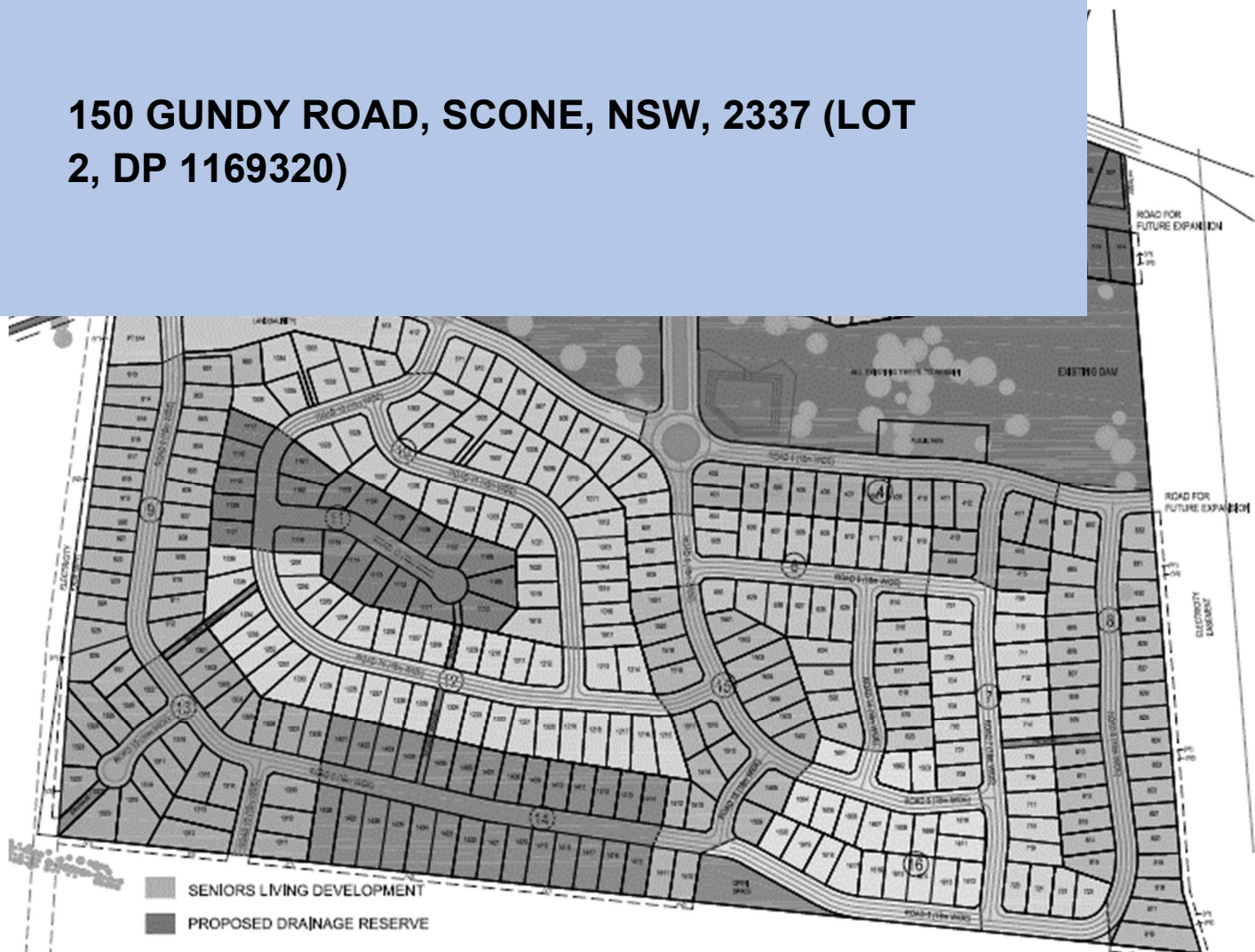


# DCP COMPLIANCE ASSESSMENT SECTION 8.2 REVIEW

**TORRENS TITLE SUBDIVISION (ONE  
INTO 392 LOTS OVER 16 STAGES)**

**150 GUNDY ROAD, SCONE, NSW, 2337 (LOT  
2, DP 1169320)**



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## UPPER HUNTER DEVELOPMENT CONTROL PLAN (DCP) 2015

The Upper Hunter Development Control Plan 2015 (UHDCP 2015) is the current DCP that governs this development. The following Parts apply to the proposed development.

### **Part 2 – Development Application Process**

#### 2b Public Participation

It is understood that the proposed development will be notified/exhibited in accordance with Part 2 of the DCP.

### **Part 3 – Subdivision**

#### 3a.6 Assessment Criteria

##### **a) Subdivision purpose and general considerations**

The proposed subdivision has been designed to complement the existing characteristics and constraints of the site, while ensuring the subdivision pattern and layout can accommodate for future development of neighbouring properties. Further, the proposed subdivision will allow for a range of residential development within the site due to the varying sizes of the proposed lots.

##### **b) Adjoining development**

The design and layout of the proposed is considered compatible with nearby development, specifically the aged care facility and existing residential development to the north of the site. The proposal has been designed in such a way to allow for future connections to both the east and west sites should they be developed in the future. Currently these sites are used for cattle grazing, similar to the existing use of the subject site. It is not anticipated that the proposed development will adversely impact or create land use conflicts between the properties. The subdivision has been designed to incorporate several public open spaces and parks which in conjunction with recommendations outlined within the CPTED assessment attached in **Appendix 18** to the SoEE, will provide for a safe and liveable environment. The CPTED recommendations continue to be relevant to the proposed revised subdivision layout, incorporating decreased Lot yield.

##### **c) Lot size, shape & orientation**

Key changes to the Subdivision Layout in response to the JRPP reasons for refusal include:

- Revision of layout such that a significant proportion of the lots front open space or rural aspect.
- Number of lots reduced from 423 to 392 average lot size 825m<sup>2</sup> being 37% larger than minimum lot size 600m<sup>2</sup>.
- The number of battle axe allotments reduced.
- Lots removed from areas fronting drainage reserve to increase the retention of hollow bearing trees
- Number of parks increased from 3 to 5 with a minimum area of 2500m<sup>2</sup> as per DCP (except park lot 220 1575m<sup>2</sup> which is intended as passive space to protect aboriginal tree).
- Lots in area of higher salinity area removed from DA

The minimum lot size of the subject site is currently 600m<sup>2</sup> under the UHLEP 2013. Due to the site characteristics and constraints, not every proposed lot strictly meets the DCP guidelines specifying that all lots are to have a minimum width of 20m and are no less than 20m deep. All lots have been provided with dimensions and are considered capable of accommodating a building envelope of 200m<sup>2</sup> and provide sufficient off-street car parking. A number of Lots are also capable of supporting future dual occupancy development, as shown within the plan set submitted with the application. The subdivision layout has been designed with respect to the natural environment, and thus does not strictly comply with these DCP requirements. It is considered however that the inconsistencies are minor in nature and will not adversely impact the development or liveability. A design statement is provided at **Appendix 5** to the SoEE, confirming that the proposed subdivision generally achieves the objectives of the DCP and has been designed taking the specified controls into consideration.

#### **d) Natural site features**

The proposed design and layout of the subdivision has taken the natural site features and characteristics into account, including the natural watercourse and vegetation.

#### **e) Natural hazards**

Pockets of bushfire prone land surround the subject site, and thus a Bushfire Threat Assessment has been undertaken to ensure maximum safety for future residents of the estate. This BTA provided recommendations to reduce risk. Refer to **Appendix 12** of the SoEE for further detail.

A Geotechnical Assessment was undertaken for the purposes of a site classification, salinity assessment and infiltration testing for the proposed development. Please refer to further analysis under Part 10c below.

#### **f) Landform modification**

The proposed subdivision has been designed to reduce cut and fill during construction stages. The development has been designed to minimize the amount of land modification as possible.

#### **g) Land contamination**

A Preliminary Site Investigation was undertaken on the subject site by Valley Civilab Pty Ltd in order to develop an understanding of the potential risks to human and/or environmental health relating to potential contamination of the subject site. This report was lodged with the original DA and continues to be relevant to this Section 8.2 Application. The assessment methodology included a data review to develop an understanding of the previous uses of the site, and a site visit. A review of the NSW EPA Contaminated Land Record of Notices was undertaken by Valley Civilab in November 2017 which identified that the site is not subject to regulation by the NSW EPA under section 60 of the *Contaminated Land Management (CLM) Act 1997* and similarly that there are no sites within the surrounding area subject to regulation under the *CLM Act 1997*. A review of the NSW EPA List of Contaminated Sites was also undertaken in November 2017, which identified that the site has not been notified to the EPA as a contaminated site and similarly that there are no sites within the surrounding area that have been notified. The key findings of the assessment include:

- 1) *Potential contamination sources associated with the sites historical land uses are limited based on the apparent lack of current and former infrastructures;*
- 2) *Visible signs of residual contamination were not observed during the site inspection; and*
- 3) ***Potential residual contamination in shallow soil from farming/agricultural activities is unlikely to pose a risk to future receptors.***

Based on the assessment and these findings, the assessment concluded that the site is suitable for the proposed residential subdivision. Refer to **Appendix 15** of the SoEE for further detail.

#### **h) Street network**

The layout and network of the subdivision has been designed to respond to the existing site characteristics, provide a logical hierarchy of streets and provide convenient linkages and connections throughout the subdivision. Four-way intersections have been avoided, with roundabouts proposed where necessary. Further, the subdivision has been designed to allow thorough pedestrian access throughout the estate. A bus route has also been proposed to encourage and facilitate the use of public transport. Refer to the proposed bus route within the plan set provided at **Appendix 6** of the SoEE for further detail. The streets have been designed to allow for easy access of service vehicles and emergency service vehicles.

#### **i) Crown roads**

It is proposed that the development be accessed via the existing legal access from Gundy Road.

#### **j) Future road widening and upgrading**

Future road widening and major upgrades to Gundy Road to support the proposed development is not considered necessary. Minor upgrades and a round-about is proposed within the entrance of the subject site on Gundy Road. This will enable safe access and egress for all vehicles.

**k) Access to lots from public road**

All individual lots have access from the proposed internal public roads.

**l) Pedestrian and cyclist access**

Pedestrian and cycleways have been proposed throughout the site to allow for maximum connectivity of the estate. These pedestrian and cycle paths have been designed to allow for the retention of existing vegetation and other natural features of the site.

**m) Reticulated water**

As per the Water Supply Strategy provided in **Appendix 21** of the SoEE, the proposed development will have reticulated water access. This report was lodged with the original DA and continues to be relevant to this Section 8.2 Application. Given the reduced Lot numbers proposed as part of this Section 8.2 application, the conclusions made within the report remain applicable.

**n) Reticulated sewage**

As per the Sewerage Strategy provided in **Appendix 22** of the SoEE, the proposed development will have gravity drained reticulated sewerage services. This report was lodged with the original DA and continues to be relevant to this Section 8.2 Application. Given the reduced Lot numbers proposed as part of this Section 8.2 application, the conclusions made within the report remain applicable. Revised sewerage connection plans are provided within the plan set at **Appendix 6**.

**o) On-site waste water management**

No on-site waste water management is proposed within the development.

**p) Stormwater management**

To provide satisfactory stormwater drainage for the proposed subdivision, a drainage reserve with three (3) detention basins for three (3) catchment areas has been proposed. These detention basins have been located within the natural drainage line within the site. Further, all roads proposed will be fully developed with kerb and gutter, and a fully developed pipe drainage system will also be provided. Refer to **Appendix P** for further detail.

**q) Street lighting**

It is noted that street lighting is to be provided in all streets fronting residential land. This will be undertaken within the proposed development.

#### r) Electricity and telecommunications

Electricity and telecommunication services will be provided to each new lot. All arrangements will be made with the relevant utility provider at a later date.

#### s) Public open space

Public open space has been provided throughout the estate in the form of public parks. These have been situated throughout the site to meet the recreational needs of the community, encourage healthy living, and to provide an aesthetically pleasing environment for the residents. It is proposed that once constructed, Council will take over the management and maintenance of local parks/reserves provided the design is normal/low maintenance.

### Part 10 – Natural Hazards

#### 10a Floodplain Management

The subject site is not identified as flood prone as per the NSW Planning Portal.

#### 10b Bushfire Risk

Pockets of bushfire prone land surround the subject site, and thus a Bushfire Threat Assessment has been undertaken to ensure maximum safety for future residents of the estate. This BTA provided recommendations to reduce risk. Refer to **Appendix 12** of the SoEE for further detail.

#### 10c Geotechnical Hazard

A Geotechnical Assessment was undertaken for the purposes of a site classification, salinity assessment and infiltration testing for the proposed development. The Geotechnical Assessment identified that the site soil classification is highly sodic, thus a Salinity Report has been prepared by GHD, provided at **Appendix 16**. Martens have been engaged to undertake a groundwater salinity assessment for the development, to address the JRPP comments provided. The letter provided at **Appendix 17** provides an overview of the scope of work undertaken to date and expected time frame for groundwater monitoring, modelling, and reporting to address the JRPP comments. In summary, **the findings of the additional assessment prepared by Martens is anticipated to be completed by the end of December 2021.** The letter provides that site soils are characterised as generally consisting of clayey topsoils overlying high plasticity residual clays. Substratum layer depths vary across the site. No significant areas of fill were identified during the intrusive investigations. Weathered bedrock encountered was comprised of shale, sandstone and conglomerate.



Lodgement of this application is required prior to completion of these works to maintain the appeal rights. It is therefore respectfully requested that in anticipation of the report, all other matters pertaining to development assessment occurs.

## Part 11 – Environmental Protection

### 11a – Tree Preservation

The proposed development has been designed to ensure maximum tree preservation possible within the site. As can be noted within the proposed subdivision plans and landscape plans, majority of the existing vegetation is to be retained and protected, with additional landscaping proposed to compensate for the loss of any vegetation.

### 11b – Biodiversity Conservation

The purpose of the Biodiversity Conservation Act 2016 (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

A Fauna and Flora Assessment Report (FFAR) has been prepared by Kleinfelder in support of the proposed development and is provided at **Appendix 19** to the SoEE. The BC Act commenced on the 25th of August 2017, repealing the Threatened Species Conservation Act (TSC Act). However, as per Section 29 of the *Biodiversity Conservation (Savings and Transitional) Regulation 2017*, former planning provisions continue to apply to pending and lodged Part 4 assessments lodged prior to the 25th of November 2017. This assessment constitutes an amendment / appeal to an existing Development Application lodged to the Upper Hunter Shire Council on 22 November 2017. Therefore, amendments detailed within the FFAR have been undertaken in accordance with the TSC Act as stated within Section 2.1.3 of the FFAR. Despite this, threatened species, populations, and ecological communities have also been assessed in accordance with current conservation status under relevant legislation (i.e., the BC Act, and EPBC Act, as detailed within the FFAR).

The proposed development will require the removal of 1.21 ha of woodland vegetation PCT 618 – White Box x Grey Box - red gum - Rough-barked Apple grassy woodland on rich soils on hills in the upper Hunter Valley, Box-Gum Grassy Woodland CEEC under the BC Act and EPBC Act, and removal of 13 hollow-bearing trees (including one dead stag). The proposed development will also require the removal of 40.86 ha of derived grassland PCT 618 (Box-Gum Grassy Woodland CEEC under the BC Act). The FFAR concludes that the proposed development is unlikely to cause a significant impact to any threatened species, populations or ecological communities listed under the BC Act. An assessment of significance determined that significant impacts to commonwealth listed threatened species are unlikely. However, an EPBC referral to the

Commonwealth Minister for the Environment is required to assess the significance of proposed impacts to the Commonwealth listed Box-Gum Grassy Woodland CEEC.

Avoidance and mitigation measures have been presented within the FFAR to reduce potential impacts to biodiversity values within the Subject Site and the environment. A Plan of Management (PoM) for retained vegetation within the Study Area (the “Drainage Reserve”) has been developed to support the proposed DA and is provided at **Appendix 10**.

#### 11c – Riparian land and watercourses

The existing riparian land and watercourse within the site is proposed to be utilized for drainage and open space purposes rather than residential development to ensure its protection and natural characteristics are retained.

#### 11d – Groundwater Protection

The subject site is not identified on the groundwater vulnerability map.

#### 11e – Drinking water catchments

The subject site is not identified as being within a drinking water catchment.

#### 11f – Soil and water management

A Stormwater Management Report has been prepared in support of the development by Acor and provided at **Appendix 9**. The overall stormwater strategy includes:

- Minor system stormwater conveyance for the development will be via a traditional pit and pipe system. The minor stormwater system will have the capacity to convey the peak flows from a 20% AEP storm event.
- Major system stormwater conveyance for the proposed development will be via overland flow. This will be via traditional trunk drainage utilising the road carriage way and footpath. The major stormwater system will have the capacity to convey the peak flows from a 1% AEP storm event, containing flows within the road reserve and limiting velocity depth product to or below 0.4 m<sup>2</sup>/s.
- The stormwater quality treatment train consists of three parts; rainwater tanks, Ecosol GPTs and bioretention basins (located within the northern portion of the site).
- Approximately 9.2 hectares of the southern catchment of the site currently drains to the southwest. With the proposed development, this area will be reduced to approximately 4.9 hectares. The post developed flows have increased compared to the predeveloped flows due to the increased fraction impervious of 75% for the proposed development. As there is no downstream development that can be

impacted by this small flow increase, a detention basin to reduce the flows will not be provided at this location. This strategy was previously agreed to by council.

The Stormwater Report concludes that the proposed stormwater attenuation measures will result in no increase in flows or negative impacts to surrounding properties as a result of the development.

#### 11g – Onsite waste water management

As per the Sewerage Strategy provided in **Appendix 20**, the proposed development will have gravity drained reticulated sewerage services.

#### 11h – Waste minimization and management

A Site Waste Minimisation and Management Plan (SWMMP) will be provided for each stage and will be submitted at CC stage.

#### 11i – Buffer areas

Buffers are not considered necessary for the proposed development. The proposed development is not considered to create any significant impact or nuisance to adjoining properties. A landscape buffer is provided along the cadastral line between the R1 and RU4 Zone to achieve a positive interface between the two zones and associated transition. This area is proposed to be maintained via the imposition of a restriction on the use of land, burdening Lot: 2 DP1237000 and benefiting Upper Hunter Shire Council. A draft 88B instrument setting out the terms of the easement is provided at **Appendix 24**.

### Part 12 – Specific Infrastructure Issues

The proposed development is to be accessed via Gundy Road, which is the current and legal access to the subject site. Minor upgrades are proposed at the entrance of the site to ensure a safe access and egress for all vehicles. The internal roadways have been designed to ensure accessibility and manoeuvrability throughout the site and to each individual lot. The proposed lots are of a suitable size to encourage maximum off-street parking, with driveway access to be designed during future individual dwelling applications. A Traffic Impact Assessment has been undertaken to support the proposed development. This assessment concluded that that the proposal should be approved on traffic and access grounds.

*‘The additional traffic movements generated by the development will have an acceptable impact upon the local road network and the traffic movements associated with the development can be accommodated within the existing New England Highway / Gundy Road intersection.*

*Recommended improvements associated with this development consist of improved pedestrian and cyclist connections funded as part of the S94 contributions assigned to the subject site and a new access onto Gundy Road from the subject site’.*

## Part 13 – Specific Localities

### 13a – St Aubins Estate, Scone

The subject site is located within the St Aubins Estate, Scone locality map. The vision for St Aubins is to create a high quality residential development that facilitates the orderly growth of the Scone town site. Residential streets will be interconnected and legible to establish safe local streets and convenient access in and out of the development area. Within the overall development, sites have been earmarked for **residential and seniors living purposes**. This is to encourage the establishment of social infrastructure and activities that build a sense of community strength. Riparian areas will be preserved, and management facilities will be provided to ensure minimal environmental impacts result from the residential development. A connected pedestrian and cycling pathway network will align with the riparian corridors and connect to existing pathways in Scone.

The required supporting documentation and plans have been provided in accordance with this DCP chapter, specifically including the following:

- Servicing strategy,
- Landscape plan and report,
- Flora and fauna assessment,
- Heritage, Aboriginal cultural heritage or archaeological plans and report,
- Soil and water management plans or report,
- Flooding (if required),
- Bushfire assessment report,
- Geotechnical hazard assessment
- Salinity assessment, and
- Traffic and parking plan and report.

As can be noted in this DCP chapter and preferred land use plan in **Figure 1** below (taken from this Chapter of the DCP), residential and aged care facilities are envisaged for the site. A senior's living development has been constructed to the north of the site, as per the DCP vision. The remainder of the subdivision as proposed, includes residential allotments and open space, as per Council's desired land use plan.

**Figure 1** - Map 19 St Aubins Concept Development Plan - DCP 2015

