



**ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 16 DECEMBER 2019**

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

- 17 DA84/2019 - Alterations to an Existing Dwelling House (first floor), Inclusion of a Small Bar (ground floor) and Advertising Signage - 9 Pym Street, Millthorpe**

Attachment 4: Statement of Environmental Effects..... 1



DEVELOPMENT APPLICATION

Proposed Small Bar (Ground Floor) and
Renovation of Existing Residence (First Floor)
Business Identification Signage
9 Pym Street, Millthorpe



Prepared for
LA Morris and Ludowici Group Pty Ltd and
Tamburlaine Organic Wines
August 2019

Ref: DA1PJB19051

TABLE OF CONTENTS

Section 1.0.....	1
THE APPLICATION	1
1.1 INTRODUCTION.....	1
1.2 APPLICANT	1
1.3 OWNERSHIP	2
1.4 DOCUMENTATION	2
 Section 2.0.....	 3
SUBJECT LAND	3
2.1 LOCATION, TITLE AND ZONING.....	3
2.2 SITE DESCRIPTION	3
2.3 CONTEXT AND SETTING	5
2.4 CONSTRAINTS AND OPPORTUNITIES	6
 Section 3.0.....	 7
THE PROPOSAL	7
3.1 PROPOSED SMALL BAR	7
3.1.1 Overview.....	7
3.1.2 Activities/Operation.....	7
3.1.3 Advertising Signage.....	8
3.2 ALTERATIONS TO EXISTING RESIDENCE (FIRST FLOOR)	8
 Section 4.0	 10
TOWN PLANNING CONSIDERATIONS	10
4.1 PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS.....	10
4.1.1 Blayney Local Environmental Plan 2012	10
4.1.2 State Environmental Planning Policy 64 – Advertising and Signage	15
4.2 PROVISIONS OF DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS	17
4.3 PROVISIONS OF DEVELOPMENT CONTROL PLANS	17
4.3.1 Blayney Shire Development Control Plan 2018 - Part D Commercial, Community and Industrial Development	17
4.3.2 Blayney Shire Development Control Plan 2018 - Part E Other Land Uses	19
4.3.3 Blayney Shire Development Control Plan 2018 - Part H Heritage Conservation	20
4.4 MATTERS PRESCRIBED BY THE REGULATIONS.....	23
4.5 THE LIKELY IMPACTS OF THE DEVELOPMENT	25
4.5.1 Heritage/Streetscape/Visual Amenity	25
4.5.2 Traffic Impacts	28
4.5.3 Accessibility.....	29
4.5.4 Overshadowing	29
4.5.5 Privacy.....	29
4.5.6 Noise	29
4.5.7 Lighting	29
4.5.8 Water Quality	29
4.5.9 Air Quality	29
4.5.10 Waste Management	30
4.5.11 Social and Economic Impacts.....	30
4.6 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT	31
4.7 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS	31
4.8 THE PUBLIC INTEREST	31

Section 5.0..... 32
CONCLUSION 32

Annexure A
Plans by Southwell Design Drafting

Annexure B
BASIX Certificate

Annexure C
Structural Engineering Advice by Cook & Roe

Section 1.0

THE APPLICATION

1.1 INTRODUCTION

This development application relates to existing premises at 9 Pym Street, Millthorpe and seeks approval for the following:

- Additional use of existing retail premises on the ground floor of the building for the purpose of a small bar which will be operated by Tamburlaine Organic Wines; and
- Renovation of the existing residence on the first floor of the building.

The land is zoned RU5 Village under the provisions of Blayney LEP 2012. The proposed development is permissible subject to obtaining the development consent of Council.

This report:

- Describes the subject land.
- Describes the proposed development.
- Provides an assessment of the development pursuant to the relevant matters in Section 4.15 of the Environmental Planning & Assessment Act.
- Concludes that there are no aspects of the proposal that would prevent approval of the application.

1.2 APPLICANT

LA Morris and Ludowici Group Pty Ltd
c/- Peter Basha Planning & Development
PO Box 1827
ORANGE NSW 2800

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1.3 OWNERSHIP

Lesley Anne Morris and Ludowici Group Pty Ltd
34 Queens Parade
NEWPORT NSW 2106

1.4 DOCUMENTATION

The application comprises this report; a completed DA form; and the following plans:

Annexure A – Plans by Southwell Design – Drafting

Sheet 01	Title, Drawing Schedule and Location Map
Sheet 02	Site Plan
Sheet 03	Demolition Plan – Ground Level
Sheet 04	Demolition Plan – First Floor
Sheet 05	Floor Plan – Ground Level
Sheet 06	Floor Plan – First Floor
Sheet 07	Roof Plan
Sheet 08	Elevations (North and East)
Sheet 09	Elevations (South and West)
Sheet 10	Sections

Annexure B

BASIX Certificate

Annexure C

Structural engineering advice by Cook & Roe

Section 2.0

SUBJECT LAND

2.1 LOCATION, TITLE AND ZONING

The subject land is located on the western side of the street at 9 Pym Street, Millthorpe. The nearest cross streets are Victoria Street to the north and Blake Street to the south.



The Real Property description of the land is Lot 9 Section B in DP 1713, Parish of Graham and County of Bathurst.

The land is zoned RU5 Village under Blayney Local Environmental Plan 2012.

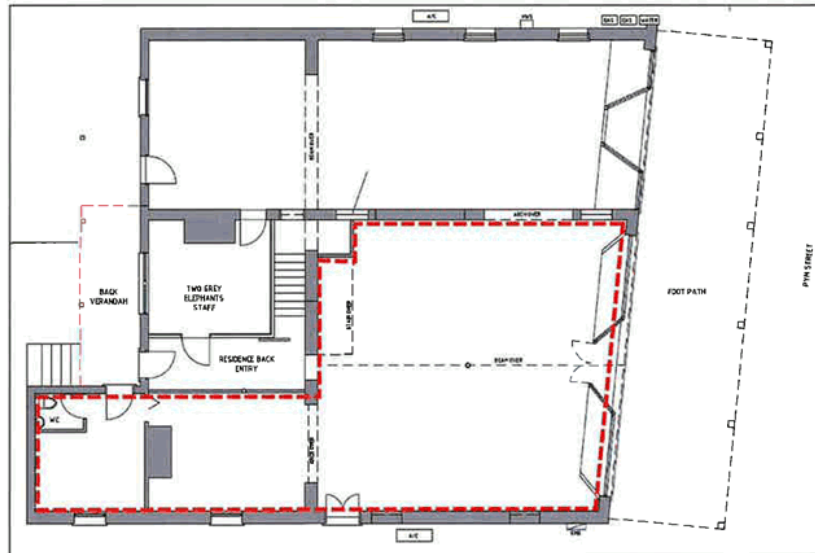
2.2 SITE DESCRIPTION

The subject land is a regular shaped parcel. It has an area of 1,461m². It has a frontage of 20.115 metres to Pym Street which forms the eastern boundary. The depth from front to rear ranges from 62.66 metres along the southern side boundary to 83.18 metres along the northern side boundary. The rear (western) boundary is splayed and is 27.38 metres long.

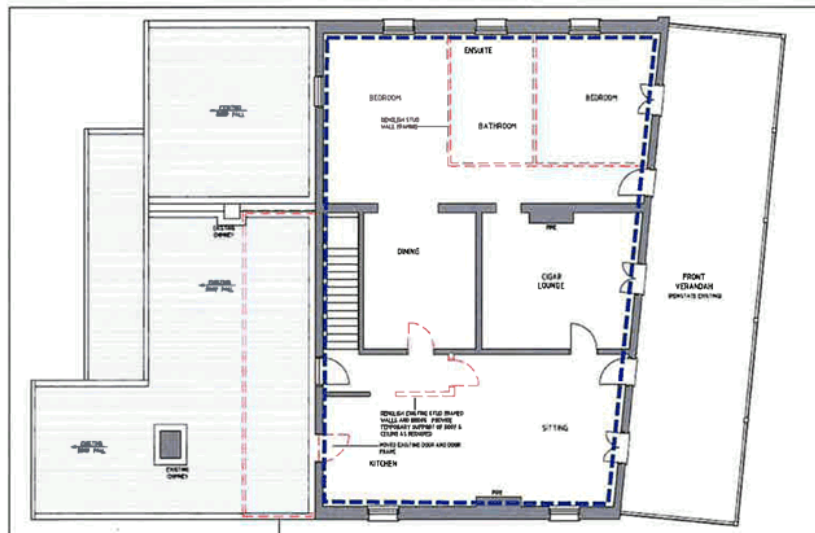
The land comprises a 2 storey building which is set on the front building line. A first floor verandah extends over the footpath. This building comprises 2 separate retail tenancies on the ground floor, each with independent doorways onto Pym Street.

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The small bar will occupy the southern retail tenancy (outlined in red below) which comprises a double shopfront space, plus two smaller rooms at the rear.



The building comprises a dwelling on the first floor (outlined in blue below) which extends over the main shop space of the ground floor retail tenancies.

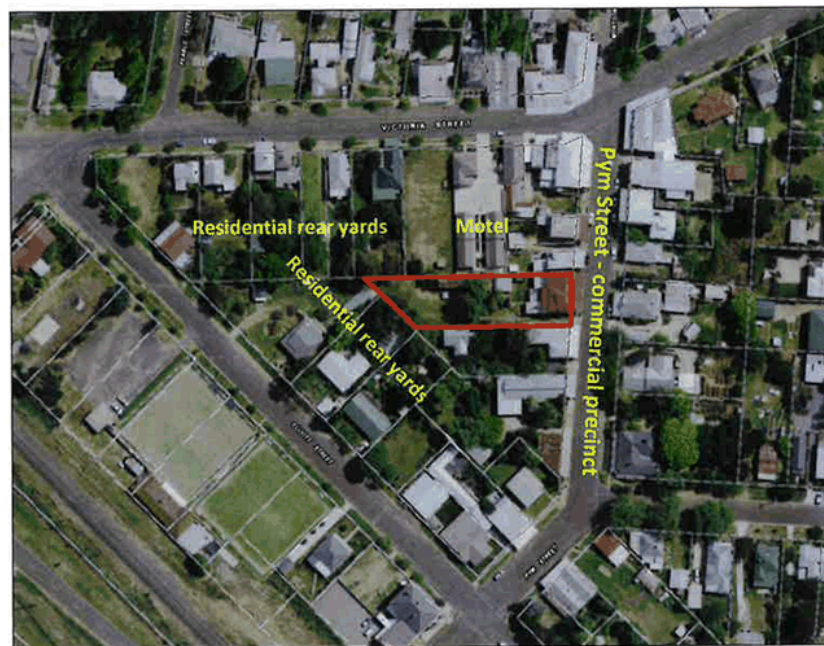


A gravel driveway extends along the southern side of the building to provide vehicle access from Pym Street to the rear of the property. Sheds/outbuildings are located in the rear yard. The predominant surface cover is grass. The premises are connected to available urban utility services.

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2.3 CONTEXT AND SETTING

The subject land lies within the Millthorpe Heritage Conservation Area. The Pym Street streetscape reflects an historic village centre characterised by older commercial buildings (most with footpath verandahs) that line both sides of Pym Street. Businesses include a variety of food and drink premises and retail premises.



Development in the immediate vicinity of the subject land includes the following:

- A commercial building (similar to the subject premises); the Millthorpe Motel; and the rear yards of residential properties in Victoria Street adjoin the northern boundary of the subject land.
- Commercial buildings lie to the east on the opposite side of Pym Street.
- A commercial building and its well vegetated rear yard adjoins the southern boundary of the subject and.
- The rear yards of residential properties in Elliot Street adjoin the western boundary of the subject land.

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2.4 CONSTRAINTS AND OPPORTUNITIES

There are no aspects of the site, premises or surrounds that would unreasonably constrain the proposal.

In regard to the proposed small bar:

- The premises are well positioned within the Millthorpe village centre to be conveniently located for the public.
- A small bar will complement the existing commercial land use and character of this precinct.
- The space within the premises is easily converted to suit conversion to a small bar. The proposal only involves painting, decorating and the installation of new sink and basin. It does not involve any works to the building that would require a Construction Certificate.
- The site is not really suitable for the provision of off-street parking due to current configuration and surrounding residential development. As explained later in this report, the provision of off-street parking is not warranted as the proposed change of use is expected to have a neutral to modest impact in terms of parking, based on parking credits already attributed to the existing premises.

In regard to the proposed renovation of the first floor dwelling, only minor building alterations and additions (mostly internal) are required to improve the existing residential accommodation. In effect, the key spaces such as bedrooms, bathroom and living area, remain largely in the same position.

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Section 3.0

THE PROPOSAL

3.1 PROPOSED SMALL BAR

3.1.1 Overview

The proposed small bar would be operated by Tamburlaine Organic Wines. The intention is to create a casual bar environment where customers can sit and taste and purchase various wines; as well as sample a small range of pre-prepared local produce and gourmet foods.

The proposal does not involve any building works and only requires the following to make the premises suitable for the proposed use:

- Provision of furniture (tables, chairs and sofa) for seating of customers.
- Installation of benches, sink, glasswasher and basin to provide a food handling area.
- Installation of portable fridges at the counter service area and in the food handling area.
- General internal refurbishment including painting and decorating.
- Establish advertising signage.

Generally, the scale and nature of the works is such that the external appearance of the building will remain unaltered (except for the signage) without adverse impact upon the streetscape.

3.1.2 Activities/Operation

The small bar would involve the following activities/operation:

- Consumption of wine, other beverages and pre-prepared food in a quiet and casual bar environment. As depicted in the submitted plans, table or sofa seating would be provided. An existing counter will be used for service of alcohol or other beverages.

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- Tasting and purchase of wines. This may involve wine by the glass, bottle or case.
- Unpack and serve pre-prepared food to complement wine tasting.
- The proposed hours of operation are 9.00am to 9.00pm, seven days a week. Generally the applicant envisages that at most times the hours will be 9.00am to 5.30pm but a later closing time of 9.00pm is proposed to recognise that on some occasions the bar may be open later.
- Occasional small functions by appointment may occur outside the hours nominated above.
- Customers are expected to arrive by car or by the small buses that already visit Millthorpe as part of organised winery tours.
- Light commercials (mostly vans and utilities) will be used for deliveries of stock and supplies.

3.1.3 Advertising Signage

It is proposed to provide signage as follows:

- A flush sign painted or affixed to the fascia of the verandah deck, facing Pym Street. The signage would depict the wordmark/logo TAMBURLAINE ORGANIC WINES.
- Frosted signage to the shopfront glazing on each side of the entrance. The signage would depict the wordmark/logo TAMBURLAINE ORGANIC WINES.

3.2 ALTERATIONS TO EXISTING RESIDENCE (FIRST FLOOR)

The alterations and additions to the existing first floor residence are summarised as follows:

- Remove the internal stud frame walls that formed the previous bathroom and then reconfigure the space to create an ensuite to Bedroom 1 and a separate bathroom for the dwelling.
- Reconfigure the existing kitchen and sitting area to create a modern open plan living zone. This involves the removal of a short section of stud frame wall of the existing kitchen; infilling of an existing door opening; conversion of an existing external door to a window; and installation of a new kitchen.

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- Removal of the enclosed first floor verandah that extended along the rear of the existing dwelling.
- General internal refurbishment including painting, decorating, new floor coverings and tiling.

Structural engineering advice relating to the proposed dwelling alterations is provided in *Annexure C*.

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Section 4.0

TOWN PLANNING CONSIDERATIONS

In determining the application, Council must take into consideration the relevant matters under section 4.15 of the Environmental Planning and Assessment Act, 1979. These are assessed below.

4.1 PROVISIONS OF ENVIRONMENTAL PLANNING INSTRUMENTS

4.1.1 Blayney Local Environmental Plan 2012

The proposal is subject to the provisions of Blayney Local Environmental Plan 2012 (the LEP). The relevant provisions are considered below.

Zoning

The subject land is zoned RU5 Village or Urban. The objectives of the zone are:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage and provide opportunities for population and local employment growth commensurate with available services.
- To minimise the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.

The proposal satisfies the zone objectives as follows:

- In consideration of the first stated objective, the renovated dwelling maintains residential opportunities within the village; whilst the small bar represents an appropriate use of existing retail premises to increase the diversity and offerings of the village business precinct.
- In regard to the second stated objective, the proposal is not expected to generate land use conflicts. The dwelling is not a new use. The small bar is an appropriate land use for the village business precinct. The potential for land use conflict can be minimised by responsible management practices.

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- In consideration of the third stated objective, the proposed small bar has the potential to increase activity in the village business precinct and encourage tourism. As such, it may increase local employment opportunities as well as complement the urban role and function of Millthorpe to encourage future settlement in and around the village.
- In regard to the fourth stated objective, the proposal would remain compatible with surrounding residential development. It occupies well established business premises. The relatively benign nature of the proposed small bar and the implementation of responsible management practices would assist to minimise impacts on residential development.

Permissibility

The zoning table in Part 2 of the LEP indicates that a *small bar* is permissible in the RU5 Zone subject to obtaining the development consent of Council.

The first floor dwelling is existing. In any event, such residential accommodation is permissible in the RU5 Zone, as shop top housing.

Clause 1.2 Aims of Plan

The aims of the LEP are as follows:

- a) to encourage development that complements and enhances the unique character and amenity of Blayney including its settlements, localities, and its rural areas,
- b) to provide for a range of development opportunities that will contribute to the social, economic and environmental resources of Blayney in a way that allows present and future generations to meet their needs by implementing the principles of ecologically sustainable development,
- c) to facilitate and encourage sustainable growth and development that:
 - (i) avoids and minimises risks to human life and property and minimises the cost of development by restricting development in areas prone to natural hazards and significant environmental constraints, and
 - (ii) protects, enhances and conserves prime agricultural land and the contribution that agriculture makes to the regional economy, and

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- (iii) avoids or minimises impact on drinking water catchments to protect and enhance water availability and safety for human consumption, and
- (iv) protects and enhances environmentally sensitive areas, ecological systems, areas of a high scenic, recreational or conservation value, and areas that have potential to contribute to improved environmental and scenic outcomes, and
- (v) protects and enhances places and buildings of environmental, archaeological, cultural or heritage significance, including Aboriginal relics and places, and
- (vi) encourages the sustainable management, development and conservation of natural and human-made resources whilst avoiding or minimising any environmental and social impacts, and
- (vii) encourages a range of housing choices in planned urban and rural locations to address population growth and meet the diverse needs of the community, and
- (viii) allows for the orderly growth of land uses while minimising conflict between land uses within the zone and land uses within adjoining zones, and
- (ix) promotes the efficient and effective delivery of utilities, infrastructure and services that minimises long-term costs to government, authorities and the community.

In consideration of the aims of the LEP, the following comments are provided in support of the development:

- There are no aspects of the proposal that detract from the character of Millthorpe. The addition of a small bar in existing retail premises, along with the refurbishment of existing shop top housing is considered to be entirely sympathetic with the character of the village in terms of land use, streetscape and heritage values [*Aim (a)*].
- The proposed development would have a neutral to positive effect in terms of social, economic and environmental resources. There are no aspects of the proposed development that would compromise the principles of ecologically sustainable development [*Aim (b)*].

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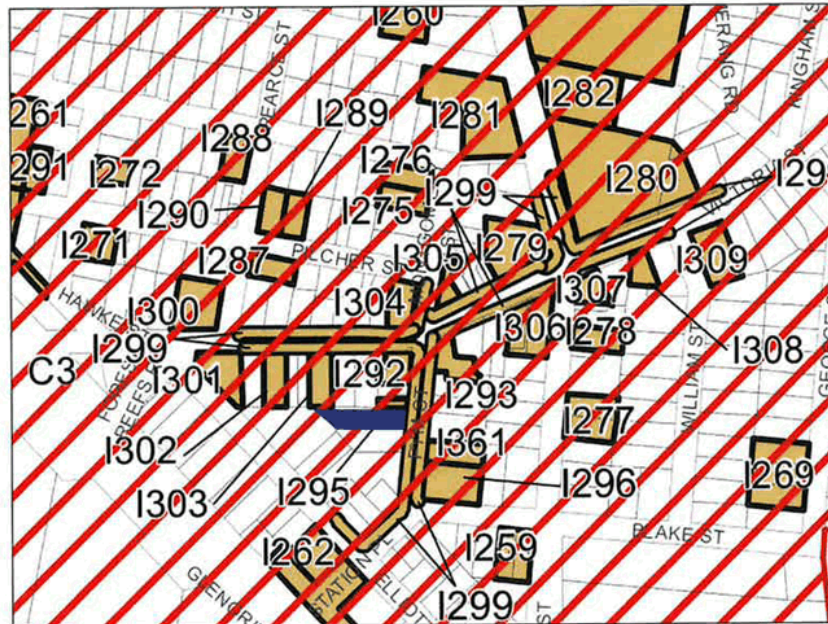
- *Aim (c)(i)* is not relevant as the proposal does not involve land that is subject to natural hazards or environmental constraints.
- *Aim (c)(ii)* is not relevant as the proposal does not involve rural land.
- *Aim (c)(iii)* is not relevant as the proposal does not involve land that is within a drinking water catchment.
- *Aim (c)(iv)* is not relevant as the proposal does not involve environmentally sensitive areas, ecological systems, areas of a high scenic, recreational or conservation value, and areas that have potential to contribute to improved environmental and scenic outcomes.
- Based on the information provided later in this report, the proposal is considered satisfactory in terms of heritage values [*Aim (c)(v)*].
- *Aim (c)(vi)* is not relevant as the proposal does not involve the development of natural or human-made resources and does not generate adverse environmental or social impacts.
- The proposal is consistent with *Aim (c)(vii)* as it will not diminish existing housing stocks.
- Based on the information provided later in this report, the proposal is not expected to contribute to unacceptable land use conflict [*Aim (c)(viii)*].
- The proposal is not adverse to *Aim (c)(ix)* because it does not require servicing beyond the capacity of existing infrastructure.

Clause 5.10 Heritage Conservation

With reference to the LEP map extract below, the subject land is within the Millthorpe Heritage Conservation Area. The subject building is not a heritage item. However, it is in the vicinity of listed heritage items, those of which adjoin the subject land include:

- Item 295 – group of shops (Old Tyme Delights) adjoins to the north at 7 Pym Street (Local Significance).
- Item 299 – basalt kerbs and guttering in Pym Street (Local Significance).
- Item 303 – shop and residence (former The Tablelands Post) adjoins to the north at 22 Victoria Street (Local Significance).

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Clause 5.10 of the LEP applies. The objectives of this clause are as follows:

- a) to conserve the environmental heritage of Blayney,
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- c) to conserve archaeological sites,
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Pursuant to Clause 5.10(4) Council is required to consider the potential impact that the development may have on the conservation area or any heritage item.

Heritage matters are addressed in *Section 4.5.1* of this report.

Clause 6.2 Stormwater

Clause 6.3 of the LEP applies. The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies, adjoining properties, native bushland and receiving waters.

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The proposal does not alter the stormwater drainage arrangements that serve the subject land; and nor does it involve new work or new impervious areas that would generate increased stormwater run-off.

Clause 6.8 Essential Services

Clause 6.8 provides as follows:

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- a) the supply of water,
- b) the supply of electricity,
- c) the disposal and management of sewage,
- d) stormwater drainage or on-site conservation,
- e) suitable vehicular access.

The proposal meets the requirements of this clause. The existing premises are connected to the abovementioned urban utility services and have suitable vehicle access provided via Pym Street.

4.1.2 State Environmental Planning Policy 64 – Advertising and Signage

Schedule 1 of SEPP No. 64 requires the following criteria to be considered in regard to the proposed advertising signage.

Character of the Area

The character of the area is defined by the mixed use village pattern. There is a theme for outdoor advertising in the area in that the signage appears generally sympathetic in terms of heritage and relevant to the various businesses within the village centre.

Signage is not dominated by corporate images or logos. Size and form varies but mainly includes flush wall signs affixed to buildings, window signs, or free standing signs. In this context, the proposed signage is considered to be entirely consistent with the character of outdoor advertising in the village.

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Special Areas

Much of the Millthorpe village is a Heritage Conservation Area. The signage proposal for this development respects the heritage values of the subject land and the broader village.

Views and Vistas

The proposed signage is to be confined entirely within the façade of the building and would not project beyond the profile or silhouette.

In accordance with the SEPP No. 64 guidelines, the proposed signage is considered acceptable because:

- It would not obscure or compromise important views.
- It would not appear in the village skyline or reduce the quality of streetscape views.
- It would not interfere with the viewing rights of other advertisers.

Streetscape, Setting or Landscape

It is submitted that the level of signage is no greater than other village businesses at Millthorpe and would therefore not impact upon the heritage streetscape or setting.

The proposed signs are of a size, design and colour that are sympathetic to the building itself. The signage is respectful of local heritage values and commensurate with other village signage.

Site and Building

The proposed signage is considered to be compatible with the scale, proportion and other characteristics of the site and building.

In particular, the window and awning fascia signage is reasonably restrained in terms of size and colour and would not represent excessive coverage of the front elevation of the building or obliterate important architectural features of the building.

Associated devices and logos with advertisements and advertising structures

The signage does not include any safety devices, platforms, lighting devices or logos that form an integral part of the signage or structure on which it is to be displayed.

Illumination

The proposed signage will not be internally illuminated.

Safety

Given that the signage is affixed to the façade of the building, it will not obscure sightlines from public areas and will not reduce the safety for any public road, pedestrians or cyclists.

4.2 PROVISIONS OF DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no known draft regional or state planning instruments that affect the subject land or development.

4.3 PROVISIONS OF DEVELOPMENT CONTROL PLANS

4.3.1 Blayney Shire Development Control Plan 2018 - Part D Commercial, Community and Industrial Development

Blayney Shire Development Control Plan 2018 - Part D Commercial, Community and Industrial Development is applicable to the proposed development. The relevant matters are considered below.

D4.8 Exemptions to Off Street Car Parking Requirements

Off-street parking will generally be required for most new developments and some adaptive re-use of existing buildings in accordance with the clause below. However, it may not be required for:

- 1) **Change of Use:** The proposed development is for a 'change of use' where there is no additional space for on-site car parking and the impacts on on-street parking would be minimal;

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- 2) **Heritage Item:** The proposed development involves the restoration and/or conservation of a listed heritage item in **BLEP2012**. This is an incentive and will only be applied where the applicant can demonstrate that the conservation of the item depends upon the use of this clause;
- 3) **Existing Building:** The proposed development involves alterations and additions to an existing building, and the alterations and additions have a gross floor area of less than 25m² and do not encroach on existing off-street parking areas;
- 4) **Alternative Parking:** The applicant can demonstrate that there is alternative parking on another public or private site (not the proposed development site) that is in close proximity to the development and can accommodate the parking requirements without affecting other users;
- 5) **Site Constraints:** It is not physically possible to comply with the off-street parking requirements. The applicant will need to provide a Traffic and Parking Report that addresses the following matters:
 - a) A description of the proposal and the expected hours of operation;
 - b) An assessment of the traffic generation and expected vehicle parking demand (customer, staff and service vehicles);
 - c) Reasons why the lot(s) used for the proposed development cannot accommodate the off-street parking requirements
 - d) An assessment of the impacts of on-street parking on the public road system and adjacent lots and their existing or potential land uses.
- 6) **Contributions:** A parking contribution is paid in lieu in accordance with an adopted Council Policy or a Voluntary Planning Agreement (VPA)

In consideration of the above DCP provisions, it is submitted that the proposed development would be exempt from the car parking requirements of the DCP for the reasons provided below.

The proposal satisfies Exemption No. 1 as follows:

- It essentially represents a change of use of existing premises, notwithstanding the existing retail use will be retained.

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- Whilst there is space at the rear of the building to provide on-site parking, it is not desirable, given that it would create a hard sealed parking area in the midst of more sensitive land uses, including residential properties/land use to the north, west and south. Such an addition to the land use pattern would impact upon privacy and residential amenity.
- The impacts upon street parking are expected to be minimal, given that the subject premises are a well-established component of the village business precinct which already have a certain level of parking demand already attributed to them. Pym Street and other nearby streets have long provided parking for the Millthorpe village business precinct and this represents a well-established element of the village function. It is a reasonable submission that on-street parking within the village centre will continue to represent a parking resource that is of benefit to this property and others in the business precinct.

The proposal satisfies Exemption No. 3 as follows:

- It relates to an existing building.
- It does not involve an increase in gross floor area.
- It does not encroach on any off-street parking areas.

4.3.2 Blayney Shire Development Control Plan 2018 - Part E Other Land Uses

Blayney Shire Development Control Plan 2018 - Part E Other Land Uses sets certain provisions relating to advertising signage. The relevant matters are considered below.

E2.5 General Controls for Advertising and Signage – Commercial and Retail

- 1) A single business premises is permitted to have a maximum number of signs on each street frontage of the building (in accordance with the controls below) as follows:
 - a) One under awning sign;
 - b) One top hamper sign or flush wall sign;

- c) One fascia or awning fascia sign;
- d) One A-Frame sign on the footpath;
- 2) Window signage maybe provided in addition to the list above as long as it does not take up a significant area of the street window or significantly reduce visibility between the inside of the shop and the street.
- 3) Each tenancy in a multiple tenancy on the same lot may have the same signage as set out in subclause (1) above as well as a single directory board /pylon sign naming the facility and listing some or all of the tenancies at or near the primary customer entrance.

The proposal satisfies the above DCP provisions as follows:

- Only one awning fascia sign is proposed as permitted under the DCP.
- The proposed window signage satisfies the DCP as the proposed frosted decals will not take up a significant area of the shopfront windows, or reduce visibility between the shop and the street.

4.3.3 Blayney Shire Development Control Plan 2018 - Part H Heritage Conservation

Blayney Shire Development Control Plan 2018 - Part H sets certain provisions relating to heritage conservation. The relevant matters are considered below.

- H5.1 Scale and Form**
- 1) The scale of new development within a conservation area should relate to the scale of the adjacent or nearest heritage building and streetscape.
 - 2) Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact on the character and views of the conservation area.
 - 3) New development that obscures important views within a heritage conservation area should not be permitted.
 - 4) The roof forms of new development in a conservation area are to complement the original roof forms of existing nearby buildings that contribute to the conservation area and streetscape.

- 5) Additions and alterations to existing buildings that contribute to the character of a conservation area should not detract from the original form of the existing building as viewed within the streetscape.
- 6) The treatment of the street façade of new development in a conservation area should relate to existing nearby buildings that contribute to the conservation area.

The proposal is satisfactory in terms of scale and form, largely because it does not involve any alterations to the building exterior that would be detected in the streetscape.

H5.3 Materials and Colours

- 1) Original materials of existing heritage buildings in conservation areas should not be replaced with different materials or with materials of different colours unless justified, and approved by Council.
- 2) Non – original materials of existing heritage buildings in conservation area that are being replaced should be replaced with materials that complement the original material as closely as possible.
- 3) Materials for new development in HCAs should not contrast with the original materials of the dominant contributory buildings in the conservation area.
- 4) Colour schemes for existing and new development in conservation areas should have a relationship with traditional colour schemes for the dominant style of development found in the conservation area in consultation with Council.
- 5) The use of fluorescent paint and primary colours on buildings in conservation areas is not permitted.

The proposal is satisfactory in terms of the above DCP provisions, largely because it does not involve any change to the external materials or colours of the existing building.

H5.4 Doors and Windows

- 1) Original door and window openings visible from the streetscape on existing heritage buildings should not be altered, unless justified.
- 2) Original door and window joinery visible from the streetscape on existing heritage buildings should not be altered, unless justified.
- 3) New door and window openings on existing heritage buildings that are visible from the streetscape should be of proportions and details that relate to existing door and window openings.

The proposal is satisfactory in terms of doors and windows as there is no change to the doors and windows that face the street.

The only alterations to doors and windows occurs at the rear of the building and will not be easily detected in streetscape views.

H5.7 Advertising and Signage

- 1) Any early signage should not be removed, but retained and actively preserved, wherever possible, including signage related to original shopfronts or remnants of painted signs on the side walls of building.
- 2) New signs should be discrete and complementary to the historical significance of the building and streetscape and not visually dominate the area of building walls.
- 3) New signs should be placed in locations, which would have traditionally been used for advertising purposes, where possible and appropriate.
- 4) The size of the sign and its contents/design (colour scheme, letters, number and symbols) must complement the scale of the building to which they relate and its streetscape.
- 5) The following signs are not permitted, advertising affixed to trees, light poles or other structure not for the purposes of advertising structure, signs mounted above the awning or veranda of a building.
- 6) Signage on commercial buildings is to be confined to:
 - a) An under-awning sign of an appropriate size and design;

- b) A window sign in the ground floor shop front of an appropriate size and design;
 - c) A façade sign contained within a purpose designed panel of the building façade;
 - d) The façade of the building shall not be painted in corporate colours;
 - e) A fence sign, free standing sign or A – Frame sign of an appropriate size and design.
- 7) The architectural details of a building are not to be obscured by commercial signage.

The proposed signage is considered satisfactory in the heritage conservation area for the reasons outlined in the assessment under SEPP 64 (refer *Section 4.1.2* of this report).

4.4 MATTERS PRESCRIBED BY THE REGULATIONS

The Environmental Planning and Assessment Regulation 2000 prescribes certain matters that must be considered by Council in determining a development application. The following information is provided in respect of the prescribed matters:

Demolition of a Building (Clause 92)

Not applicable as demolition of a building is not proposed by this application.

Fire Safety Considerations (Clause 93)

Not applicable. This clause only applies to a development application for a change of building use for an existing building, where the applicant does not seek the rebuilding, alteration, enlargement or extension of a building.

Buildings to be Upgraded (Clause 94)

This clause only applies to a development application for development comprising the rebuilding, alteration, enlargement or extension of an existing building where:

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- a) The proposed building work, together with any other building work completed or authorised within the previous 3 years, represents more than half the total volume of the building, as it was before any such work was commenced, measured over its roof and external walls, or
- b) The measures contained in the building are inadequate:
 - (i) to protect persons using the building, and to facilitate their egress from the building, in the event of fire, or
 - (ii) to restrict the spread of fire from the building to other buildings nearby.

In determining a development application to which this clause applies, Council is to take into consideration whether it would be appropriate to require the existing building be brought into total or partial conformity with the National Construction Code (NCC).

With reference to the above matters:

- The proposed building work (which primarily relates to the existing dwelling) represents less than 50% of the total volume of the building (including any building work which may have been completed within the previous 3 years); and
- Based on recent discussions with Council, it is understood that the following fire safety measures may be required:

Measure	Standard of Performance
Exit Signs	NCC2016 Clauses E4.5, E4.6 and E4.8 and AS2293.1-2005
Portable fire extinguishers	NCC2016 Clause E1.6 and AS2444-2001
Paths of travel	NCC2016 Parts D1 and D2 EP&A Reg Clause 186
Sprinkler and drencher systems	NCC 2016 C3.2, C3.4, C3.11, NCC Parts G3, NSW Part H101 and Specification G3.8 and AS 2118.2-2010
Smoke and heat detectors	AS 1670 and AS 3786 as applicable

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Fire safety measures will be considered in greater detail at the Construction Certificate phase of the development.

BASIX Commitments (Clause 97A)

A BASIX certificate is included in *Annexure B*.

4.5 THE LIKELY IMPACTS OF THE DEVELOPMENT

The potential impacts of the development are considered below.

4.5.1 Heritage/Streetscape/Visual Amenity

The subject land is within the Millthorpe Heritage Conservation Area but is not listed as a heritage item. There are heritage items in the vicinity of the subject land as identified earlier in this report at *Section 4.1.1* under subheading *Clause 5.10 Heritage Conservation*.

The potential impacts of the development upon the heritage item; heritage conservation area; streetscape; and visual amenity are interrelated. This inter-relationship can be assessed by considering the development according to the NSW Heritage Office publication *Statement of Heritage Impact Guidelines (Table 7 – Relevant HIS Questions)* – see below.

Question – The following aspects of the proposal respect or enhance the heritage significance of the item or conservation area for the following reasons:

The proposal respects the heritage significance of the conservation area as follows:

- It represents an appropriate use of an existing commercial building in village precinct.
- The proposal does not alter the bulk, scale, external finish, or profile of the building or diminish the contribution it makes to the HCA, particularly in relation to the important views along Pym Street.
- The proposed external works are minor and confined to the rear and would not be seen from Pym Street or easily detect from other public areas.

- In accordance with Burra Charter principles, the alterations are not permanent or irreversible. Original building fabric will be largely retained.
- The use of new materials is unavoidable particularly in relation to the internal changes to the dwelling. However, the scope of these alterations is relatively modest in the overall context of the building and its retained features.
- The signage scheme proposed by this application has been assessed as satisfactory pursuant to SEPP 64. The proposed advertising signage is respectful of the architecture of the building and compatible with other forms in the precinct.

The proposal will not adversely affect the identified heritage items due to the following:

- The proposal does not involve any building or external alterations that would adversely affect the spatial or visual relationship between the site and the nearest heritage items.
- The proposal does not involve any building or external alterations that would adversely affect views onto the heritage items.
- The proposal does not involve any works that that would adversely affect the original building fabric or structural integrity of nearby heritage items.
- The proposal is well-mannered in its streetscape appearance and will not diminish public appreciation of the identified heritage items.

Question – The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts:

For the reasons outlined above, the proposal has minimal potential to adversely affect the heritage significance of the nearby items or the conservation area.

Question – The following sympathetic solutions have been considered and discounted for the following reasons:

There are no aspects of the proposal that are considered unsympathetic with the conservation area or nearby heritage items.

Questions – Change of Use

Has the advice of a heritage consultant been sought?

Does the existing use contribute to the significance of the heritage item?

Why does the use need to be changed?

What changes to the fabric are required as a result of the change of use?

What changes to the site are required as a result of the change of use?

Given the lack of impact upon the HCA and the heritage items, the advice of a heritage consultant has not been sought specifically for this development application.

The proposed change of use (addition of small bar to existing retail premises) is appropriate for the subject premises and not uncharacteristic of uses that are found in heritage conservation areas of this type.

The small bar will encourage continued occupation of existing premises in a historic streetscape and help it to remain relevant. It will contribute to the diversity, function and offerings of the Millthorpe village centre for the benefit of local residents and tourists.

As mentioned earlier, the changes to original building fabric are minimal and will not impact upon the heritage value of the building.

The proposal does not involve changes to the site.

Question – New landscape works and features (including car parks and fences). How has the impact of the new work on the heritage significance of the existing landscape been minimised? Has evidence (archival and physical) of previous landscape work been investigated? Are previous works being reinstated? Has the advice of a consultant skilled in the conservation of heritage landscapes been sought? If so, have their recommendations been implemented? Are any known or potential archaeological deposits affected by the landscape works? If so, what alternatives have been considered?

Not applicable as the proposal does not involve landscaping.

**Question – Tree removal or replacement
Does the tree contribute to the heritage significance of the item or landscape? Why is the tree being removed? Has the advice of a tree surgeon or horticultural specialist been obtained? Is the tree being replaced? Why? With the same or a different species?**

Not applicable as the proposal does not require removal of trees.

4.5.2 Traffic Impacts

The proposed development is not expected to cause adverse traffic impacts.

The existing premises represent a well-established component of the local traffic regime and would have a certain level of traffic already attributed to them due to previous commercial uses. As such, it is submitted that the small bar would have a neutral to minor effect on current traffic levels and amenity.

The proposal does not involve the creation of new access points or alter traffic paths to or within the subject land.

As with many other village centre premises, service deliveries for the proposed small bar will occur via the street. Service vehicles would only include light commercials (vans and utilities) that are able to park nearby to make deliveries.

The parking implications for the development are considered to be satisfactory as addressed earlier in this report at *Section 4.3.1*. Off-street parking for the residence remains at the rear of the subject land and would not be affected by the proposal.

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4.5.3 Accessibility

The *Disability (Access to Premises – Building) Standards 2010 (Premises Standards)* is a standard created under the Disability Discrimination Act. The Premises Standards only apply to new buildings and new building work.

There are no building works proposed by this development application in relation to the small bar. As such, it is understood that there is no requirement to consider the construction standards of the *Premises Standards*.

4.5.4 Overshadowing

The proposal does not involve any increase to the bulk, height and scale of the building and thus will not generate overshadowing impacts.

4.5.5 Privacy

Given its position within a business precinct and that it is fundamentally similar to previous uses of the premises; there appear to be no aspects of the proposal that would further reduce the privacy of nearby residential development.

4.5.6 Noise

The ambient noise levels within and around the site would be typical of a village business precinct. The dominant source of noise is likely to be from traffic movement along the road network.

The proposal does not introduce new noise sources to the locality and thus would not generate adverse impacts in this regard.

4.5.7 Lighting

The proposal does not alter the existing lighting arrangements that serve the premises.

4.5.8 Water Quality

The proposal does not involve any activities or process that would cause adverse impacts on water quality.

4.5.9 Air Quality

The proposal does not involve any processes or activities that would affect the neighbourhood in terms of dust, odour or other atmospheric discharges.

4.5.10 Waste Management

The proposal does not alter the existing waste management arrangements that serve the commercial premises.

4.5.11 Social and Economic Impacts

The proposal has the potential to generate positive social and economic effects due to the following:

- Has the potential to increase activity in the village business precinct and encourage tourism.
- Has the potential to increase expenditure in Millthorpe.
- May increase local employment opportunities.

The social effects of the proposed small bar will be subject to assessment under the liquor licensing requirements of NSW Department of Industry – Liquor and Gaming. It is understood that a Community Impact Statement is not required as the venue does not propose to trade after midnight.

The proposal has the benefit of the experience and resources of the operator (who currently hold a Producer/Wholesaler Licence) to ensure it meets the requirements/expectations of the relevant authorities and community. In this regard:

- The premises will operate in accordance with the development consent.
- The conditions attached to the licence along with the conditions of the development consent will be adhered to.
- All persons involved in the operation of the premises will familiarise themselves with the conditions of the development consent and the licence to ensure those terms are understood and complied with at all times.
- The Licensee will ensure that at all times alcohol is served responsibly. The Licensee will ensure that all staff involved in the sale, service and supply of liquor hold a valid Responsible Service of Alcohol (RSA) Competency Card or Certificate.

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- Due to the style of operation of the premises it will not be necessary to employ licensed security personnel. However, management will be available to meet with residents to discuss any issues of concern in the operation of the Premises.
- Management and staff shall take all reasonable measures to ensure that the behaviour of customers, upon entering and leaving the Premises do not adversely affect the amenity of the neighbourhood.
- The venue is not a late trading venue.
- The venue will not have any gaming machines.

4.6 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

There are no aspects of the site to suggest that it is not suitable for the proposed development.

The site is connected to available urban utility services. Any further augmentation will be to the requirements of the relevant supply authority.

4.7 ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

According to Part B3.1 of *Blayney Shire Development Control Plan 2018* Council is required to formally advertise the development application.

4.8 THE PUBLIC INTEREST

The proposed development is considered to be only of minor interest to the wider public due to the relatively localised nature of potential impacts.

The proposal is not inconsistent with any State or local planning policies, codes or guidelines that have not been considered in this assessment.

Section 5.0

CONCLUSION

The proposal as submitted could be approved on the following grounds:

- It complies with the relevant provisions of Blayney LEP 2012.
- The proposal is acceptable in terms of the relevant provisions of *Blayney Shire Development Control Plan 2018*.
- The proposal is considered satisfactory in terms of Section 4.15 of the Environmental Planning and Assessment Act, 1979. The potential impacts of the proposal are considered to be minor and may be addressed by appropriate design, responsible management practices and relevant Conditions of Consent.
- The proposal facilitates the establishment of a new business in an appropriate location. It may generate some economic spin-offs due to its potential to be of service to both the local and regional population.
- There are no aspects of the development that warrant refusal.

We trust that this application will be given favourable consideration by Council. Any further enquiries may be directed to our office on 6361 2955.

Yours faithfully

Peter Basha Planning & Development



Per:

PETER BASHA

*Peter Basha
Planning & Development*

Annexure A

Plans by Southwell Design Drafting

Annexure B
BASIX Certificate

Annexure C

Structural Engineering Advice by Cook & Roe

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

SUBJECT LAND: Lot 9 Section B in DP 1713, Parish of Graham, County of Bathurst
9 Pym Street, Millthorpe

PROPOSED DEVELOPMENT: Proposed Small Bar (Ground Floor)
Renovation of Existing Residence (First Floor)
Business Identification Signage

As the owner of the subject land, I/we the undersigned hereby consent to lodgement of a Development Application for the above proposal.

Authorised person on behalf of Ludowici Group Pty Ltd:

Name (print).....*Bethina Ludowici*.....
Signature.....*Bethina Ludowici*..... Date.....*7/8/19*.....

Lesley Anne Morris:

Signature.....*Lesley Anne Morris*..... Date.....*7/8/19*.....

LUDOWICI GROUP Pty Ltd
c/- 34 QUEENS PARADE, NEWPORT NSW 2106
ACN 161 599 248

TO WHOM IT MAY CONCERN

This is to confirm that I am a director of Ludowici Group Pty Ltd and am authorised to sign documents on behalf of the company.

Authorised Person(s)

Name (print).....*Bettina Ludowici*.....

Signature.....*[Handwritten Signature]*.....Date.....*7/8/19*.....

Name (print).....

Signature.....Date.....