent with this objective. The evacuation plan provided by the applicant does not identify a suitable evacuation route to ensure the risk to the community is minimised.

(i) to enable public involvement and participation in environmental planning and assessment,

The development application was advertised with the exhibition period commencing on the 22 March 2013 and closing on the 19 April 2013. Council had two requests to extend the notification period. The first resulted in the exhibition period being extended to the 3 May 2013, and the second resulted in the exhibition period being extended until the 17 May 2013. The application was on exhibition for a period of 57 days. Three notices were placed in the Singleton Argus to advertise the development and the subsequent extensions to the exhibition period.

(j) to progress development in an ordered and economic manner.

The applicant has identified that the proposed development provides an *“appropriate method for managing irregular and unpredictable demand for local housing as a result of the local mining industry”*.

Whilst there may be merit in the accommodation village being able to provide a stabilising influence on the housing market, the development site is heavily constrained and as a result the proposed development is not considered suitable.

The subject site is zoned 1(a) (Rural Zone) under the provisions of the SLEP 1996.

The applicant lodged the development application as an innominate land use. Council officers sought legal advice to determine the permissibility of the proposed use.

The 1(a)(Rural Zone) identifies development that is without development consent or prohibited, with all other development being only with development consent. Boarding houses are contained within the list of prohibited land uses. The SLEP 1996 defines a boarding house as follows:

“boarding-house includes a house let in lodgings or a hostel, but does not include a motel.”

The accommodation facility is not considered to be a house let in lodgings.

The term hostel is not defined in SLEP 1996, so must be given the ordinary meaning. The Oxford Dictionary (online edition) defines a hostel as:

“an establishment which provides inexpensive food and lodging for a specific group of people, such as students, workers or travellers”.

The proposed development comprises several rooms in a pod or building. There are then numerous pods which make up the Development. There is nothing in the definition of "hostel" to suggest that the establishment could not comprise more than one building.

The proposed development provides single occupancy accommodation rooms and a central dining facility. The information included in the application identifies that the proposed development will provide a workforce accommodation facility. There is no information included in the application within regards to the cost of the accommodation or meals, however it is considered that the cost of the meals, relative to the earnings of the residents, would be inexpensive, or may be included in the cost of the accommodation.

It is therefore considered that the development does provide *"inexpensive food and lodging for a specific group of people"* and it could be argued that the proposed development is best defined as a boarding house, which is prohibited in the 1(a)(Rural Zone).

The applicant has asserted that the proposed development is not defined in the SLEP 1996 and should therefore be considered as an innominate land use. The applicant further states that as the proposed development is innominate it is not listed as a prohibited development in the land use table, it is therefore permissible with development consent.

Pursuant to Clause 16(3) of SLEP 1996 Council must have regard to the objectives of the zone. Given the applicant argues that the proposed development is an innominate land use it is considered acceptable that Council should have particular regard to the objectives of the zone when determining the merit of the proposed development. The zone objectives and a planning assessment addressing the proposed development against them is offered below:

Zone 1 (a) (Rural Zone)

Objectives of zone

(a) to protect and conserve agricultural land and to encourage continuing viable and sustainable agricultural land use,

The portion of the site to be developed is identified as having a Class 3 Agricultural Land Classification. The NSW Department Primary Industries identifies that Class 3 agricultural land has a moderate production level and is best suited to grazing land or pasture improvement.

Currently the site is used for grazing purposes. The applicant maintains that a large portion of the site will be retained for agricultural purposes. The development site is 51 hectares in size, approximately 43 hectares of the site will be used for the proposed development.

The 8 hectare portion of the site to be retained for agricultural purposes, which will also contain the existing dwellings and ancillary structures, is currently used for grazing purposes. Given the size of this portion of land it would be difficult to sustain a viable agricultural land use. The applicant has not submitted any detailed information outlining how this land will be used for agricultural purposes.

The additional information submitted by the applicant on 19 July 2013 identifies that the site *“has been of limited agricultural productivity over the past 40 years since it’s previous use as a dairy.”* This claim is substantiated through reference to the Phase 1 Environmental Site Assessment, prepared by Coffey Environments. The Phase 1 Environmental Site Assessment provides a general overview of the site’s use based on what was observed from an aerial photograph review.

The additional information also claims that the site has limited soil quality, and no irrigation allocations or licences which limit the opportunities for sustainable agriculture. The assertion that the land has limited soil quality raises questions with regards to the site’s ability to not only support an agricultural use involving cropping, but also the ability to landscape the development to mitigate the visual impacts as proposed by the visual impact assessment prepared by Urbis. There has been no agricultural suitability assessment undertaken by a suitably qualified professional to support the claim that the site has limited soil quality.

In addition to this, the 43 hectare development portion of the site is surrounded by operating agricultural enterprises. These agricultural uses include a range of farming operations such as livestock production and cropping. There are a number of noise and odour generating activities that are associated with these farming activities. Some of these include ploughing, slashing, livestock movements and weed control. Given the 24 hour nature of agriculture it is likely that there will be adverse impacts from the surrounding properties on the development site. The mining industry is also a 24 hour industry so it is reasonable to expect that there will be workers sleeping at all times of the day or night. Given the noise or odour impacts that could be expected from the surrounding agricultural land workers are likely to have their sleep disturbed, or conversely they may seek to make complaints against the agricultural enterprises which could constrain these operations.

The construction of a high density development, such as the proposed accommodation village, in a rural area will impact on the agricultural viability of adjoining land. The proposed development will also use the majority of the site for the development, thereby reducing the available agricultural land in the locality.

(b) to promote the protection and preservation of natural ecological systems and processes,

The applicant submitted an ecological assessment prepared by OzArk Environment and Heritage Management. The report states it is prepared in accordance with the requirements of section 5A of the *Environmental Planning and Assessment Act 1979* and the *Environment Protection and Biodiversity Conservation Act 1999*. The information submitted in the assessment identifies that there will be no significant impact on threatened species as a result of the development. The report further states that given the highly disturbed nature of the site there are very few ecological constraints associated with the proposal.

The development will require the removal of 17 hollow bearing trees from the site. The removal of hollow bearing trees is identified as a key threatening process in the *Threatened Species Conservation Act 1995* and *Environment Protection & Biodiversity Conservation Act 1999*. The proposal is considered to significantly contribute to the loss of hollow bearing trees and as a result of this the report

recommends the retention of the hollow bearing trees in the central northern portion of the site. The landscape plans submitted do not identify the location of these hollow bearing trees and it is not known if the recommendation has been adopted.

The report also highlights that after periods of prolonged heavy rainfall the floodplain depressions on the site would form shallow wetlands. These shallow wetlands are identified as being suitable foraging habitat for wetland birds. The development of the site would result in this intermittent wetland being modified which may impact on the foraging habits of wetland birds.

(c) to allow mining where environmental impacts do not exceed acceptable limits and the land is satisfactorily rehabilitated after mining,

The proposed development does not involve any mining activities.

(d) to maintain the scenic amenity and landscape quality of the area,

The development site is a gently undulating and open rural allotment. The topography of the land makes the site highly visible from Putty Road and surrounding properties. The land immediately adjoining and adjacent to the development site is also characterised by open grassland with a mix of grazing and agricultural uses being undertaken.

The development site is mainly cleared of vegetation, with the exception of isolated paddock trees and exotic grasses. The land surrounding the development site contains similar vegetation patterns with the majority of the landscape being open grazing pastures or crops.

The visual impact assessment submitted as part of the application acknowledges that the development will have a visual impact in the locality and has proposed landscaping along the boundaries of the site to screen the development to ameliorate this impact.

Given the scenic amenity and landscape quality of the locality is that of open pastures and floodplain, the landscape screen will be out of character with the scenic amenity and landscape quality of the area. The development will be effectively cut off from the surrounding locality by the landscaping and the landscape screen will also interrupt the adjoining properties views of the locality and background scenery.

The proposed development will result in an undesirable visual impact in the locality. In addition, the proposed landscaping will not maintain the scenic amenity and landscape quality of the area.

(e) to provide for the proper and co-ordinated use of rivers and water catchment areas,

The Doughboy catchment flows through the development site, which results in intermittent flooding on the site. The proposed development includes significant bulk earthworks to allow for the provision of suitable building pads. It is not clear from the information submitted the total volume of the earthworks proposed, which is a major factor in the performance of site drainage and any potential impacts on the water catchment area. There is insufficient information available to allow for an assessment of internal drainage.

The stormwater management plan submitted with the application identifies an external catchment area. Council's assessment of this report has identified that the catchments in the management plan are not accurate and do not include the whole local catchment. As a result of this the information supplied in the application cannot be relied upon to determine if the development will impact on flooding in the Doughboy catchment area.

(f) to promote provision of roads that are compatible with the nature and intensity of development and the character of the area.

The application was referred to Roads and Maritime Services (RMS) who raised no objections to the proposed development. RMS have recommended a number of conditions be imposed on the development to provide additional information or works to RMS road infrastructure.

The existing roads of Army Camp Road, Putty Road, Ryan Avenue and all the major road network leading to the development have sufficient capacity or can be upgraded to deal with the increased traffic volumes.

Clause 31 – What controls apply to the development of flood liable land?

As the development is located upon flood liable land, clause 31(1) of SLEP 1996 applies. Clause 31(1) specifies the following matters that Council must consider in assessing an application for consent to development of flood liable land:

(1) In assessing any application for consent to development of flood liable land, the Council shall consider:

(a) the effect of flooding on the proposed development, and

The Singleton Floodplain Risk Management Plan (SFRMP) shows the subject site graduates between high hazard floodway, to low hazard floodway to low hazard flood storage area. The development plans submitted with the application show a high hazard floodway exclusion area. This area will not be built upon or developed as part of this application.

(b) the effect of the development on the pattern of flooding on nearby land and

With regard to Hunter River flooding it is expected that the impact on the pattern of flooding on nearby land as a result of this development will be minimal as the proposed site is on the very edge of flooding identified by Council's flood impact mapping.

There is local flooding that would impact on the subject site and adjoining lands that has not been adequately addressed by the applicant. It is this local flooding that will have the greatest impact on adjoining lands.

(c) whether any measures should be required to be taken to mitigate damage from flooding.

The applicant has indicated that the finished floor levels of the buildings will be above the 1:100 Hunter River flood event and that roads and car parking will be above the 1:10 year event.

Whilst damage to buildings may be able to be mitigated, there is likely to be significant damage to infrastructure, such as roads, and vehicles. Before this can be assessed as reasonable to any certainty a detailed evacuation strategy should be submitted to determine the impact on the potential for the flooding of the car park.

Clause 32 – What controls apply to development on major roads?

As the development has frontage to Putty Road, which is identified as a main road in Schedule 1 of SLEP 1996, clause 32 applies to the proposed development. Clause 32(2) specifies the following matters that Council must consider in assessing an application for consent to development having a major road frontage:

(2) The Council shall not consent to development on land to which this clause applies unless it is satisfied that:

(a) the development, by its nature or intensity, or the volume and type of traffic likely to be generated, is unlikely to constitute a traffic hazard or to materially reduce the capacity and efficiency of a main road, and

The traffic impact assessment, prepared by TPK & Associates, identifies that a bus service would be used to transport workers to and from the accommodation facility and their workplace. It is not known how this bus service will operate. The traffic assessment does not make an acceptable allowance for the probability that workers will utilise private transport to commute to their workplace. Despite the issues with the traffic impact assessment, it is likely that the intersections with Putty Road can be upgraded to cater for the increase in traffic from the proposed development.

(b) the development is of a type, whether or not related to the characteristics of the land on which it is proposed to be carried out, that justifies a location in proximity to a main road, and

Assuming the majority of the occupants of the accommodation facility will work in mines accessible off Putty Valley Road or the New England Highway in terms of accessibility to place of employment from the accommodation facility, it is considered that the proximity to Putty Road is favourable as it provides a direct route to many of the mines in the locality.

(c) the location, standard and design of access points, and on-site arrangements for vehicle movement and parking, ensure that through traffic movements on a main road are not impeded, and

As previously mentioned, access to Council's road network will be by the upgraded section of Heuston Lane and Army Camp Road. This is an acceptable access point and will have negligible effect on the users Army Camp Road since it is predominately used by army personal with very little use by local residents, as there is only a small number of rural properties who have access from this road.

The bigger problem is how to restrict the village occupants using Heuston Lane and its intersection with Putty Road without penalising the local residents. It may be that this is not possible and the outcome will be to physically deny access through Heuston Lane to Putty Road. This may have an adverse impact on the local residents as they are no longer able to use this route.

(d) the views of the local traffic committee or Regional Advisory Committee (as appropriate) have been obtained and considered by the Council.

The application was referred to the Local Traffic Committee (LTC) and it was determined that the views of the LTC are not relevant to this development as it is outside their charter. The regional advisory committee is convened by RMS, and as RMS have made their reply and raise no objections, it is considered RMS have concluded the proposed development not to be of regional significance to their road network.

(a)(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

The Draft Singleton Local Environmental Plan 2013 was placed on public exhibition from 16 July 2012 to 7 September 2012. On 3 December 2012 the instrument was adopted by the elected Council. The *Singleton Local Environmental Plan (SLEP) 2013* was gazetted on 6 September 2013.

Clause 1.8A provides provisions that a development application made before the commencement of this plan must be determined as if this plan had not commenced. As a result of this the application is to be determined under the provisions of the *Singleton Local Environmental Plan 1996*, however the provisions of the Singleton Local Environmental Plan 2013 are still relevant for consideration as part of the assessment of this application.

The development site is zoned RU1 – Primary Production under the provisions of SLEP 2013. The RU1 – Primary Production Zone identifies development that is permitted without development consent or with development consent, with all other development being prohibited. The proposed development would be best defined as tourist and visitor accommodation, which is prohibited in the zone. The SLEP 2013 defines tourist and visitor accommodation as follows:

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

The accommodation facility does provide temporary accommodation on a commercial basis and therefore meets the definition of tourist and visitor accommodation and is prohibited in the RU1 – Primary Production Zone.

The statement of environmental effects, prepared by Keeplan, identifies that the development is an innominate land use. As discussed previously any development that is not listed as without consent or with consent is prohibited in the RU1 – Primary Production Zone. Therefore the development remains prohibited even if considered an innominate land use.

(a)(iii) any development control plans

Singleton Development Control Plan 2012 (the DCP) applies to the development site and the relevant elements are addressed below:

Building Height and Setbacks

Requirement	Proposed	Complies
40m front building line setback	40m to Army Camp Road, Putty Road and Heuston Lane	Yes
10m side and rear setbacks	40m to southern (side) boundary	Yes

Infrastructure provision

Public roads

The site is serviced by Putty Road, Heuston Lane and Army Camp Road. All are existing public roads. Putty Road is a regional classified road with Heuston Lane and Army Camp Road both classified local roads. Heuston Lane is poorly formed and, in general not readily accessible.

The traffic report by TPK & Associates and the reply from RMS generally set out the requirements for intersection upgrades with mention of some upgrading of Heuston Lane. Access to Putty Road via Heuston Lane has been denied by RMS, except in case of emergency. It is not known how the applicant will enforce this restriction. The likely outcome will be that Heuston Lane is closed to through traffic. This will negatively impact on local residents as this thoroughfare will no longer be available.

There has been no acceptable assessment of the impact on local roads as a result of the development and this can be generally categorized into three main areas of impact:

1. Travel to and from the site to commence or terminate occupancy.
2. Travel to and from the site on a day to day basis for access to occupants place of work.
3. Impact on parking and local traffic within Singleton CBD during non-work hours.

1. Travel to and from the site to commence or terminate occupancy.

At full operation the site has potential for approximately 1300 occupants. It is assumed that most of the occupants will arrive at the start of and depart on termination of their occupancy en-mass thereby impacting on the local road system. There has been no investigation of the potential traffic routes or the condition of these routes and the need to upgrade as a result of the increased traffic volumes.

2. Travel to and from the site on a day to day basis for access to occupants place of work.

The traffic assessment report, prepared by TPK & Associates, addresses the need for intersection and Heuston Lane upgrade and generally agrees with RMS requirements. The assessment addresses the issue of traffic generation from the development by outlining that workers will be transported to and from work via a bus service. Minimal information with regards to the bus service and how it is intended to operate are provided. The traffic assessment does not address the potential that workers may wish to use private transport to travel to and from work

3. Impact on parking and local traffic within Singleton CBD during non-work hours.

There has been little consideration on the impact on the township for the additional traffic and parking requirements as a result of this development. It would not be unreasonable to expect that some or all occupants of the facility would avail themselves of local shopping and sightseeing within Singleton. This could severely impact on the availability of existing parking in the CBD and the travel routes into and out of the town.

Reticulated water provision

The development site is within the Singleton Council area of operation. Currently there is no reticulated water supply to the site. Council's Utilities Engineer – Development & Projects has provided preliminary advice that at this stage the site can be serviced by Council's reticulated water supply.

Water services are proposed to be provided in two stages. Stage one will involve the supply of 4.0 litres per second (L/s) from an off-take connection to an existing water main. The second stage will involve Council altering the off-take to allow for a flow of up to 8.0 L/s.

In addition to the reticulated water supply, a fire fighting water supply is also required for the development. It is unknown how the development will provide a dedicated fire fighting water supply.

Effluent disposal provision

Currently the site is not serviced by a reticulated sewerage service. The Singleton Sewerage Treatment Plant is located approximately 2km northeast of the development site. Given there is no sewerage network between the site and the Sewerage Treatment Plant works will be required to provide a connection.

The development will require the construction of one or more sewerage pump stations to deliver the sewerage to a discharge point near the Singleton Sewerage Treatment Plant. Council's Utilities Engineer – Development & Projects has confirmed in preliminary advice that at this stage the Sewerage Treatment Plant has the capacity to receive the sewerage discharge from the development.

The connection of the development to the Sewerage Treatment Plant would require the developer to construct a rising main, which would be discharged into the 'Army' pump station inlet manhole. The rising main would be constructed, owned and operated by the developer and appropriate easements over the affected properties would be required. The application does not demonstrate that this has been obtained. As such it is not considered adequate infrastructure arrangements are in place to support the proposed development.

The access to the Sewerage Treatment Plant is via a private access leading from Army Camp Road. Council has an easement for access which benefits public works and allows Council access to the treatment plant. The developer would be required to negotiate access with the affected property owner to enable the sewerage works to be undertaken. The application does not demonstrate that this has been obtained. As such it is not considered adequate infrastructure arrangements are in place to support the proposed development.

7.4 – Provision of telephone and electricity

Telecommunications and electricity services are available to the site.

Parking and Access

The SDCP 2012 does not contain specific requirements for the provision of car parking for a temporary accommodation village. The application has been assessed against the requirements for a motel, which is the closest land use to the proposed development.

Land Use	Requirement	Proposal	Complies
Boarding House/Temporary Accommodation Village	1 space per unit Total = 1321	1150 spaces	No, see comments below
Dining Hall	Greater of 1 per 3 seats or 1 per 6m ²	0	No, See notes below

Temporary Accommodation Village

The car parking has been clustered in large open car parks in various locations throughout the site. As detailed above, the development proposes to provide only 1150 spaces for the entire development. The traffic impact report, prepared by TPK & Associates, seeks a variation to the car parking requirements, stating that the workers will be bussed to their workplace and will therefore not require a car. There is no detail included in the application outlining how the bus transport to and from the workplace is to operate.

This justification does not account for how workers will travel to the site from their principal place of residence.

Singleton is located approximately 80km from the closest airport, being the Newcastle Airport. Transport available from the airport to Singleton is taxi services and limited bus services. Singleton has a train station, which is serviced by infrequent trains from a restricted number of locations. Workers who utilise train services to travel from their principal place of residence to Singleton would then also need transport from the train station to the development site, given it is not within easy walking distance of any public transport facilities. Workers would be required to arrange some mode of transport to and from their principal place of residence to the development site. This would most likely be by car given the transport constraints Singleton currently experiences.

The information submitted with the application also identifies that a bus will be provided to transport workers into the Singleton township. No details on the frequency of this service or how the service will operate is provided.

In addition to the above, a number of employees at mine sites in the Hunter Valley are provided with work vehicles. These vehicles are fitted with the appropriate tools needed to undertake the tasks required by the employee and are driven to and from the work site by the employee. The traffic impact report has not factored this practice into the car parking calculations and has not addressed the impact that this would have on car parking availability on-site.

The central facilities building contain a dining area for the residents of the development. The statement of environmental effects also states that this dining hall will be open to the public, so car parking requirements have been calculated. It is not known how many seats will be provided in the dining area, so car parking requirements have been calculated on the floor area of the dining area. The plans submitted with the application do not identify any specific parking areas for the dining hall. Given there are not enough parking spaces for residents of the accommodation facility, it can be assumed that there are no parking spaces allocated to the dining hall.

There is inadequate parking available on site for the proposed development. Parking for each of the accommodation rooms is not provided, there is no parking available for members of the public who frequent the dining hall and no provision for parking for people employed to manage the site is provided.

Car parking has not been calculated for the shop, hall and recreation facilities, being the gymnasium, recreation room, pool and tennis court, as they are for the use of patrons staying on site only.

Vegetation Preservation and Landscaping

The applicant submitted a visual impact assessment, prepared by Urbis, as a part of the amendment to the development application. Council engaged Richard Lamb & Associates to undertake visual impact assessment report, which included a review of

the assessment prepared by Urbis. A summary of the key findings of the assessment prepared by Richard Lamb and Associates are as follows:

There are substantial visual constraints on the use of the site for an accommodation facility when having regard to the view composition and landscape character. These constraints include the following:

- The development site has a high visual exposure to both the private and public domain. There are a number of locations within the public domain that provide wide ranging views of the site. In addition to this many of the adjoining private lands will also have direct views into the development site.
- The location of buildings within the locality is traditionally on flood free low rising land, with the buildings clustered. The proposed development seeks to introduce a high density development, spread over the majority of the site, which is not consistent with the traditional development pattern that is evident in the locality.
- The built form of the proposed accommodation buildings does not reflect the simple small scale nature of the buildings that are typically found in the locality. Generally buildings are small individual structures that are grouped according to function, with large open spaces present between clusters of buildings. The proposed development does not relate to the spatial characteristics of buildings in the locality.
- The development site is currently open and cleared managed pasture or grasslands. This land use clearing regime is typical of the floodplain surrounding the development site, with landscaping typically limited to clusters around buildings. The applicant proposes to landscape the development, to provide a dense buffer/screen around the perimeter of the site. The mass planting which is proposed to hide the built form is considered a constraint as it will be out of character with the vegetation patterns of the locality.
- The existing managed pasture and topography of the site mean that there is limited opportunity for the site to absorb the proposed development. In addition to this the lack of significant vegetation means there is limited opportunities to naturally screen the development.

The proposed development is not considered compatible with the surrounding locality, in terms of visual character and amenity. Whilst the site has only a low to moderate intrinsic scenic quality, the proposed development is seeking to transform an open rural landscape, into one that is considered more urban in nature, which would result in an even lower scenic quality. Given high density residential developments, such as residential flat buildings and boarding houses, are prohibited in the zone the proposed residential density of the development is not considered appropriate.

The development site is highly visible from a number of locations within the public domain. The views of the proposed development from these locations would present views of a land use that is alien in the rural setting. Assuming the proposed landscaping is implemented and able to achieve the projected mature heights it is likely it could screen the built form of the development, however the landscaping in itself would present an unfamiliar vegetation pattern in the locality which would also represent a visual impact in the locality.

In addition to being highly visible from the public domain, a small number of private properties would also have views impacted upon by the proposed development. Once again assuming the proposed landscaping could be successfully implemented and grown to the projected heights it would result in the loss of views to adjoining neighbours. In particular views of the open rural character of the area and scenic background would be interrupted by a dense shelter belt of vegetation which is out of character for the locality.

The application includes very limited information with regards to the appearance of the proposed buildings in the locality. The visual impact assessment, prepared by Urbis, provides an assessment of the original master plan not the amended master plan. It could be argued that the revised master plan, which includes the removal of 180 accommodation rooms, provides a lesser visual impact than the original master plan given the development has decreased in size. The visual impact assessment does not acknowledge the impact of the views from Putty Road, with only four viewing places identified in the assessment. The photomontages provided in the assessment demonstrate that the development will represent a foreign land use in the locality. The assessment provides very general amelioration measures and gives no detail as to how the amelioration is to be undertaken. Essentially the assessment relies on the screening effect of the proposed landscaping to reduce the visual impacts of the proposed development.

The assessment identifies that shelter belts will be used to screen the development from the surrounding locality. A shelter belt is a line of trees or shrubs planted to protect an area. Shelter belts are generally used as protection from severe weather and to provide protection for stock. Assuming the proposed shelter belt could be planted and maintained to effectively screen the development, this would itself provide a visual impact in the locality as shelter belts are not typical of the flood plain area. The landscaping would introduce a foreign vegetation pattern to the locality, which is currently presents small clumps of vegetation, typically clustered around buildings, with large open spaces between. The open spaces are typically filled with managed pastures and grasslands.

In addition to the landscaping providing a visual impact in the locality, the species proposed are not characteristic of those found in the locality. The landscape plan, prepared by Nicholas Bray Landscapes, proposes plantings along all boundaries within the 40 metre setback. Some of the species identified are not typically found in the locality and others are unsuitable for the site given the soil drainage issues, which are identified in the flora and fauna report as intermittent wetlands. A series of sectional elevations were also prepared by Nicholas Bray Landscape. The location of the sections is not identified on the landscape plans and the growth rates shown are questionable. There is no vertical scale shown on the sections, however the height of the person provides some point of reference to be able to determine the projected growth rates. Some of the trees shown appear to reach a height of approximately 8 metres after 6 years. Given the applicant has identified that the site is of limited soil quality it is questionable if the landscaping will be able to grow to provide a suitable screen or reach the heights predicted in the landscape plans and visual impact assessment. Given the issues identified above the landscaping proposed is considered inappropriate for the proposed development.

Earthworks

The proposed development includes significant bulk earthworks to provide building pads. From the information submitted the extent of the earthworks proposed is not clear. There are no bulk earthworks drawings included in the application, which makes it difficult to determine the final ground levels.

Management of Stormwater

Earthworks by way of cut and fill are proposed as part of the development. The earthworks are extensive and will impact on the direction and concentration of Hunter River and local overland stormwater flows and will be a major source of sediment transportation. Whilst the requirements for a stormwater design could be specified by Council more information is required on local flooding for Council to have some confidence on an acceptable stormwater drainage solution.

Waste Management

The application includes a waste management plan. The plan indicates the different methods for collection, storage and disposal of both recyclable and general waste materials. A series of 120 litre colour coded bins will be placed around the site for the collection of all waste types. The bins will be emptied by staff into a large industrial bin. The bins are to be lined, black liners to be used for general waste and clear liners for the recyclable materials. The clear liners to be used in the recycling bins are not recyclable and the waste would need to be removed from these bags before disposal.

All general waste is to be inspected, prior to disposal, to ensure recyclable items or non-compliant wastes are not included in this waste stream. General waste will be collected from the site and disposed of by a licenced contractor.

All recyclable waste will be collected by a licenced contractor and disposed of to a materials recovery facility.

The waste management plan does not provide any information with regards to the volumes and quantities of green waste likely to be generated by the development, or how this waste stream will be managed. The location of the 120 litre garbage bins and the industrial bins has not been indicated on the plans.

Flood Risk Management

The development site is partly affected by high hazard floodway, low hazard floodway, low hazard flood storage and partly flood free for the 1:100 flood event for the Hunter River. The applicant proposes to raise the buildings above the 1:100 year flood event with roads and car parking functioning clear of floodwaters up to the 1:10 year flood event. Site earthworks could be undertaken to ensure the development is above the 1:100 year flood event as the depth of flooding is typically less than 1m. There is insufficient information contained in the application to determine the extent of the earthworks proposed to facilitate the building pads and infrastructure areas above the respective flood events.

The construction of buildings and infrastructure above the Hunter River flood events does not take into account or describe how best to deal with local flooding and the impact from more frequent storm events. There is insufficient information provided by the applicant to consider this eventuality.

The concerning effect of the flooding is not so much the inundation of the site, which has engineering solutions, but the potential isolation of the site during major flooding events and the need to then service the occupants on the site and provide SES support. The potential dangerous scenarios are:

- During rising flood waters some of the occupants are on 12 hour shift at their place of employment and can't respond to an evacuation plan. The major impact will be on private cars parked at the village.
- Some of the occupants not at work will potentially be physically impaired by lack of sleep and therefore unable to respond to an evacuation plan.
- Water quality controls become an issue during minor storm events which will have an engineering solution and can be conditioned.
- How to service a community that could be potentially isolated for up to a week by floodwaters.

The application includes a flood evacuation plan for the development site. The evacuation plan identifies an evacuation route along Army Camp Road to the south of the development site. Army Camp Road is a no through road. The Singleton Military Area is located at the end of Army Camp Road and access is restricted to authorised personnel only. The Department of Defence advised in their correspondence received by Council on 7 May 2013 the following:

“Defence is concerned that the proposed temporary accommodation village site is subject to flooding and the proponent has articulated that they intend to seek access through the Singleton Military Area (SMA) in cases where flooding impacts on the town side of Army Camp Road. Under emergency Defence Assistance to the Civil Community (DACC) situations, where major flooding occurs this arrangement would be acceptable to Defence.

However, under minor flooding, which anecdotal evidence suggests is a routine occurrence along Army Camp Road and in and around the Doughboy Creek area, Defence would not be prepared to grant access through the SMA. The key concerns for Defence is that in granting public access through Defence land, Defence accepts the transfer of risk to pedestrians/cyclists to on base, with an added risk to soldiers under physical and military training. In addition, it would also raise security concerns.

In this instance, Defence will support access through the base for Emergency evacuation needs, but routine ingress and egress in cases of minor flooding would not be supported.”

Given access along Army Camp Road to the south of the development site is restricted, the proposed evacuation route is not acceptable. A suitable alternative evacuation route has not been identified.

The evacuation plan identifies a pedestrian assembly area on the western portion of the site that has been labelled as being part of the “licence back area” that will not be used as part of the development. It is unclear if the applicant has legal rights to use this portion of land as a pedestrian assembly area. No details on how pedestrians are to be evacuated from this point are provided. It should be noted that access from the development site to Putty Road has not been considered as part of this application. As an assessment of vehicular access to the site from Putty Road has not been undertaken it is not known if there are safe locations for the evacuation of up to 1300 people from the site onto Putty Road.

Once the Hunter River spills near Glenridding (which occurs at about a 10% Annual Exceedance Probability (AEP) frequency), Army Camp Road and Putty Road are closed between the development site and Singleton. This would result in excess of 1500 people being required to be evacuated from the site to a flood free accommodation facility. No details on suitable accommodation facilities have been identified in the application, with the exception of the flood evacuation plan making reference to a local shelter. No details on the local shelter are provided, and it is unlikely one would be provided in a 10% AEP frequency flood.

A significant number of people would require accommodation in the event of flooding. The length of time this accommodation would be required for could vary depending on the severity of the flooding. No details on where this accommodation could be sourced from or how residents of the accommodation facility would be transported to this accommodation are provided.

Given the application identifies that workers will be bused to their workplace, it is likely a large number of private vehicles will be on the development site. Workers would be separated from their vehicle for an unknown length of time, and significant damage may occur to these vehicles depending on the extent of the flooding.

The flood evacuation plan, submitted as part of the application, is lacking in detail and does not provide a suitable evacuation route from the development site to flood free land. Given the frequency of flooding that is likely to occur over the development site, it is expected that there would be regular evacuations of the site required. Having regard to the flooding and evacuation requirements of the site, it is not considered suitable for the proposed development.

Outdoor Advertising Signage

The information included in the application does not identify any signage proposed as part of the development.

Area likely to be impacted by army activities

The site is not mapped as being within the area likely to be impacted by army activities, however it is within close proximity to the Singleton Military Area. The application was referred to the Department of Defence for assessment and comment.

The Department of Defence identifies that the site is located outside of the Community Annoyance Level (CAL) 115 area, however may still be subject to noise and vibration impacts.

The Department of Defence raises concerns with regards to the use of Army Camp Road for access to the proposed development. Army Camp Road is a major access route to the Singleton Military Area. The Department of Defence requests that any works undertaken to Army Camp Road take into consideration the access requirements of Singleton Military Area to ensure access is not restricted.

In the supplementary advice received by Council on 7 May 2013 The Department of Defence raises concerns about the use of Army Camp Road and the Singleton Military Area for flood evacuation purposes. This is addressed in detail previously in this report.

(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

Not applicable.

(a)(iv) any matters prescribed by the regulations

Not applicable.

(b) the likely impacts of the development

Safety, security & crime prevention

The application was referred to the NSW Police Force to undertake an assessment and review of the proposed safety by design measures implemented in the development. The initial information submitted with the development application did not address crime prevention through design. The amended information received by Council on 19 July 2013 provides a very limited assessment of Crime Prevention Through Environmental Design (CPTED). The NSW Police provided comments and recommendations for the design of the development to increase safety. A copy of the comments received from NSW Police are appended at **APPENDIX C** and a summary of the comments is provided below.

Surveillance

Natural surveillance is provided in the car parks that are located between the accommodation units, as people will be frequently moving through them to get to their accommodation unit or site facilities. The car parks have also been oriented towards the accommodation units allowing for good sight lines. The car parks located on the boundaries are not provided with this natural surveillance, however CCTV surveillance could alleviate this issue.

To ensure natural surveillance from the accommodation units into the car parks is maintained the landscaping should be planted and managed to ensure it does not restrict a clear view. Thick landscaping provides hiding and concealment spots for offenders, so this should be limited. This may create issues as the applicant has identified in the visual impact assessment that dense landscaping will be provided to reduce the development's visual impact on the locality.

Lighting

There is no information regarding proposed lighting indicated on the plans submitted as part of the application. The NSW Police recommend that additional information with regards to the lighting proposed both internally and externally to ensure lighting meets the required standards.

Territorial Re-enforcement

There is limited information available on the signage proposed for the development. Signage is important as it removes confusion that may legitimise exploration, trespassing and excuse making by criminals. Internal signage should be provided to give clear guidance and way finding within the development.

Access Control

There is limited information in the application to identify the access control treatments in and around the development.

Waste Management

The plans do not indicate an area on the site for the storage of large waste bins. These bins need to be located within a supervised area and be fitted with a lock to prevent unauthorised access.

Public Transport

Currently there is no public bus service to the development site. There is also limited public transport available to residents of the proposed development. This is currently a problem in Singleton, particularly during closing times for licenced premises and the taxi services cannot currently meet the demand during these times. The applicant should provide a courtesy bus services, particularly during the identified times, to ensure there is no additional demand on public transport or taxi services.

Whilst there is limited information, or additional information required, with regards to safety, security and crime prevention it is likely that the requirements of safety by design could be effectively implemented into the proposed development.

Social and economic impact on the locality

The applicant submitted a socio economic impact report (SEIR), prepared by Western Research Institute, as a part of the application. Council engaged Hunter Valley Research Foundation (HVRF) to undertake a peer review of this report. A summary of the key findings of the peer review by HVRF are as follows:

- The report makes a number of assumptions that are questionable or lack rationale to support them.
- The demographic data used in the SEIR includes the Dungog, Port Stephens and Upper Hunter Shire LGA's rather than those of Cessnock, Maitland and Muswellbrook LGA's which are more similar in nature to Singleton than those used.

The demographic data used arguably exaggerates the distinctive characteristics of Singleton that are discussed in the SEIR and which underpin the rationale for the facility. An example of this is where the SEIR compares the rate of population growth in Singleton LGA, with that of the Hunter Statistical Division. The comparison states that whilst growth in Singleton has slowed substantially,

growth is still above that of the Hunter Statistical Division. The comparison obscures the fact that population growth in neighbouring LGAs of Cessnock and Maitland substantially outstripped growth in Singleton.

The availability of affordable housing has been a major factor in the pattern of population growth and is directly relevant to the argument put forward by the applicant in favour of the proposed development. The pattern of population growth provided in the SEIR supports the argument that there is continued growth in Singleton which requires additional affordable housing. The comparison provided does not accurately reflect the current pattern of population growth, which is currently focused on the area bordering Singleton, Cessnock and Maitland LGAs.

- The demographic data used fails to identify the similarities Singleton has with Cessnock, Maitland and Muswellbrook, as it concentrates on the differences it has with Dungog, Port Stephens and Upper Hunter Shire.
- The methodology used does not account for all of the benefits and none of the costs of the proposed development.
- Assumptions provided by the applicant are used in the report. Whilst there is no basis to suggest that these estimates are inappropriate, there is also no basis to suggest they can be confirmed.
- There is no evidence to support the assumed expenditure particularly relating to the extent of local expenditure versus leakage into the Lower Hunter.
- The modelling assumes that 80% of demand will be drawn from existing accommodation in the Singleton area, however there is no evidence provided to substantiate this assumption.

The assumption that 80% of the development's residents are currently accommodated in the Singleton area, if true, is particularly concerning. The removal of 80% of the current demand for accommodation in Singleton would invariably impact on a number of local businesses and would also impact on the local housing market. This reduction would have its most severe impact on other providers of temporary accommodation, but would also impact on the rental market and to a lesser extent would impact on cafes, restaurants, licensed premises and other food retailers.

- The economic stimulus potentially provided by the construction and subsequent operation of the proposed development would provide a modest economic stimulus to the economy of the Singleton LGA.
- The direct employment arising from the proposed development merits further confirmation as it would appear to contrast the direct employment figures provided for similar developments.
- The main limitation of the information provided relates to the singular use of the I-O/SIRE methodology and the absence of any assessment that may account for the other costs and benefits of the proposed development against alternative options.
- The SEIR covers an appropriate range of business types in its assessment of likely impacts, however only 17 businesses out of the 70 businesses that were contacted were interviewed. No conclusion can be drawn about the extent to which the opinions of those interviewed represent the business as a whole.
- The purchase of goods and services locally in Singleton was identified in the SEIR as a concern. Despite it being identified, it was not addressed in the SEIR.

Whilst the provision of a bus service to transport employees would reduce the volume of traffic generated by the development, it will also impact on the level of expenditure benefits that local businesses may derive from the development. In addition to the limited individual expenditure that could be expected from the development, given the nature and buying power of the Mac Organisation, it is arguable that there would be limitations on the benefits that local businesses would derive from the supply of goods and services to the development.

Additional information supplied by the applicant states The Mac *“give preference to local suppliers in tendering and purchasing where the local suppliers’ tender or quotation is commercially competitive with non-local tenders or quotations and meets the MAC’s qualification requirements”*. This statement is taken to mean that The Mac will choose the tender that best suits their costs and needs, which may not necessarily be from a local supplier. It does not provide any significant justification or reassurance that there will be a positive benefit to local businesses as a result of the proposed development.

- The SEIR does not contain adequate information regarding the community consultation that was undertaken.

The lack of information provided in the SEIR regarding the community consultation raises a number of questions with regards to validity and reliability of the information provided in the SEIR with regards to the views and concerns of the Singleton Community. There were 1838 submissions received during the exhibition period. Three of these submissions were in support of the application, with the remainder all objecting to the proposal for a variety of reasons. The potential social impacts of the proposed development was one of the leading reasons for concern listed in the submissions.

The issues raised by HVRF in their peer review cast doubt on the conclusions drawn in the SEIR submitted with the application.

Disability Access

The development proposes to provide some disabled accessible accommodation units. The application includes an access concession report which seeks a concession on the number of rooms which will provide disabled accessible accommodation. The statement of environmental effects states that the accommodation facility will *“offer flexible accommodation to a variety of customer bases, not just in the mining and resources industry. Accommodation will be available to infrastructure worker, possible Department of Defence, Department of Housing and to a lesser extent, the general public.”* The statement of environmental effects also outlines that 40 disabled accessible rooms will be provided.

The 40 disabled accessible accommodation rooms equates to 3% of all available accommodation. The access concession report seeks to reduce this to only 2 rooms which equates to 0.15% of all available accommodation.

The access concession report states that the *“vast majority of the occupants of the workforce accommodation facility will be mining workers.”* This is the basis upon which they seek a concession to the requirement to provide disabled accessible accommodation. The access concession report provides the following justification for the concession sought:

“Upon analysis of the intent and function of the facility accommodation, it is noted that it is highly unlikely that a person who uses a wheelchair would be employed as a mining worker due to the highly physical nature of the work duties required.

Indeed, it is to be noted that all mine workers are required, as a pre-condition for working at the mines, to pass a physical and medical examination that certifies that they are physically fit for and capable of the work involved.”

The access concession report seeks an exemption under Part D3.4 of the Building Code of Australia (BCA). The considerations of exemptions can also be considered under Part D3.4 of the Access to Premises Standards 2010.

The Building Professionals Board indicates that situations where an exemption can be considered are rigging lofts, plant rooms, foundry floors and the like. The applicant's justification for their request for an exemption is not considered adequate. The development should therefore provide the required number of disabled accessible rooms in accordance with Part D3 of the Access to Premises Standards 2010.

Aboriginal Cultural Heritage

The information submitted in the application does not include an assessment of Aboriginal Cultural Heritage. The application was referred to the Wanaruah Local Aboriginal Land Council who requested that an Aboriginal Archaeological Cultural Heritage Impact Assessment be undertaken. Further discussions with the Wanaruah Local Aboriginal Land Council identified that there are no identified Aboriginal artefacts or items of significance in the locality as no detailed studies have been undertaken. Given there is significant flooding through the site on a regular basis and there are some riparian corridors in the locality it is considered reasonable to consider there may be Aboriginal artefacts or items of significance on the site. The applicant has submitted insufficient information to allow Council to undertake an assessment of the development's potential impacts on Aboriginal cultural heritage.

Lighting

The statement of environmental effects identifies that lighting will be provided *“at the entry to the facility and throughout the facility”*. There are no plans or details which identify the location or type of lighting proposed, with the statement of environmental effects stating that *“a detailed lighting plan will be prepared prior to the issue of a Construction Certificate”*.

Given the size of the proposed development and its location within a low density rural area, approximately 3 kilometres from Singleton, there is the potential for the development to have an impact in terms of light spillage and glow. Light spillage can be controlled through appropriate placement and type of lighting used on site. There is no detail regarding lighting type or placement provided in the application to allow an assessment of light spill impacts.

Whilst light spillage impacts can be mitigated, there will be sky glow as a result of the development. The extent to which glow impacts visually and on individuals amenity is problematic, because of the subjectivity of individual's perception. The visual setting, particularly when viewed from the surrounding locality, will

nevertheless change. Given the site is located within a rural area, with no dense development surrounding it, the impacts of sky glow will be exacerbated. The sites distance from Singleton will also contribute to the impact of sky glow on the locality.

Noise & Vibration

The information submitted with the application does not include an acoustic report. The statement of environmental effects comments on noise impacts and identifies that the main noise sources will be “*plant and equipment, site traffic, car parking and people at communal recreation areas*”. Details of the expected noise levels are not provided, with the statement of environmental effects providing the following to justify that the development will not impact on the locality.

“From past experience, The Mac, consider that noise generated from the proposed development during the daytime/evening and night-time periods will comply with the relevant NSW Industrial Noise Policy criteria levels without any requirement for specific noise mitigation measures. It is also considered that relevant sleep disturbance noise criterion for noise peaks at night will be satisfied at all surrounding residences without any requirements for specific noise mitigation measures.”

There is no evidence provided to support the above statement. Given the site is located within an existing rural locality it is likely there will be an impact from noise generated by the development. Council has not been provided with sufficient information to undertake a complete assessment of the acoustic impacts of the proposed development.

Site design & internal design

The proposed development has been designed with some attempt to avoid the constraints on the land. The portion of the site identified as being subject to high hazard flooding has been excluded from the developable area. In addition to this a large section of the central portion of the site has also been excluded to allow for the local flooding.

Despite this the proposed development does not represent a desirable or logical development for the locality. The built form and density of the accommodation facility would introduce foreign elements to the locality, which is currently a low density rural landscape.

c) the suitability of the site for development

The subject land is not considered suitable for the proposed development for the following reasons:

- The site is located within a low density rural area and the proposed development is not compatible with the surrounding landscape, traditional built form or density;
- The site is identified as flood prone land;
- A suitable evacuation route, in case of flooding, is not available;
- The site has the potential to contain Aboriginal sites that could be impacted upon;
- The site is Class 3 agricultural land and the proposed development will sterilise the site and fragment the surrounding agricultural land;
- The site is visually constrained and has limited natural screening opportunities;

- The site's location in a rural locality away from the developed urban area will result in significant light spillage and sky glow.
- There is a lack of certainty presented in the application that appropriate provisions of water and sewer can be achieved given the reliance on obtaining easements or agreements with private land owners.

Consultation/Social Implications

(d) any submissions made in accordance with this Act or the Regulations

The development application was advertised with the exhibition period commencing on the 22 March 2013 and closing on the 19 April 2013. Council had two requests to extend the notification period. The first resulted in the exhibition period being extended to the 3 May 2013, and the second resulted in the exhibition period being extended until the 17 May 2013. The application was on exhibition for a period of 57 days. Three notices were placed in the Singleton Argus to advertise the development and the subsequent extensions to the exhibition period.

In accordance with Council's public notification policy under Singleton Development Control Plan 2012 the application was publicly notified from 22 March 2013 to 17 May 2013. Surrounding property owners were notified (by individual letters) of the application and the subsequent extensions to the exhibition period as detailed above.

In response to this public notification and advertising process, approximately 1800 written submissions were received. A detailed list and assessment of the issues raised is provided below:

Socio economic impacts

Loss of local jobs

There is a community perception that the proposed accommodation facility could result in an increase in fly in/fly out or drive in/drive out workers, which would in turn result in a loss of jobs for local people. The perceived increase in non-local workers would also result in additional money being taken out of local economy. There is potential for this to increase if there was a corresponding increase in the number of out of town workers as a result of this development. The proposed accommodation facility is self-contained, which reduces the need to residents to spend money in Singleton or surrounds.

Local sporting clubs

Any increase in the number of workers from out of town could impact on the viability of local sporting clubs. Local clubs rely on community participation to survive and an increase in the transient worker population of the local government area would result in fewer families settling in Singleton as their principal place of residence. This has flow on effects in the community as fewer people are available to play sports and provide the necessary support for players.

Location of Singleton

A number of submissions highlight the fact that Singleton is not in a remote location. Currently Singleton is within close proximity to a number of large towns and cities and the Hunter Expressway will increase the accessibility to these locations.

Impact on rental accommodation/investors

The proposed development seeks to provide a self-contained accommodation facility. There is concern that the large scale of the proposed development will have an adverse impact on the housing market, particularly with regard to rental accommodation. The Singleton housing market does experience peaks and troughs that can be heavily influenced by the mining sector. There is concern that the proposed accommodation facility will force a long term trough as there will be an oversupply of accommodation in the locality. Whilst the applicant has advised they will only construct the proposed development should there be a demand, this does not account for the fact there will be troughs that may result in an adverse impact on the Singleton housing market after the development is built.

Strain on local services and emergency services

The introduction of approximately 1300 additional people is likely to cause an increase in demand for local services, such as doctors. The applicant has not provided detailed information with regards to how these services can be increased to cater for the influx in population that will be generated by the development.

It is unknown if the local emergency services can cater for the large increase in population that would result from the proposed development. Currently Singleton is not serviced by a 24 hour police station, with after-hours policing provided from Muswellbrook. The lack of a 24 hour police station has also been highlighted in the submissions, with concerns that this may encourage anti-social behaviour or crime.

Traffic

The traffic assessment, prepared by TPK & Associates, relies on a bus service to mitigate and reduce any potential traffic impacts from the development. The assessment does not make allowances for residents who may wish to drive their private vehicle to work, nor does it adequately address how residents will travel to and from the accommodation facility to their principal place of residence.

Landscaping

A detailed assessment of the proposed landscaping is provided previously in this report. The landscape plans, prepared by Nicholas Bray Landscapes, identify that a dense landscape screen will be provided around the perimeter of the development site. There are concerns that the landscaping proposed is not suitable, in terms of species selection and also visual appearance. The landscaping will provide a dense screen, which is not typical of the vegetation and landscape pattern of the locality.

Visual Impact

The immediate vicinity surrounding the development site is characterised by open rural land that is predominately used for agricultural purposes. The scale and density of the proposed development is not consistent with existing developments in the area.

The visual impact assessment, prepared by Urbis, acknowledges that the development will have a visual impact in the locality. The photomontages included in the visual impact assessment demonstrate the potential visual impacts. The assessment proposes to provide a landscape buffer to screen the development. As

discussed above the landscaping proposed is not considered acceptable, and also presents a visual impact on the locality.

Decommission plan

Some submissions received highlighted that the decommission plan submitted related to Gulgong, as it referenced Gulgong. The applicant has since advised this was an error and the reference to Gulgong has been removed from the plan.

The decommission plan identifies four options for decommissioning once the accommodation facility is no longer required. The options are as follows:

1. Leaving buildings and infrastructure on-site
2. Partial decommissioning – removal of accommodation buildings with all other buildings and infrastructure being left on-site
3. Advanced decommissioning - removal of accommodation buildings and all other buildings with only the infrastructure being left on-site
4. Complete decommissioning – removal of all buildings and infrastructure

The plan identifies *“It’s The Mac’s opinion that options 2 and 3 serve the local community best, leaving a legacy of infrastructure”*. Whilst it may be possible to repurpose the infrastructure and some of the building on the site for another purpose the flood liability of the site will have implications for the use of any legacy infrastructure left after the decommissioning of the site. This has not been addressed in the decommissioning plan.

Inconsistency in Documentation

A number of submissions raise concerns with inconsistencies in the documentation and reports provided by the applicant. Some of the supporting professional reports provide a differing outline of the proposed development. Council staff have relied on the information provided in the statement of environmental effects, prepared by Keeplan, with regards to what the proposed development entails.

Lack of security

Concern has been raised that the existing fencing is not sufficient to stop people trespassing into the development site, and also from the development site onto adjoining lands. There is limited information in the application to identify the access control treatments in and around the development. Given the rural nature of the locality a high security fence around the perimeter of the proposed development is likely to have an adverse visual impact and would not be consistent with the fencing commonly found in the locality.

Flooding

The development site is subject to regional flooding, from the Hunter River, and also local flooding, from the Doughboy Catchment. The information submitted by the applicant identifies that the buildings will be erected above the 1 in 100 year flood event and the roads and car parks will be erected above the 1 in 10 year flood event.

As discussed previously the concerns with the flood prone nature of the site relate mainly to the local flood events from the Doughboy Catchment. The development site and its occupants would become isolated after regular local flood events, with

many residents likely to be separated from their personal belongings and vehicles. There is the potential for damage to a significant number of vehicles, particularly if buses are used to transport workers to their place of employment.

The evacuation route, along Army Camp Road to the south of the development site, is a no through road. The Singleton Military Area is located at the end of Army Camp Road and access is restricted to authorised personnel only. The Department of Defence have advised that access would only be granted through the Singleton Military Area during emergency Defence Assistance to the Civil Community (DACC) situations only.

Impacts on the Army Camp

The development application was referred to the Department of Defence for comment. The Department of Defence raised concerns with the use of Army Camp Road by the development as it is a major access route to the Singleton Military Area. The Department of Defence have requested that any works undertaken on Army Camp Road take into consideration the access requirements of Singleton Military Area to ensure access is not restricted.

The Department of Defence also raised concerns with the use of the Singleton Military Area as an evacuation route in case of flooding. The Department of Defence have advised that access would only be granted under emergency Defence Assistance to the Civil Community (DACC) situations, where major flooding occurs. During minor flooding events The Department of Defence will not allow access for evacuation purposes due to concerns surrounding risk to pedestrians/cyclists, and soldiers on the base and security.

Decrease in property value

The issue of property values is not a planning issue.

Precedence

The development site is located on a site that is subject to both regional and local flooding. In addition to this the development is not consistent with the objectives of the 1(a)(Rural Zone).

Approval of this development could set a precedent for other developers to propose similar development which is not consistent with Council's Floodplain Risk Management Plan or the objectives of the zone.

Noise

The acoustic impacts of the proposed development on the surrounding locality have been raised as a concern, particularly by adjoining neighbours. The submissions raise concerns that given the 24 hour nature of the mining industry and that the development seeks to particularly cater to this market, there will be traffic and movement on the site 24 hours a day. As discussed previously in this report the applicant has not submitted an acoustic impact assessment, with a brief assessment of acoustic impacts provided in the statement of environmental effects. There is no evidence provided to justify the applicant's assertion that the development will not adversely impact on the locality in terms of noise generation. Council does not have sufficient information available to undertake a complete assessment of the acoustic

impacts of the development, however it is considered given the size and intensity of the development in a rural locality there is likely to be some noise impacts.

In addition to the above, the adjoining land holders also raise concerns that the farming activities on adjoining land, which can involve significant volumes of noise, will adversely impact on the operation of the proposed development. The development site is located within an existing rural locality that is currently used for a variety of agricultural activities such as cropping, livestock production and grazing. The adjoining landholders have identified that many farm activities, such as stock rotation, calving and lucerne cutting and baling, are typically very noisy activities that are required to be undertaken at various times of the day or night. There is concern that the proposed development will result in complaints being made about the adjoining landholders, which will require them to alter their farm management practices, which could jeopardise the viability of their farms. The applicant has not addressed the noise generation of adjoining land and its impacts on the proposed development.

Lighting

Details on the lighting proposed for the development have not been provided. Given the size of the development it is likely that there will be a significant volume of light glow and spillage as a result of the development.

Land use conflicts

There is potential for the proposed development to impact on the operation of the adjoining agricultural land and conversely there is the potential for the adjoining agricultural land uses to impact on the operation of the proposed development. The site is located within a rural zone that supports long term agricultural uses.

The development will have the potential to accommodate approximately 1300 people on-site, which would result in a significant increase in the density of the locality.

It is not considered an appropriate location for an accommodation facility given the land use conflicts that could potentially occur.

Contamination

The submissions received identify that the site has been previously used as a dairy farm, which involved the installation of 150mm asbestos fibro water pipes in the 1960's. Concerns were raised that these pipes remain on site and the contamination information submitted with the application does not address the removal of these pipes and any land remediation that would be required.

As discussed previously, the Phase 1 Environmental Site Assessment has identified that the site has potential for soil contamination given past site uses and adjoining land uses. An assessment under the provisions of State Environmental Planning Policy No 55 – Remediation of Land has identified that the information submitted is not sufficient to enable Council to undertake a complete assessment of the site's potential land contamination and any remediation works that would be appropriate or necessary.

Use of agricultural land

The development site is zoned 1(a)(Rural Zone) and is located within an established rural area that currently supports a variety of agricultural uses. The proposed development is not considered a suitable land use for the locality as it will cause a number of land use conflicts with adjoining lands, will sterilise land that has been previously used for agricultural purposes and may adversely impact on the viability of adjoining agricultural uses.

Water & sewer servicing

Council's Utilities Engineer (Special Projects and Development) has provided preliminary advice that the site can be serviced by Council's reticulated water and sewer. Further to this there will be major upgrade works required to facilitate this connection and there are concerns with regards to the developer being able to access private land to connect to the sewerage treatment plant. The applicant has not provided any evidence that the private land owner would be willing to grant access.

Concern has been raised that in the event the development could connect to the reticulated services it will absorb reserve capacity that would otherwise be available for residential development within the Singleton urban release areas.

Council's Utilities Engineer (Special Projects and Development) has provided preliminary advice that at this stage the proposed development could connect to Council's reticulated water and sewer services. As more developments come on line and require these reticulated services Council would be required to review its servicing capacity and provide upgrades where required to ensure an adequate level of service.

Plan of management

The applicant submitted an amended plan of management, prepared by Urbis. This document does not appear to have been adopted by The Mac Property Services Group as it contains the word "draft" on every page.

The draft plan of management provides a general overview of the operational and management information of the proposed accommodation facility. The draft plan of management lacks sufficient detail to provide a clear and thorough understanding of how the accommodation facility intends to operate.

Disabled access

The access concession report seeks an exemption under the Building Code of Australia. The justification provided for the exemption is not considered adequate and cannot be supported. Should the development be approved it would be required to provide disabled facilities in accordance with the requirements of the Access to Premises Standards 2010 and the Building Code of Australia.

Ecological assessment

The applicant submitted an ecological assessment prepared by OzArk Environment and Heritage Management. The information submitted in the assessment identifies that there will be no significant impact on threatened species as a result of the

development. The report further states that given the highly disturbed nature of the site there are very few ecological constraints associated with the proposal.

The report identifies a number of hollow bearing trees on the site and recommends that these are retained. The landscape plans do not identify these hollow bearing trees and it is not known if they are proposed to be retained.

The report also highlights that after periods of prolonged heavy rainfall the floodplain depressions on the site would form shallow wetlands. These shallow wetlands are identified as being suitable foraging habitat for wetland birds. The development of the site would result in this intermittent wetland being modified which may impact on the foraging habits of wetland birds.

Aboriginal Cultural Heritage

The application was referred to the Wanaruah Local Aboriginal Land Council who highlighted that an Aboriginal Archaeological Cultural Heritage Impact Assessment should be undertaken for the proposed development. Given there is significant flooding through the site on a regular basis and there are some riparian corridors on the locality it is considered reasonable to consider there may be Aboriginal artefacts or items of significance on the site. An Aboriginal Archaeological Cultural Heritage Impact Assessment has not been submitted and it is considered there is insufficient information with regards to aboriginal cultural heritage.

Inconsistent with State Environmental Planning Policy (Rural Lands) 2008

The applicant has not addressed the provisions of the Rural Lands SEPP. As discussed previously the proposed development is not considered to be consistent with the aims or planning principals contained within this policy.

Inconsistent with Singleton Local Environmental Plan 1996

As discussed previously the proposed development is not considered to be consistent with a number of the aims and zone objectives contained within SLEP 1996. As a result the development is not considered suitable.

The suitability of the site for the development

The development site is environmentally constrained. The site is affected by local and regional flooding events which have the potential to displace residents and cause damage to property or person. In addition to this there are visual constraints that limit the use of the site. The development will also have likely adverse impacts on the use of the adjoining agricultural lands with the viability of the agricultural enterprises being placed in jeopardy. The urban nature of the proposed development is out of character for the rural locality and would be better suited to a location within an established urban locality.

Impact on local construction industry

During recent years Singleton has experienced demand for rental accommodation for those workers associated with the mining industry, usually providing housing for contract workers or drive in/drive out workers. The market responded to this demand through the construction of investment properties (e.g. dual occupancies in greenfield subdivisions, medium density housing and serviced apartment projects in existing urban areas).

With the downturn in the mining industry in the last 12 months, accommodation pressures previously experienced have eased resulting in the rental and sales market having an oversupply of stock. This in turn is filtering through with the construction industry also encountering a downturn in demand. It is envisaged that if the intent of the mining village is to capture a large percentage of those workers who currently use either motel or rental accommodation options, the construction industry will suffer further as the investment property market will contract resulting in job losses.

Temporary Nature of Development

A number of submissions raise concerns with the applicant's use of the word temporary to describe the proposed development. The information provided in the application does not clearly identify what temporary is considered to mean. The applicant has verbally advised that the proposed development is temporary as it is of a temporary construction, meaning that the buildings can be readily removed from the site. In addition to this the applicant has also advised that the development is temporary as it will only remain whilst there is a demand for accommodation to be provided to the mining industry.

(e) the public interest

The development proposal does not represent a suitable use of the land, and is not considered to be in the public interest.

Consultation/Social Implications

These are addressed under the statutory considerations above.

Environmental Consideration

These are addressed under the statutory considerations above.

Conclusions

The proposal is likely to detract from the existing character and amenity of the locality. The application fails to satisfy the requirements of *Singleton Local Environmental Plan 1996* and the relevant elements of *Singleton Development Control Plan 2012*.

A comprehensive assessment of the application has been carried out under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979*. The proposed development is not considered satisfactory in terms of the relevant matters for consideration under the Act and the development application is recommended for refusal.

APPENDIX A – Reasons for refusal

1. The proposed development is prohibited within the 1(a) (Rural Zone) of *Singleton Local Environmental Plan 1996* as it is characterised as a boarding house.
2. The proposed development is not consistent with the objectives of the 1(a)(Rural Zone) contained in *Singleton Local Environmental Plan 1996*. In particular:
 - (a) The development has not demonstrated that it will protect and conserve agricultural land and encourage continuing viable and sustainable agricultural land use;
 - (b) The development does not promote the protection and preservation of natural ecological systems and processes;
 - (c) The development does not maintain the scenic amenity and landscape quality of the area;
 - (d) The development does not provide for the proper and co-ordinated use of rivers and water catchment areas,
3. The proposed development is prohibited within the RU1 – Primary Production zone of *Singleton Local Environmental Plan 2013* as it is characterised as a tourist and visitor accommodation.
4. The proposed development will have an adverse impact on the landscape and visual amenity of the locality and the proposed landscaping will not be effective in minimising those impacts.
5. The proposed landscaping will have an adverse impact on the landscape and visual amenity of the locality.
6. The proposed development does not have a suitable evacuation route in case of flooding.
7. The proposed development is not consistent with the aims of *State Environmental Planning Policy (Rural Lands) 2008*. In particular:
 - (a) The proposed development does not facilitate the orderly and economic use and development of rural lands for rural and related purposes;
 - (b) The proposed development does not implement measures designed to reduce land use conflicts.
8. The proposed development is not consistent with the rural planning principals of *State Environmental Planning Policy (Rural Lands) 2008*. In particular:
 - (a) The development does not promote and protect opportunities for current and potential productive and sustainable economic activities in rural areas;
 - (b) The development does not recognise the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State;
 - (c) The development does not recognise the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development;
 - (d) The development does not balance the social, economic and environmental interests of the community;
 - (e) The development does not maintain biodiversity, protection of native vegetation, recognise the importance of water resources and avoid constrained land;

- (f) The development does not recognise or preserve the existing opportunities for rural lifestyle, settlement and housing and the contributions it makes to the social and economic welfare of rural communities;
 - (g) The development is not consistent with the Singleton Land Use Strategy 2008 ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.
9. The subject site is not suitable for the proposed development given in particular:
- (a) The site is located within a low density rural area and the proposed development is not compatible with the surrounding landscape, traditional built form or density;
 - (b) The site is identified as flood prone land;
 - (c) A suitable evacuation route, in case of flooding, is not available
 - (d) The site has the potential to contain Aboriginal sites that could be impacted upon;
 - (e) The site is Class 3 agricultural land and the proposed development will sterilise the site and fragment the surrounding agricultural land;
 - (f) The site is visually constrained and has limited natural screening opportunities;
 - (g) The site's location in a rural locality away from the developed urban area will result in significant light spillage and sky glow.
 - (h) There is a lack of certainty presented in the application that appropriate provisions of water and sewer can be achieved given the reliance on obtaining easements or agreements with private land owners.
10. The proposed development does not comply with the Singleton Development Control Plan 2012. In particular the development does not provide sufficient parking in accordance with the requirements of the parking and access provisions.
11. The applicant has submitted inadequate information in support of the development application. In particular:
- (a) The applicant has not provided sufficient information to enable an assessment in accordance with the requirements of clause 7(1)(b)(c) and 7(3) of *State Environmental Planning Policy No 55 – Remediation of Land*;
 - (b) The acoustic assessment is inadequate and does not demonstrate if the proposed development will have an acoustic impact in the locality and how the proposed development will mitigate these impacts;
 - (c) The acoustic assessment does not adequately address the noise impacts of the adjoining agricultural uses on the proposed development;
 - (d) The flood study is insufficient to enable Council to adequately determine the impacts that flooding will have on the proposed development;
 - (e) The flood study is insufficient to enable Council to adequately determine the impacts that the proposed development will have on flooding in the locality;
 - (f) The applicant has not demonstrated the likely impacts of the proposed development on Aboriginal cultural heritage;

- (g) The traffic assessment is inadequate and has not considered in particular the impact of the proposed development on the local road network;
- (h) No information has been provided by the applicant as to how the proposed development will provide a dedicated fire fighting water supply;
- (i) The waste management plan does not provide detailed information about the storage locations of waste, how often the site will be serviced by a waste collection service or where garbage and recycling will be collected from on-site;
- (j) The information provided by the applicant is not sufficient to allow for an assessment of the proposed development's compliance with safety by design requirements of Crime Prevention Through Environmental Design and Safer by Design.
- (k) The socio economic impact assessment makes a number of assumptions that are not substantiated and as a result the assessment is inadequate;
- (l) Inadequate detail with regards to an acceptable stormwater drainage solution has been provided;
- (m) Inadequate detail has been provided concerning the location and number of lights to be provided on the site.
- (n) Sufficient detail regarding the extent of earthworks proposed has not been provided;