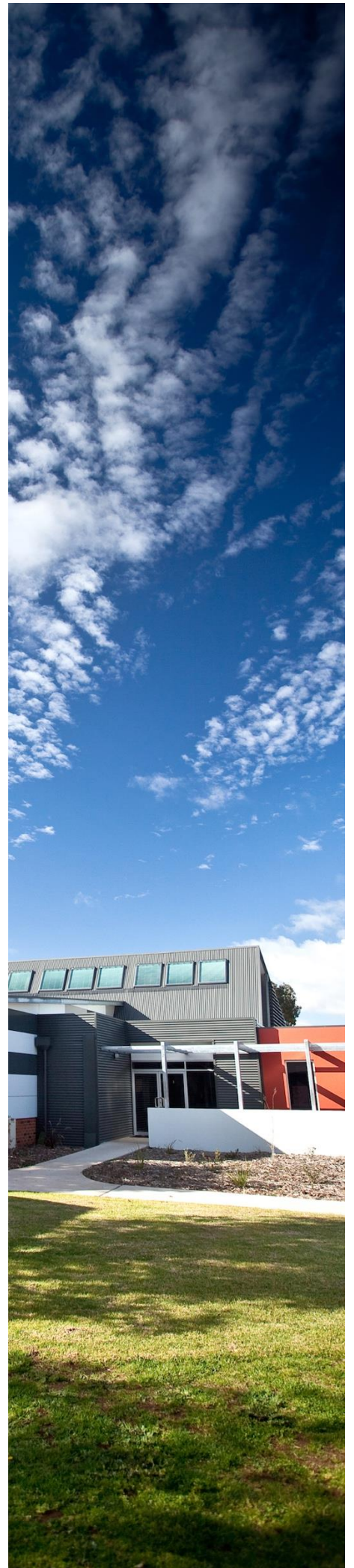




Statement of Environmental Effects

Café and Plant Nursery
391 Brogans Creek
Clandulla NSW 2848


(Our Reference: 37614-PR01_A)
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Report Title:	Statement of Environmental Effects
Project Name:	Café and Plant Nursery at 391 Brogans Creek, Clandulla
Client:	Irene Ye
Project No.	37614
Report Reference	37614-PR01_A
Date:	29/03/22
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Prepared by:	Reviewed by:
	
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APPENDICES

- Appendix A – Detail Survey
- Appendix B – Bush Fire Assessment Report
- Appendix C – AHIMS Search
- Appendix D – Development Plans

1 INTRODUCTION

1.1 Background

Barnson Pty Ltd has been engaged by Irene Ye to provide supporting information in support of a Development Application (DA) for alterations and additions to an existing shed to create a café and associated plant nursery at Lot 17 DP 259893, known as 391 Brogans Creek Road, Clandulla, NSW 2848.

The subject site is identified as Lot 17 DP 259893 and has an approximate area of 40.79ha (refer to Detail Survey in **Appendix A** of this report). The subject site is located on the eastern side Brogans Creek Road in an area characterised by primary production land uses.

The site contains a residential dwelling, associated sheds and is used for farming purposes.

The proposed development shall consist of repurposing an existing shed to be used as a Café and associated plant nursery. The design will include wash closets, storage, outdoor/indoor dining, kitchen & display area.

The site is zoned RU1 Primary Production pursuant to the provisions under the *Mid-Western Local Environmental Plan 2011*. The proposed development is considered a 'Plant nursery' and 'Restaurant or café', which is considered permissible with consent in the RU1 Zone.

This application consists of:

- NSW Planning Portal application form; and
- PDF copy of this written statement, including plans and supporting documents.

1.2 Proponent

The proponent for the DA is Irene Ye.

1.3 Consultant

Barnson Pty Ltd

Jack Massey

4/108-110 Market Street

Mudgee NSW 2850

2 EXISTING ENVIRONMENT

2.1 Location and Title

The subject site of this application is Lot 17 in DP259893, known as 391 Brogans Creek Road, Clandulla. The site is located on the north eastern side of Brogans Creek Road, approximately 4.4km from Clandulla, as shown in **Figure 1** below.

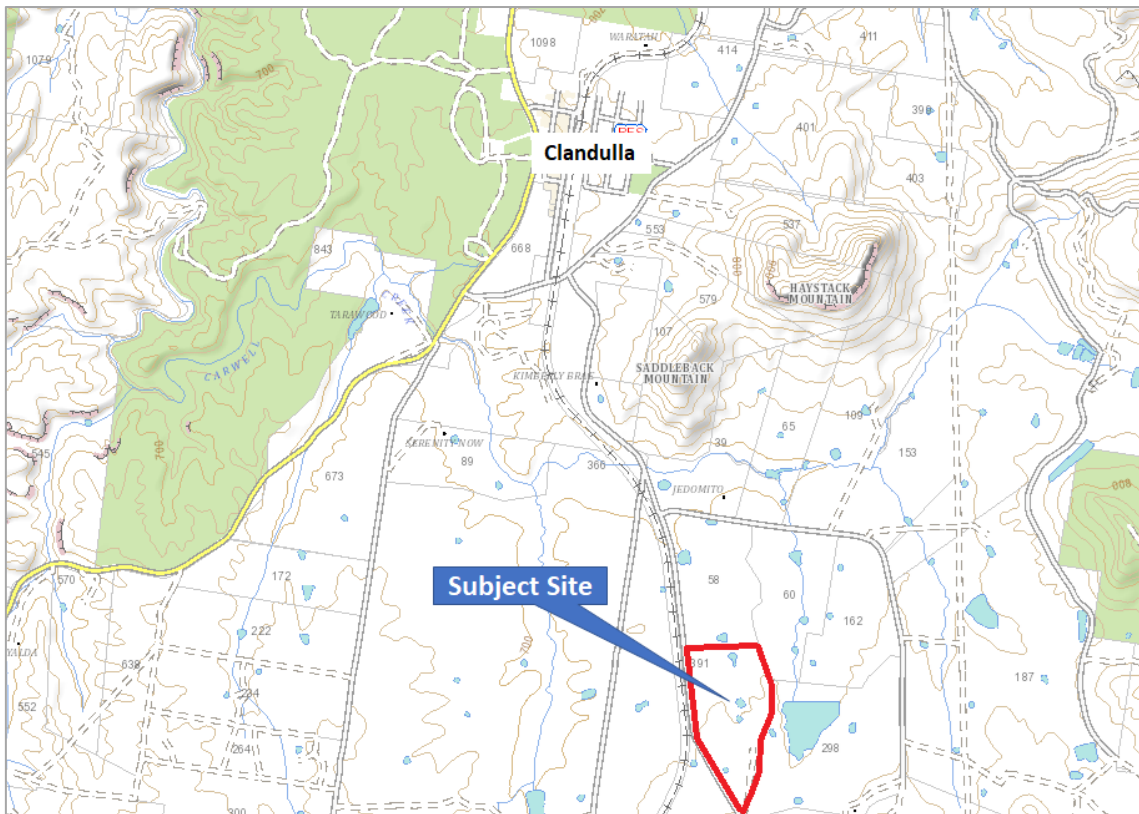


Figure 1 – Site Location

Source: (NSW Government Spatial Services, 2022)

The subject site has an overall site area of 40.68ha. There is existing infrastructure on the site and the road network allows for access to and from the site.

Refer to Detail Survey in **Appendix A, Figure 2** and **Plates 1-3** for photos of the site and locality.



Figure 2 – Site Aerial

Source: (NSW Government Spatial Services, 2022)



Plate 1 – View of the existing shed subject to alterations and additions



Plate 2 – Internal view of the existing shed subject to alterations and additions



Plate 3 – Entrance and proposed informal car park area

2.2 Land Use

The subject site is located in an area characterised by existing primary production land uses and scattered residential dwellings. The site has been used for agricultural purposes for an extended period of time. There are rural enterprises surrounding the subject site, with scattered residential dwellings situated on large rural land holdings.

2.3 Topography

The subject site is relatively flat throughout. There is a gentle slope towards the west with the surrounding locality generally falling towards Carwell Creek.

2.4 Flora & Fauna

Vegetation within the site boundaries is largely limited to mixed groundcovers and grasses with some trees along the fringes of boundaries and existing developments.

The limited tracts of vegetation come from agricultural land uses and the building footprints of the existing developments. This is an indication that the site has little potential to support a significant range of fauna species.

The subject site is not mapped as having terrestrial biodiversity protection within its boundaries pursuant the ePlanning Spatial Viewer.

2.5 Noise Environment

Background noise levels on site and in the surrounds have not been recorded.

The subject land is located within an area dominated by agricultural land uses. The major noise contributor in the locality is identified as traffic movements along Brogans Creek Road and within the vicinity.

2.6 Natural Hazards

The subject site has not been identified as being within a flood planning area according to the ePlanning Spatial Viewer or the *Mid-Western Regional Local Environmental Plan 2012* (LEP).

The site is classified Bushfire Prone and identified as Vegetation Category 2 Pursuant to the provisions of the LEP, as shown in **Figure 4** below.

A Bush Fire Assessment Report has been prepared which details the bushfire threat in the locality and is provided in **Appendix B** of this report.

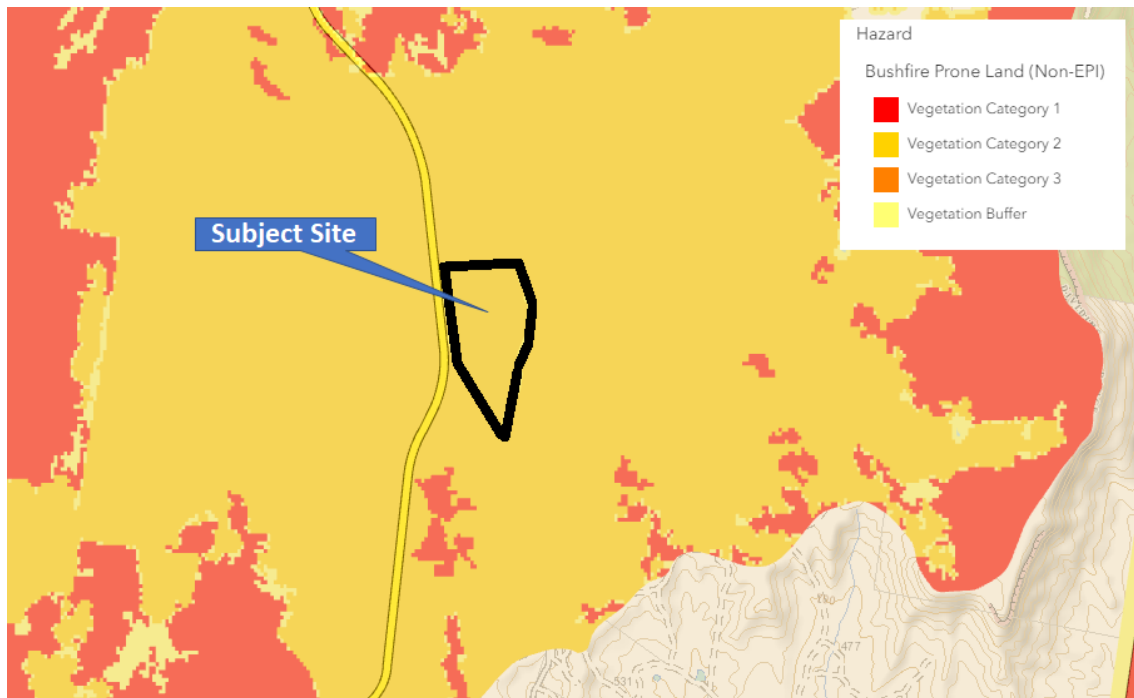


Figure 3- Bushfire Mapping

(NSW Department of Planning & Environment, 2022)

2.7 Services

All essential services are available to the site, onsite sewerage management is available through an existing septic tank and onsite water retention.

2.8 Access and Traffic

The subject site has vehicular access via Brogans Creek Road, which is a two-lane, two-way sealed road. Small vehicles and machinery associated with the primary production use of the land access the site.

2.9 Heritage

The subject site has not been listed as containing a heritage item under Schedule 5 of the *Mid-Western Regional Local Environmental Plan 2012* (the LEP).

The *Aboriginal Heritage Information Management System* (AHIMS) provided in **Appendix C** shows that there are no items of Aboriginal heritage significance located on the site or within proximity.

3 PROPOSED DEVELOPMENT

The proposed development is for alterations and additions to an existing shed to be used as a café and associated plant nursery at 391 Brogans Creek Road, Clandulla.

The proposal seeks to create a wholesome experience with patrons available to pick their own flowers while enjoy a meal/beverage within the café. The gardens will also provide organic vegetables to be utilised by the café.

The existing shed is improved with electricity and a handbasin with running water at the rear. This will allow for an ease of transition for the café. The existing sky lights allow for natural lighting and decreases the need for lighting during the day. The existing gravel driveway allows for all weather access to and from the site, ensuring for ease of access in the case of an emergency.

Additional features of the proposed development include:

- The northern portion of the existing shed is to remain unchanged as part of development works and used for general storage of the owners property;
- The remainder of the existing shed will be retrofitted to provide:
 - Display/cafe area on the southern end which is connected to the entry;
 - A fridge, service table, and coffee machine are to be located within this area;
 - Kitchen;
 - The kitchens layout is to be confirmed at Construction Certificate stage;
 - The proposed approximate floor area for the development is 422.50m².
- Outdoor dining area;
- Dining area;
- Two (2) male toilets and showers;
- Colorbond steel wall cladding;
- Infill cladding to match existing;
- Two (2) female toilets and showers;
- One (1) accessible toilet and shower to comply with AS1428.1;
- Cleaners storage;
- On the western façade; the building will be entrapped with a proposed brick retaining wall and a proposed timber pergola area;
- Small identification signage;
- Garden beds are proposed for the southern and the western façade; and
- One (1) disabled parking space and shared zone have also been provided that provides car to café accessible access.

Refer to Development Plans provided in **Appendix D** of this report.

4 LAND USE ZONING

The subject site is zoned RU1 Primary Production pursuant to the provisions under the *Mid-Western Regional Local Environmental Plan 2012* (the LEP). The proposed development seeks approval for a 'Plant Nursery' and 'Restaurant or Café', which are defined as follows:

Plant Nursery

"...means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. it may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note. *Plant nurseries are a type of **Retail Premises**- see the definition for that term in this Dictionary"*

Restaurant or Café

"...means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Note. *Restaurants or Cafes are a type of **Food and Drink Premises**- see the definition of that term in this Dictionary.*

Both plant nurseries and restaurants or cafes are permissible with consent in the RU1 Zone.

The permissibility of the proposed development is assessed in terms of the heads of consideration in Section 4.15 of the *Environmental Planning and Assessment Act 1979*, which incorporates consideration of the LEP, and the objectives and permissible uses outlined in the RU1 Zone, as outlined in **Section 5** of this report.

5 PLANNING CONSIDERATIONS

5.1 Biodiversity Conservation Act 2016

5.1.1 Is the development likely to significantly affect threatened species?

Clause 7.2 of the *Biodiversity Conservation Act 2016* (BC Act) identifies the following circumstances where a development is likely to significantly affect threatened species:

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) *it is carried out in a declared area of outstanding biodiversity value.*

Each of these is addressed below.

5.1.1.1 Section 7.3 Test

To determine whether a development is likely to significantly affect threatened species or ecological communities, or their habitats, the following is to be taken into account in accordance with Section 7.3 of the BC Act:

- (a) *in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*
- (b) *in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*
 - (i) *is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
 - (ii) *is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,*
- (c) *in relation to the habitat of a threatened species or ecological community:*
 - (i) *the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*
 - (ii) *whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*
 - (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*
- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*
- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

Comment: The development location does not consist of any significant vegetation. It contains natural clay and sand, and the proposed development is not expected to impact on any flora, fauna or their habitats. Therefore, the proposed development is not likely to significantly affect threatened species or ecological communities, or their habitats.

5.1.1.2 Section 7.4 Test

Section 7.4 of the BC Act states:

- (1) *Proposed development exceeds the biodiversity offsets scheme threshold for the purposes of this Part if it is development of an extent or kind that the regulations declare to be development that exceeds the threshold.*
- (2) *In determining whether proposed development exceeds the biodiversity offsets threshold for the purposes of this Part, any part of the proposed development that involves the clearing of native vegetation on category 1-exempt land (within the meaning of Part 5A of the Local Land Services Act 2013) is to be disregarded.*

Comment: The subject site consists of natural clay and sand and is cleared with existing infrastructure. The development is not expected to impact on any flora, fauna or their habitats and the development will not occur on land mapped as having biodiversity values on the Biodiversity Values Map (Refer to **Figure 5** below).

5.1.1.3 Declared Area of Outstanding Biodiversity Value

The proposed site of the café and plant nursery not mapped on the Biodiversity Value Map as being land with a high biodiversity value as defined by the BC Act.

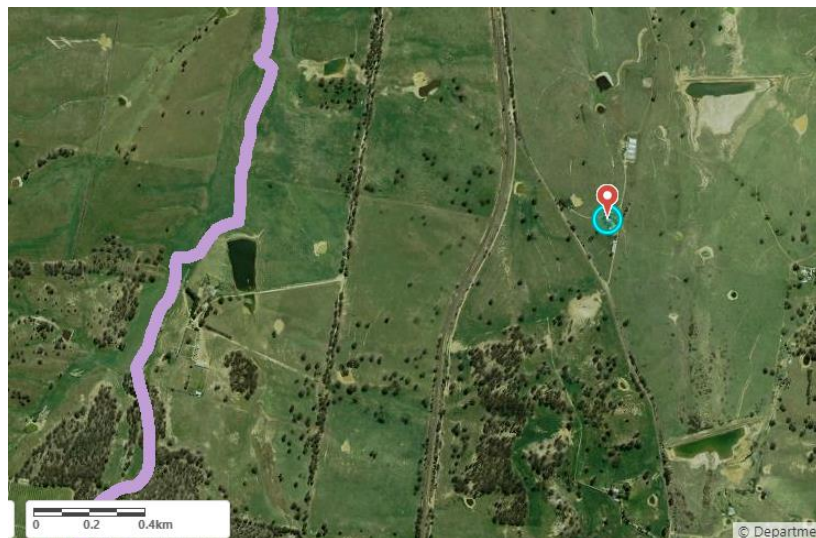


Figure 5 – Biodiversity Value Map

Source: (NSW Government, 2022)

5.1.2 Biodiversity Development Assessment Report

As outlined in **Section 5.1.1**, the proposed development is not likely to significantly affect threatened species as defined by Section 7.2 of the BC Act. Therefore, a Biodiversity Development Assessment Report is not required to accompany the application for development consent.

5.2 Environmental Planning & Assessment Act 1979

5.2.1 Application of Biodiversity Conservation Act 2016 & Fisheries Management Act 1994

Section 1.7 of the *Environmental Planning & Assessment Act 1979* (EP&A Act) identifies that Part 7 of the BC Act and Part 7A of the FM Act relate to the operation of the EP&A Act in relation to the terrestrial and aquatic environment. The BC Act is addressed in **Sections 5.1** of this report and the FM Act is not applicable to this proposal.

5.2.2 Evaluation

Section 4.15 of the EP&A Act (as amended) requires the Council to consider various matters in regard to the determination of the Development Application.

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) *The provisions of:*
 - (i) *any environmental planning instrument, and*
 - (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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (v) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
 - (v) *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,*
- (b) *The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality;*
- (c) *The suitability of the site for the development,*
- (d) *Any submissions made in accordance with this act or the regulations,*
- (e) *The public interest.*

Comment: The proposed development has been designed with consideration to the following matters, as outlined below.

5.3 Environmental Planning Instruments

5.3.1 SEPP (Resilience and Hazards) 2021

Clause 4.6(1) of *SEPP (Resilience and Hazards) 2021* requires Council to consider the following before granting consent to a DA:

- (a) It has considered whether the land is contaminated, and*
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

Comment: The subject site does not appear to have been subject to any of the materials listed in Appendix A of the *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land* (NSW Department of Urban Affairs and Planning & Environment Protection Authority, 1998). Based on the desktop review and site inspection there does not appear to have been any contaminating uses carried out on the site and it is considered that a preliminary site investigation is not required in this instance.

5.3.2 SEPP (Industry and Employment) 2021

The proposed development includes provisions for potential wall signage on the northern elevation of the proposed café. The proposed signage is unlikely to be visible from a classified road, nevertheless SEPP (Industry and Employment) is addressed below:

3.1 (1)(a) as follows:

(1) This Policy aims:

(a) To ensure that signage (including advertising):

- (i) Is compatible with the desired amenity and visual character of an area, and*
- (ii) Provides effective communication in suitable locations, and*
- (iii) Is of high-quality design and finish,*

Clause 3.6 states that:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied-

- (a) That the signage is consistent with the objectives of this Chapter as set out in Section 3.1(1)(a), and*

(b) That the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

Comment: The proposed signage provision generally meets the aims and objectives of SEPP No.64 as set out in Clause (3)(1)(a). The proposed signage locality is compatible with the desired character of the locality, contributing to the effective services of the café. The proposed signage is suitably located to provide effective communication to people accessing the site. The proposed signage shall be appropriately designed, able to integrate with the existing locality and employing quality finishes.

The proposed sign has been assessed against the criteria set out in Schedule 1 of SEPP No.64, as follows:

1. Character of the area

The proposed signage area is compatible with the character of the remaining subject site and land in close proximity. The proposed location for the signage which will enable the identification of the café in the direction of people accessing the development.

2. Special Areas

The subject site is not located within any special areas that are sensitive to alterations of visual quality. The site is not located with an environmentally sensitive context and the signage has been designed to face an existing developed area.

3. Views and vistas

The proposed signage location does not obstruct any significant views or vistas. The area is appropriately integrated within the context of the site, and it is not expected to dominate the skyline.

4. Streetscape, setting or landscape

Given the location of the area, it would be the first kind of signage in the locality. It will set the tone for forthcoming signage. The wall signage will be well integrated within the building and context of the site and does not protrude beyond the site's property boundaries.

5. Site and building

The site will be appropriately located on the northern elevation of the proposed commercial development and is to be positioned for the primary approach of pedestrians.

6. Associated devices and logos with advertisement and advertising structures

The sign has been appropriately designed to ensure that any safety measures are an integral part of the design.

7. Illumination

The proposed signage will not be illuminated.

8. Safety

The proposed potential sign will not in any way reduce the safety of the public road and is appropriately located on-site to be visible for vehicles and pedestrians in the locality.

As the sign is appropriately located and unobtrusive, the proposal will not obscure any significant sightlines from public areas.

The assessment above has shown that the proposed sign complies with all criteria set out by Schedule 1. There is no impediment under SEPP (Industry and Employment) 2021 to Council approving the signage. Refer also to Sign Details in **Appendix C**.

5.4 Mid-Western Regional Local Environmental Plan 2012

5.4.1.1 Land Use Table

The subject site is zoned RU1 Primary Production pursuant to the provisions under the Mid-Western Regional Local Environmental Plan 2012 (LEP). The objectives of the RU1 zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To maintain the visual amenity and landscape quality of Mid-Western Regional by preserving the area's open rural landscapes and environmental and cultural heritage values.*
- *To promote the unique rural character of Mid-Western Regional and facilitate a variety of tourist land uses.*

Comment: The proposed development is defined as an 'Café' and 'Plant nursery', which are permissible with consent. The development meets the objectives of RU1 zone in that it is encouraging sustainable primary industry production by maintaining and enhancing the natural resource base, as well as promoting the unique rural character of the Mid-Western Regional area. The proposed development would cause minimal impact on nearby rural land uses.

5.4.1.2 Clause 6.3 - Earthworks

Clause 6.3 'Earthworks' applies to the subject application as minor earthworks are included as part of development works for the proposed extension. There shall be no disruption or detrimental effect on existing drainage patterns, soil stability, or any cultural heritage items or features surrounding the subject site. Appropriate erosion and sediment controls will be undertaken on the site during development works to prevent or reduce any soil erosion that would occur on the site.

5.4.1.3 Clause 6.4 Groundwater vulnerability

Clause 6.4 'Groundwater Vulnerability' applies to the subject application as the land is mapped as 'moderately high' according to the *Mid-Western Regional Local Environmental Plan* (the LEP) mapping. Services are to be retained and protected during construction works and during operation of the facility. Furthermore, there will be no extraction of vulnerable groundwater to service the proposed development.

5.4.1.4 Clause 6.9 - Essential services

Clause 6.9 'Essential Services' applies as essential services are required for the development. Considering the nature of the proposed development, all essential services are required for the proposed development. The proposed development has one point of access to the property. On the north-western façade an existing septic tank exists.

5.5 Development Control Plan

The *Mid-Western Regional Development Control Plan 2013* (DCP) applies to the subject site and development thereon. The proposed development generally complies with the objectives and standards outlined in the DCP. A merit-based assessment has been undertaken and relevant sections have been addressed in **Table 1** below.

Table 1 – DCP Compliance Table	
Requirement	Comment
Section 4.5 Commercial Development	
Building Setbacks	N/A
Design	<p>The proposed building works have been designed as an addition to the existing shed, designed to integrate with the existing buildings on the site and in the locality.</p> <p>The proposed extension will be an addition to the existing building and internally altered to suit the proposed use. All building materials used will enhance the quality and character of the existing area.</p> <p>The site is not in close proximity to any agricultural production uses and therefore would not impact on any of those uses.</p>
Scale form and height	The proposed development has a maximum height of 4.15m, thereby complying with the required maximum height of 8.5m.
Articulation and Façade Composition	The long stretch of walls has been broken up by the use of different building material and fenestration. Furthermore, landscaping is proposed, and windows are proposed along all walls.
Utilities and Services	The development requires onsite sewerage management and water retention. The site has both readily available. All other

	services are also available onsite. The management of effluent shall be subject to a separate Section 68 application to Council.
Traffic and Access	<p>The following is proposed regarding access and traffic:</p> <ul style="list-style-type: none"> • All vehicles can enter and exit the site in a forward direction; • The internal roads are able to support all traffic within the site; • All loading facilities shall be located within the sites boundaries, thus, there will be no loading to occur on the public road system; • It is proposed to utilise informal parking within the grassed areas on the site and within proximity to the building. Given the rural locality of the site, it is not anticipated that excessive numbers of cars that require parking would be on the site at any one time. It is anticipated that a maximum of five (5) cars/patrons shall be at the site at anyone time, therefore the use of informal parking is considered appropriate in this instance.
Pedestrian Access	Pedestrian access from parking areas will be convenient for patrons that visit the site. The proposed disabled parking space has an associated shared zone, and path of travel.
Parking	The proposed development includes informal parking in grassed areas that is accessible from the internal roadway prior to reaching the café/ nursery. Please see Plate 3 for the parking area proposed for the development. This parking arrangement is considered appropriate in this instance.
Landscaping	The landscaping improves the visual quality and amenity of the surrounding industrial area. The planting will be in proportion to the buildings and will be provided on side and rear setbacks where visible from public place.

5.6 Any Planning Agreement entered into

No Planning Agreements entered into are known to exist in relation to the development or site.

5.7 Any Matters Prescribed by the Regulations

For the purposes of Section 4.15(1)(a)(iv) of the EP&A Act, Clause 92 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations) specifies the additional matters a consent authority must take into consideration when determining a DA. In relation to the proposed development, these are outlined below:

5.7.1 Demolition

In relation to the proposed development, the demolition works will comply with the provisions of AS2601.

5.8 Any Likely Impacts of the Development

5.8.1 Context & Setting

The subject site is located south of the Clandulla township in an area characterised by primary production with scattered residential dwellings and large rural land holdings within proximity. The proposed development seeks consent for a new café and associated nursery for the rural locality. The proposed development shall support the agricultural use of the land by providing an alternate source of income for the property owners, which will contribute to the local economy. The development will not impact on the context or setting in the locality.

5.8.2 Access, Transport & Traffic

During the construction of the development, there is likely to be some increase in traffic generated in the surrounding area by the workers vehicles and the transportation of required materials.

The proposed development will be accessed by the existing crossover from Brogans Creek Road. This will provide access for customer parking, deliveries, and the existing residential uses. The largest vehicle accessing the site will be delivery van/vehicles which can comfortably navigate around the development and leave in a forward direction. Carparking onsite will be within the informal grassed areas, which is considered suitable for the proposed use and locality.

5.8.3 Utilities

The proposed café and plant nursery shall be provided with all required utility infrastructure, including; onsite rainwater tanks for harvesting and reuse, a new onsite effluent system, electricity infrastructure, stormwater management and telecommunications. The onsite effluent system shall be subject to a separate Section 68 application prior to the commencement of works and other utilities shall be established in consultation with the relevant service providers or as required. The proposed arrangement is considered suitable for the proposed development.

5.8.4 Air & Microclimate

Temporary and localised air quality impacts including dust, smoke, grit, odours, and fumes could arise during the earthworks and construction of the proposed development.

Alleviation measures proposed to mitigate any potential impacts in this regard include the following:

- No fires to be lit, or waste materials burnt on the site;
- No washing of concrete forms or trucks is to occur on the site;
- Dust generation during demolition/ construction shall be controlled using regular control measures such as on-site watering or damp cloth fences or other measures as required by AS2601;
- All vehicles transporting loose materials and travelling on public roads must be secured (i.e. closed tailgate and covered) to minimise dust generation;
- Spraying of paint and other materials with the potential to become air borne particulates must only be undertaken in light wind conditions.

5.8.5 Bushfire

The Bush Fire Assessment Report (BFAR) provided in **Appendix B** of this report provides an assessment of the development in accordance with *Planning for Bushfire Protection 2019*. The assessment provided the following recommendations to ensure the development is best protected from the effects of bushfire events.

- Asset Projection Zone/ Defendable Space:
 - The development shall be afforded with an Asset Protection Zone of 20m in perpetuity.
- Access
 - Access to water tank/s shall be kept clear at all times;
 - The capacity of all access driveways and internal roads shall be capable of carrying a fully loaded firefighting vehicle up to 23 tonnes;
 - No tree plantings or obstructions shall occur on either side of the access roads that would prohibit access to and from the site in the event of fire;

- Services

Water:

- A minimum 20,000L static water supply shall be provided via a concrete or steel tank. The tank/s shall be fitted with firefighting accessories;
- Hardened access driveway/landings are to be provided for all tank/s;
- All tank/s shall be provided with connections for firefighting purposes including a 65mm Storz outlet with gate/ball valve;
- Valves and pipes are to be metal and adequate for water flow;
- All above ground pipes and taps are to be metal; and
- Pumps are to be shielded.

Electricity and Gas:

- Vegetation around existing/new transmission lines are to be maintained in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Powerlines*;

- Any proposed gas bottles shall be installed and maintained in accordance with AS/NZS 1596:2004 with metal piping used;
- All fixed cylinders are to be kept clear of flammable materials to a distance of 10m (or appropriately shielded);
- All connections are to be of metal construction.
- Construction Standards:
 - The retrofitted shed (i.e. the area that will be frequently used by the patrons) are to be constructed to a BAL 12.5 standard and in accordance with PBP/AS 3959:2009.
- Landscaping:
 - The applied Asset Protection Zones shall be established and maintained in accordance with Appendix 4 of PBP and the applicable *Asset Protection Zone Standards*;
 - There shall be no branches overhanging the roof of any proposed structures and new plantings shall be established to ensure that there are no continuous tree canopies.
- Bushfire Danger Period:
 - Before the commencement of the Bushfire Danger Period, a review of the vegetation on the site and applied BFPMs is recommended to be undertaken. Fuel reduction measures are recommended throughout the site;
 - The areas surrounding the café and nursery will require regular mowing (and mulched if required) to minimise rapid grass growth.
- Emergency Evacuation Plans:
 - Preparation of a Bush Fire Survival Plan, in accordance with RFS requirements;
 - A Fire Management Plan (FMP) should be prepared for the property that is reviewed and updated annually.

It is recommended that Council adopt the recommendations as specified above and within the BFAR in **Appendix B**.

5.8.6 Noise & Vibration

The proposed construction works shall generate some noise impacts in the locality. The likelihood of noise becoming offensive can be minimised by adopting good work practice and adhering to construction hours as required by council. Being located outside the town centre of Clandulla, and away from sensitive receptors, there is less chance of the proposed development causing noise impact.

5.8.7 Safety, Security & Crime Prevention

The proposed development has been designed to ensure that essential safety, security, and crime prevention measures are in place during construction and operation. The development shall be afforded with low landscaping, fencing, and passive surveillance to detract any break-ins or vandalism on the site. It is considered that the proposed facility

shall adequately provide safety and security for the proposed ongoing operations that would be carried out on the site.

5.8.8 Construction

A site establishment area will be set up on the subject site to ensure site safety and to reduce any environmental impacts. Erosion and sediment control measures shall be carried out on the site during development works.

5.8.9 Social & Economic Impacts in the Locality

The proposal is considered appropriate as it shall support a business for the local economy and will provide a café and plant nursery for the locality economy. The proposed development is expected to create a positive economic impact for the local economy by providing short term and long term employment and creating a niche facility for the Mid-Western LGA. This is considered to be a positive social and economic impact.

5.8.10 Other

There are no other known issues such as flooding or contamination that would significantly impact upon the development or locality.

5.9 Suitability of the Site for the Proposed Development

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent developments. There does not appear to be any zoning, planning or environmental matters that should hinder the proposed development of the site. In this regard, it can be concluded that the proposal fits into the locality and the site attributes are conducive for the development.

5.10 The Public Interest

The proposal is unlikely to create any negative impacts on the amenity of the area and is therefore deemed to be positive in terms of the public interest. Furthermore, the proposal is considered to be compatible with the local surrounds while complementing the local economy, and as such is deemed to be in the public interest.

6 CONCLUSION

It is recommended that the proposed café and plant nursery on Lot 17 in DP259893 at 391 Brogans Creek Road, Clandulla, NSW be supported on the following grounds:

- The proposal is considered acceptable in terms of the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*;
- The proposal is permissible with consent and consistent with the relevant development standards and provisions of the *Mid-Western Regional Local Environmental Plan 2012*;
- The proposal complies with the relevant provisions of the *Mid-Western Regional Development Control Plan 2013*;
- The proposed café and plant nursery will support the local economy;
- The proposed development is not anticipated to generate any adverse impacts in the locality; and
- The proposed development is considered suitable for the site and its surrounds.

7 REFERENCES

NSW Department of Planning & Environment. (2022). *ePlanning Spatial Viewer*. Retrieved from <https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address>

NSW Department of Urban Affairs and Planning & Environment Protection Authority. (1998). *Managing Land Contamination: Planning Guidelines SEPP 55 - Remediation of Land*. Sydney: DUAP.

NSW Government. (2022). *Biodiversity Value Map*. Retrieved from <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>

NSW Government Spatial Services. (2022). *Six Maps*. Retrieved from <http://maps.six.nsw.gov.au/>

NSW Rural Fire Service. (2019). *Planning for Bush Fire Protection: A Guide for Council's, Planners, Fire Authorities and Developers*. Sydney: NSW RFS.

Appendix A - Detail Survey

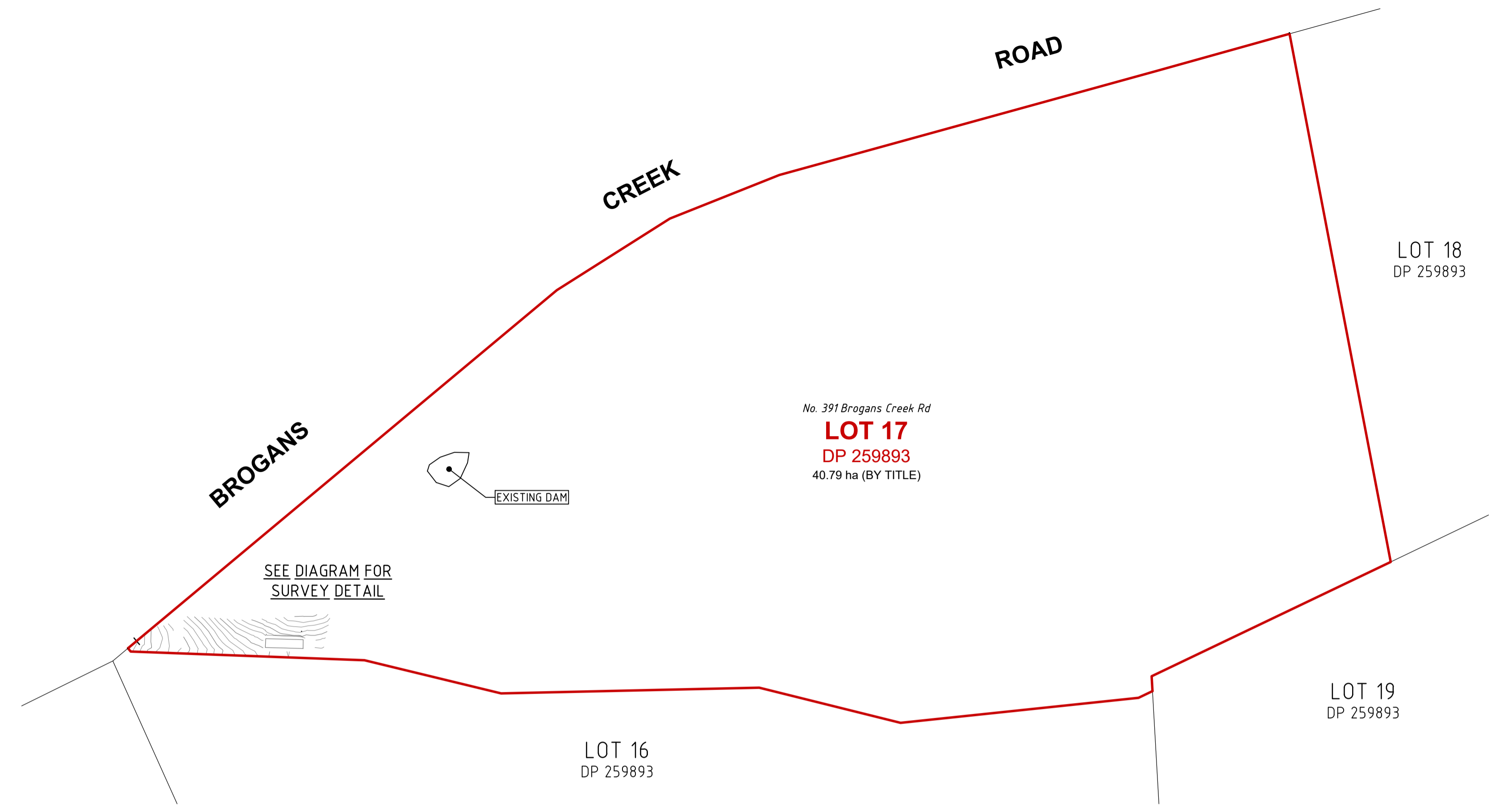
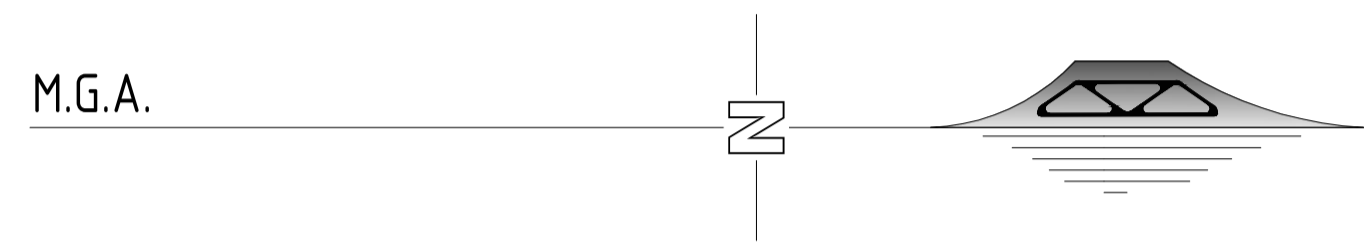
- NOTES:
- THE BOUNDARY INFORMATION SHOWN ON THIS PLAN BEEN PLOTTED AS REQUIRED UNDER DIVISION 1, SECTION 9.1(1) OF THE "SURVEYING AND SPATIAL INFORMATION REGULATION 2017". IT HAS NOT BEEN DETERMINED BY AN ACCURATE BOUNDARY SURVEY.
 - A DETAIL & LEVEL SURVEY IS NOT A "LAND SURVEY" AS DEFINED BY THE SURVEYING AND SPATIAL INFORMATION ACT 2002. IF ANY CONSTRUCTION OR DESIGN WORK WHICH RELIES ON CRITICAL SETBACKS FROM THE STREET OR BOUNDARIES IS PLANNED, IT WOULD BE IMPERATIVE TO CARRY OUT FURTHER SURVEY WORK TO DETERMINE THE BOUNDARY DIMENSIONS.
 - THE LOCATIONS AND DEPTHS OF UNDERGROUND SERVICES ARE NOT ASSURED BY BARNSON. SERVICE AUTHORITIES SHOULD BE CONSULTED BEFORE ANY EXCAVATION, DEMOLITION OR CONSTRUCTION COMMENCES.
 - THERE MAY BE UNDERGROUND SERVICES THAT HAVE NOT BEEN SHOWN HEREON.
 - BARNSON TAKES NO RESPONSIBILITY FOR LOSSES, DAMAGES OR INJURIES TO ANY PERSON OR ORGANISATION THAT MAY OCCUR DUE TO THE RELIANCE ON THIS PLAN FOR THE LOCATION OF UNDERGROUND SERVICES.

LEGEND

	EXISTING SUBJECT CADASTRAL BOUNDARIES
	EXISTING FENCE LINE
	EXISTING GATE
	EXISTING TOP / BOTTOM OF BANK AS NOTED
	CENTRELINE OF EXISTING GRAVEL ROAD
	EXISTING OVERHEAD ELECTRICITY CABLES
	SPOT HEIGHT - TOP OF BANK
	SPOT HEIGHT - BOTTOM OF BANK
	SPOT HEIGHT - CENTRELINE OR ROAD
	SPOT HEIGHT - EDGE OF GRAVEL AREA

DATE OF SURVEY : 15th DECEMBER 2021
 SURVEY BY : R. Boylan

DATUM : ASSUMED A.H.D.
 ORIGIN : CORSNET N.S.W.
 MAJOR CONTOUR INTERVAL : 1 METRE
 MINOR CONTOUR INTERVAL : 0.25 METRES



LOCATION PLAN
 REDUCTION RATIO 1:3000 @ A1
 1:6000 @ A3

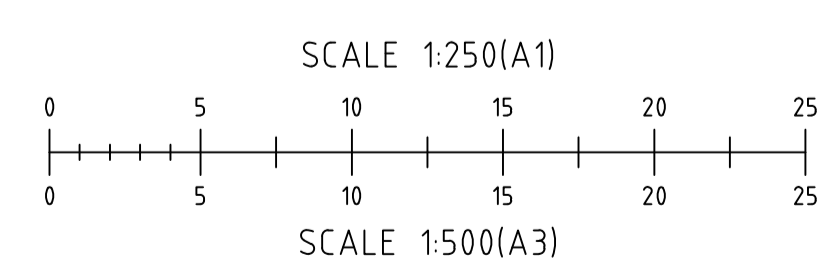
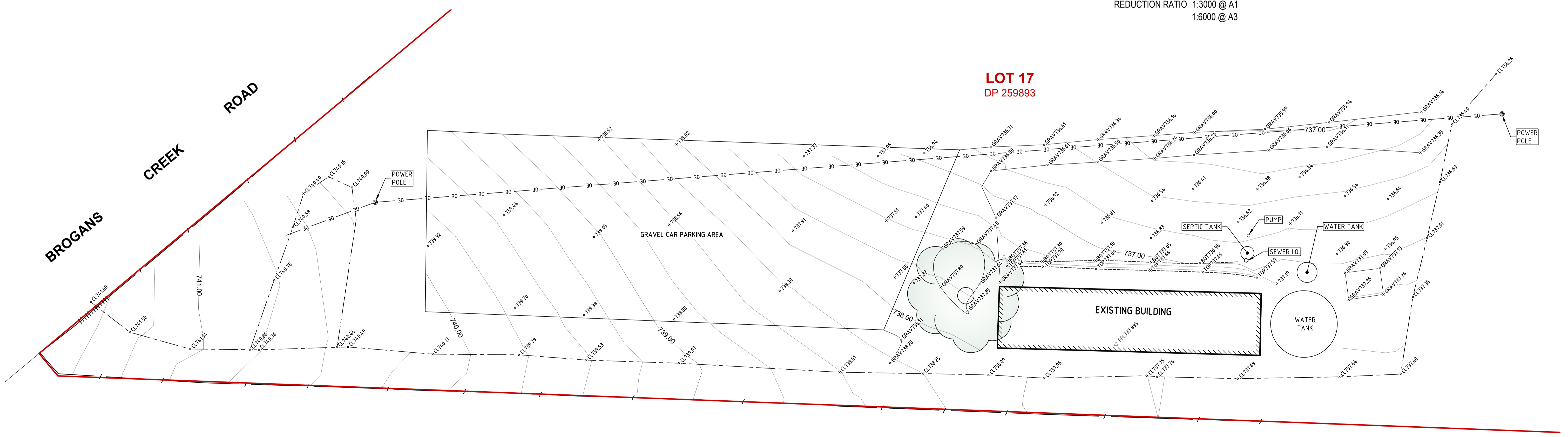


DIAGRAM
 REDUCTION RATIO 1:250 @ A1
 1:500 @ A3

ISSUED TO CLIENT



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Client: Irene Ye
 Project: DA FOR CAFE AND PLANT NURSERY
 391 BROGANS CREEK ROAD
 LOT 17 IN DP 259893
 Drawing Title: LEVEL AND DETAIL SURVEY PLAN
 OVER PART OF LOT 17 IN DP 259893

Rev	Date	Amendment
A	20/12/2021	ISSUED TO CLIENT

Survey	RB	Certification	
Drawn	JC		
Check	RB	Drawing Number	
Original Sheet Size = A1		37614 - L01	Revision A

Appendix B - Bush Fire Assessment Report

Appendix C - AHIMS Search

Phoebe Wilkinson
1/36 Darling Street
Dubbo New South Wales 2830

Date: 20 October 2021

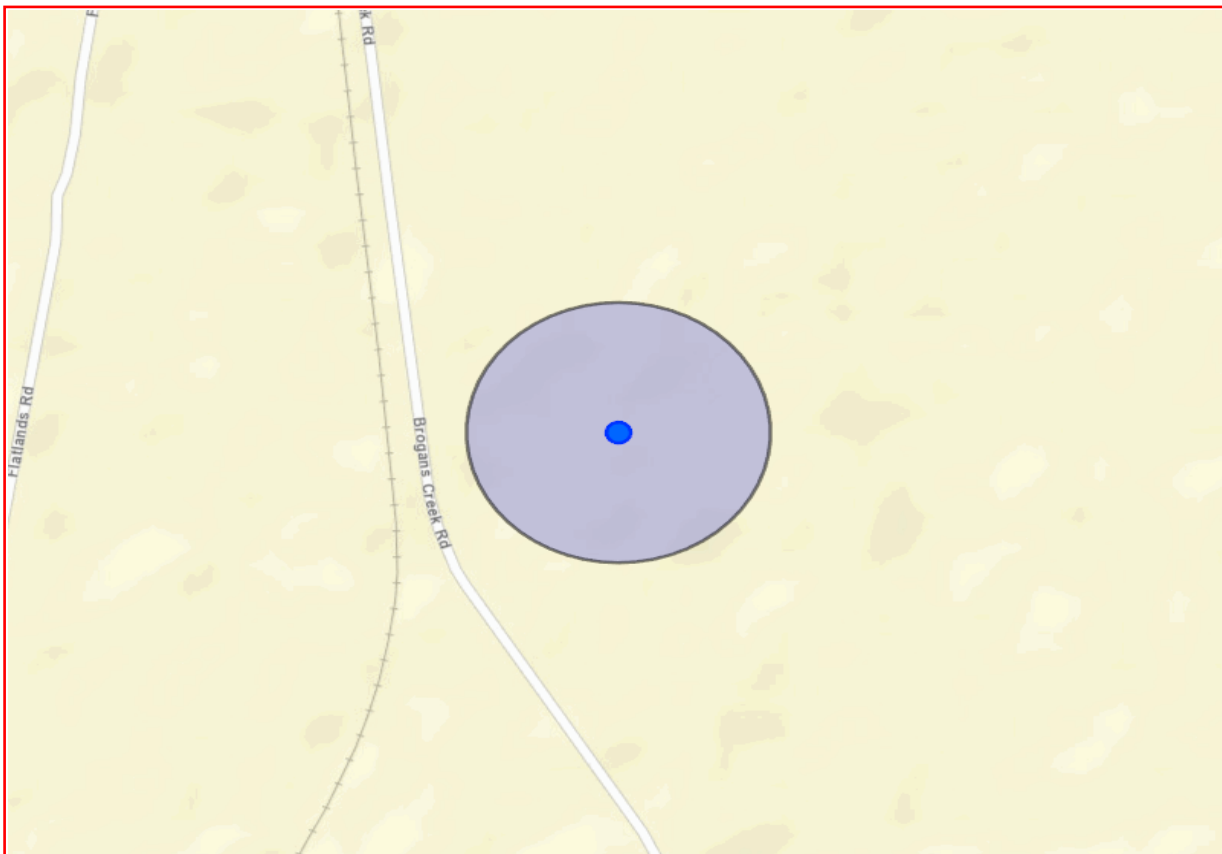
Attention: Phoebe Wilkinson

Email: pwilkinson@barnson.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 391 BROGANS CREEK ROAD CLANDULLA 2848 with a Buffer of 200 meters, conducted by Phoebe Wilkinson on 20 October 2021.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

Appendix D - Development Plans



PROPOSED NURSERY AND CAFE

391 BROGANS CREEK ROAD CLANDULLA 2848



BARNSON PTY LTD
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Dubbo NSW 2830

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Client: IRENE YE
Project: PROPOSED NURSERY AND CAFE @ 391 BROGANS CREEK ROAD CLANDULLA 2848

Title: COVER SHEET

Drawing Number

37614 - A00

Revision

C

drawing schedule

NO	DESCRIPTION	REV	DATE
A 00	COVER SHEET	REV C	DATED 17.03.2022
A 01	SITE LOCALITY	REV C	DATED 17.03.2022
A 02	PART SITE PLAN	REV C	DATED 17.03.2022
A 03	EXISTING FLOOR PLAN	REV C	DATED 17.03.2022
A 04	PROPOSED FLOOR PLAN	REV C	DATED 17.03.2022
A 05	ELEVATIONS	REV C	DATED 17.03.2022

In addition to the National Construction Code series, Building Code of Australia Vol. 1, 2019, the Plumbing Code of Australia, 2019 & the building regulations applicable to the state of New South Wales, the following applicable Australian Standards & codes of practice are to be adhered to through the documentation & construction works;

- AS1668 – Mechanical ventilation & air conditioning in Buildings
- AS3000 – Electrical installations; buildings, structures & premises (known as the saa wiring rules)
- AS1428.1 – General requirements for access – buildings
- AS2890.6 – Off-street parking; mandatory requirements
- AS1680.0 – Interior lighting - safe movement

These drawings shall be read in conjunction with all architectural & other consultants drawings & specifications & with such other written instructions as may be issued during the course of the contract. All discrepancies shall be referred to 'Barnson Pty Ltd' for a decision before proceeding with the work.

All dimensions are in millimetres unless stated otherwise & levels are expressed in metres. Figured dimensions are to be taken in preference to scaled dimensions unless otherwise stated. All dimensions are nominal, and those relevant to setting out & off-site work shall be verified by the contractor before construction & fabrication.

For the purpose of the Building Code of Australia, Vol. 1, 2019, the development may be described as follows:

classification - BCA 'part A6'
The building has been classified as a 'Class 6' building

rise in stories - BCA 'part C1.2'
The building has a rise in stories of one.

effective height - BCA 'schedule 3 definitions'
The building has an effective height of zero, ie less than 25.0m.

type of construction required - BCA 'part A6, part C1.1 - table C1.1'
Class 6 building - Type 'C' construction. The building has been deemed 'conditioned' excluding the toilets & airlocks.

climate zone - BCA 'schedule 3 definitions'
The building is located within climate zone 4.

proposed area of works
391 brogans creek road, clandulla
lot 17, dp259893



PROPOSED NURSERY AND CAFE

ISSUED FOR DA, 17.03.2022

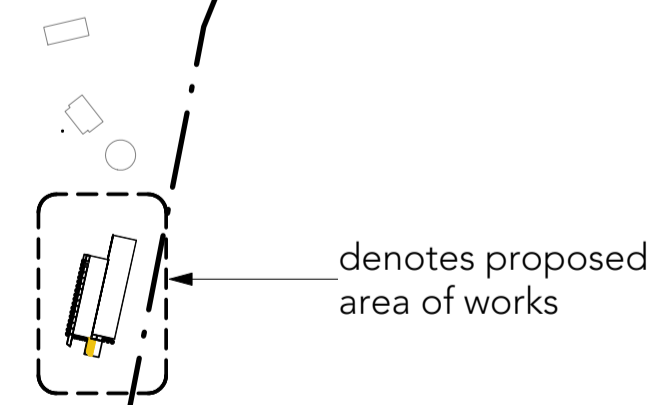
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dp755765

lot 17
dp259893

lot 16
dp259893

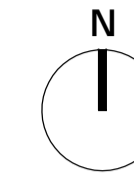
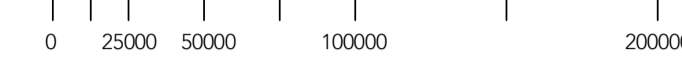
lot 1
dp554963

Brogans Creek Road



01 site locality

1: 2500 (A1)



site notes:

general

This plan is prepared from a combination of field survey & existing records for the purpose of designing new constructions on the land & should not be used for any other purpose. The title boundaries as shown hereon were not marked at the time of survey & have been determined by plan dimensions only & not by field survey.

Services shown hereon have been located where possible by field survey. If not able to be so located services have been plotted from the records of relevant authorities where available & have been noted accordingly on this plan. Where such records either do not exist or are inadequate a notation has been made hereon.

Contractors must verify all dimensions & existing levels on site prior to commencement of work.

Prior to any demolition, excavation or construction on the site, the relevant authority should be contacted for possible location of further underground services & detailed locations of all services, including;

- notify a.G.L.
- obtain telstra's "duty of care" document regarding working in the vicinity of telstra plant.
- verify co-axial/optic fibre cable location

Subsequent registered or other surveys in this area may affect the boundary definition shown on this plan. Any differences so caused to the boundary definition shown on this plan are beyond the control of Barnson Pty Ltd who can accept no responsibility for such differences.

All work to be undertaken in accordance with the details shown on the drawings, the specifications & the directions of the superintendent. Contractors must verify all dimensions & existing levels on site prior to commencement of work.

Where new works abut existing the contractor shall ensure that a smooth even profile free from abrupt changes is obtained.

The contractor shall arrange all survey setout to be carried out by a registered surveyor.

drainage

Stormwater shall be prevented from entering doorways & other openings in buildings. Where these are lower than adjacent ground surfaces, grated drains shall be designed & placed across ramps or entrances to intercept any flow, which would otherwise drain into the building in accordance with AS/NZS 3500.3, P5.3.1.4 - Stormwater drainage

Site drainage is to be constructed according to AS/NZS 3500.3 - Stormwater drainage.

The contractor shall provide all temporary diversion drains & mounds to ensure that at all time exposed surfaces are free draining & where necessary excavate sumps & provide pumping equipment to drain exposed areas.

ISSUED FOR DA

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Client: IRENE YE

Project: PROPOSED NURSERY AND CAFE @ 391 BROGANS CREEK ROAD CLANDULLA 2848

Drawing Title: SITE LOCALITY

Rev	Date	Amendment
A	04.03.2022	PRELIMINARY
B	11.03.2022	ISSUED FOR REVIEW
C	17.03.2022	ISSUED FOR DA

Design Drawn Check

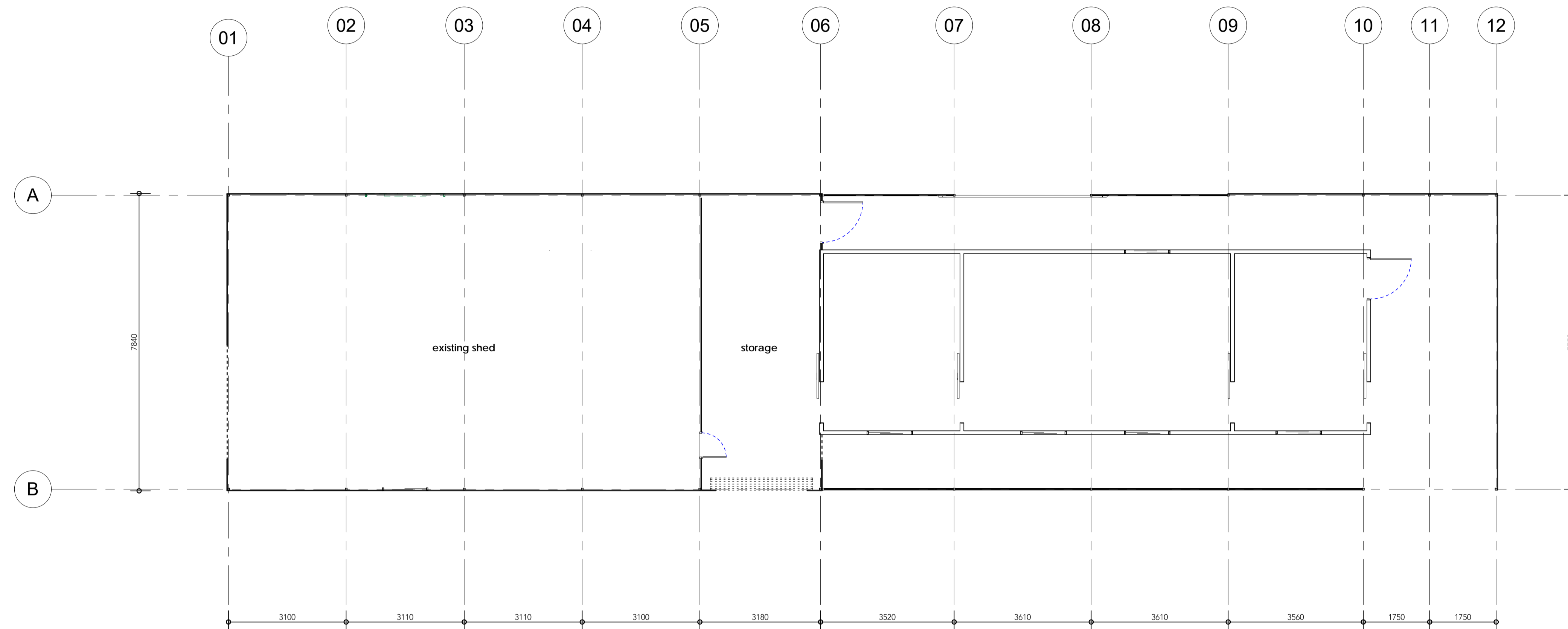
CF CF

Sheet 02 of 06

Drawing Number Revision

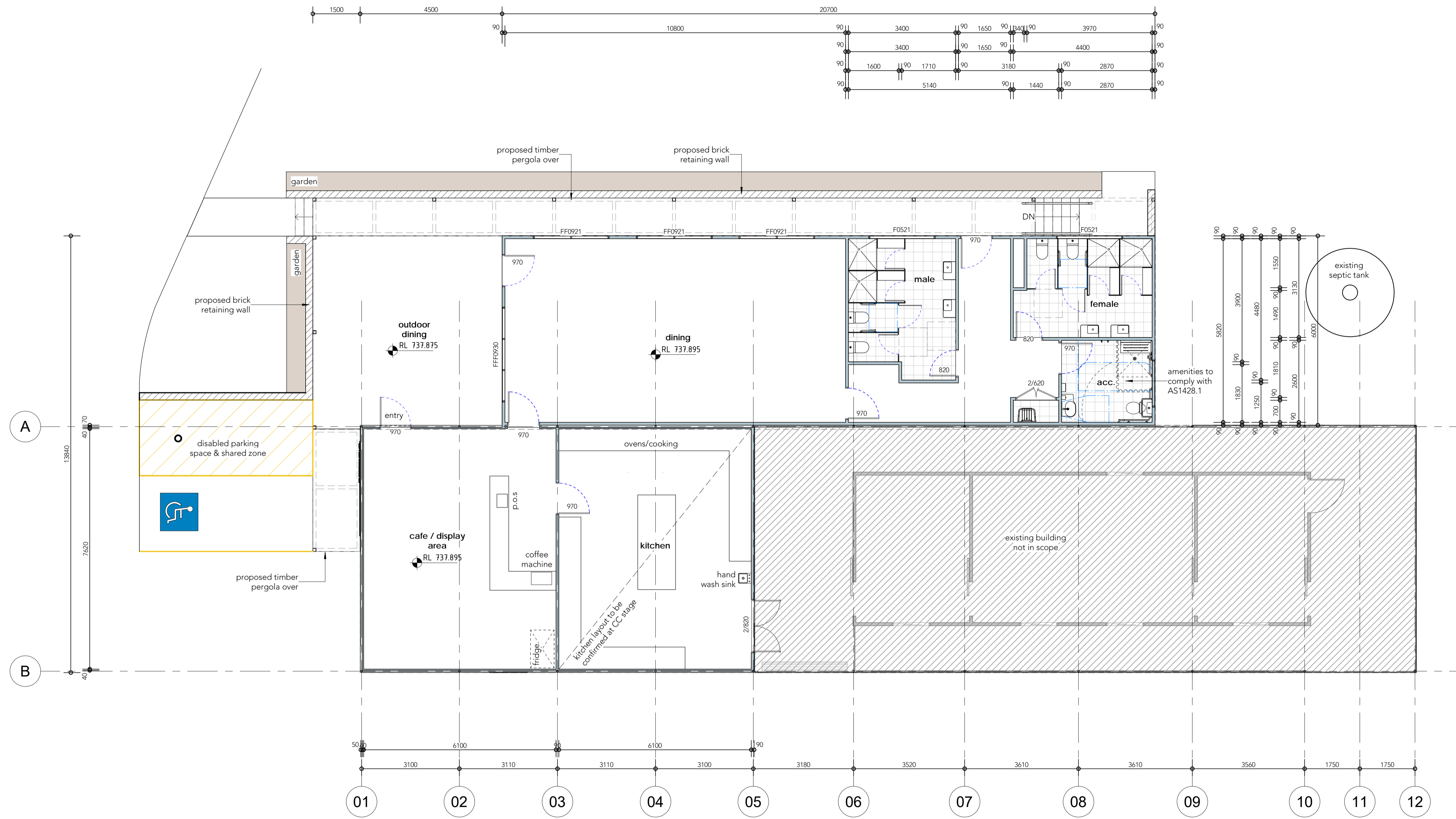
37614- A01

C

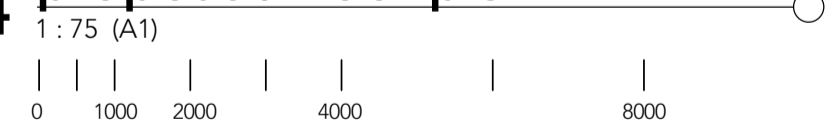


03 existing floor plan
 1:75 (A1)

ISSUED FOR DA



04 proposed floor plan



areas	
cafe/display	98m ²
existing (not in scope)	164.5m ²
extension	124m ²
outdoor dining	36m ²
	160m ²
total	422.5m²

ISSUED FOR DA



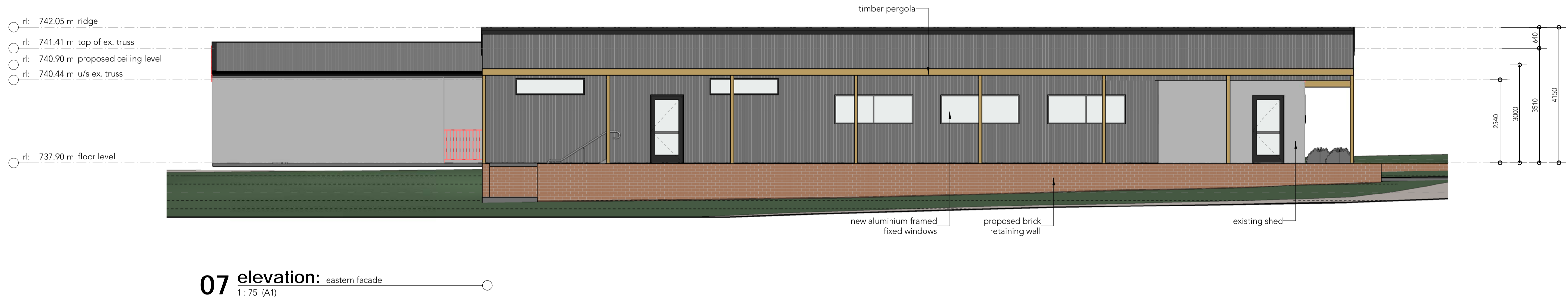
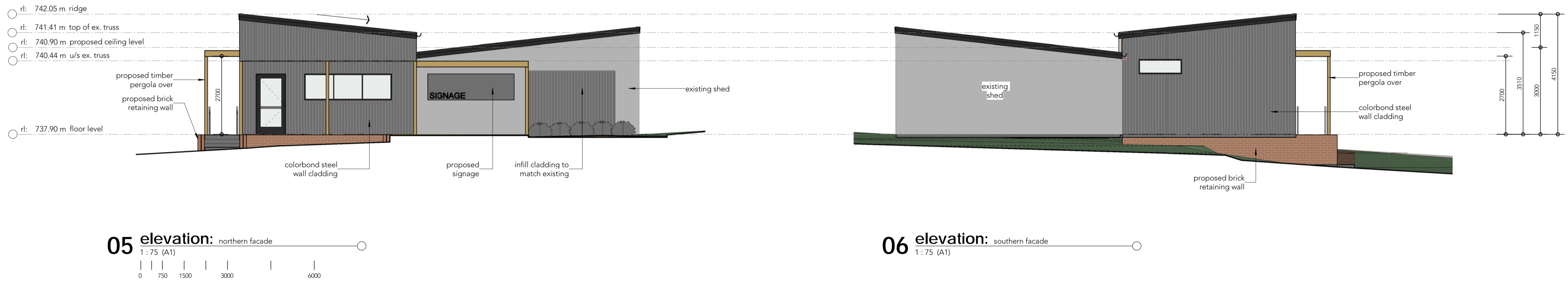
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Client: **IRENE YE**
 Project: **PROPOSED NURSERY AND CAFE @ 391 BROGANS CREEK ROAD CLANDULLA 2848**
 Drawing Title: **PROPOSED FLOOR PLAN**

Rev	Date	Amendment
A	04.03.2022	PRELIMINARY
B	11.03.2022	ISSUED FOR REVIEW
C	17.03.2022	ISSUED FOR DA

Design	Drawn	Check
CF	CF	
Sheet 05 of 06		
Drawing Number		Revision
37614- A04		C



ISSUED FOR DA