

# **STATEMENT OF ENVIRONMENTAL EFFECTS**

**CHANGE OF USE (BAKERY RETAIL  
PREMISES TO TAKE AWAY FOOD AND  
DRINK PREMISES)**

**SHOP 6 22 – 24 CHELMSFORD DRIVE,  
METFORD**

**(LOT 113/ DP241953)**

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<b>PP Reference</b>		J002492		
<b>Prepared for (client)</b>		Tarana Estate Foods		
<b>Document Versions and Control</b>				
Statement of Environmental Effects, 22 – 24 Chelmsford Drive, Metford				
Version	Date	PP ref	Author	Reviewed by
1	11/10/21	SoEE – 22 – 24 Chelmsford Drive	AR	MB/Client
2	19/10/21	SoEE – 22 – 24 Chelmsford Drive	FINAL	Client
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## EXECUTIVE SUMMARY

Perception Planning Pty Ltd has been engaged by Tarana Estate Foods (the client) to prepare a Statement of Environmental Effects (SEE) for a change of use (retail premises to take away food and drink premises) over shop 6 22 – 24 Chelmsford Drive, Metford (Lot: 113/ DP:622647) (**‘the site’**) as a food and drink premises.

The characteristics of the development include the change of use from an existing retail premises (bakery) to a takeaway food and drink premises as defined by the Maitland Local Environmental Plan 2011 (MLEP 2011). Maitland Council approved the previous change of use to a retail bakery in Shop 6 on 29 June 2015 under DA 15-1067. Council correspondence with regard to this matter is provided as **Appendix 7**. It is to our understanding that the retail premises traded consistently until after March 2020 therefore, in accordance with Clause 4.66 (4) the use is not considered abandoned if it ceases to be used for a continuous period of three years.

Site and floor plans describing the takeaway food and drink premises are provided here as **Appendix 3**. No physical works are proposed by this development application.

The premises will be used for the preparation and retail sale of food and drinks for immediate consumption away from the premise. The floor layout includes indoor seating ancillary to the operation of the takeaway premises which allows patrons an area to sit down whilst waiting for takeaway food and drinks to be prepared.

Standard operating hours for the takeaway food and drink premises are as follows:

Monday – Friday:

- 8am-3pm
- 5pm-8pm

Sunday:

- 8am – 1 pm

The key reasons why the proposed development is appropriate are as follows;

- Conforms with planning guidelines specified by the LEP 2011 and DCP controls where applicable,
- Will maintain and promote the economic sustainability of the Metford Shopping Village and Metford precinct, through establishment of the food and drink premises and,
- Has been demonstrated to have minimal negative environmental or social impact on neighbouring properties or the greater area,
- The proposed development will directly benefit the community by providing an important service to meet the needs of the community.

The SEE will expand on those matters that have been summarised above to assist Council in completing a detailed assessment of the proposal development.

## TERMS AND ABBREVIATIONS

AHIMS	Aboriginal Heritage Information Management System
BDAR	Biodiversity Development Assessment Report
EPA	Environment Protection Authority
EP&A Act	Environmental Planning & Assessment Act 1979
EPI	Environmental Planning Instrument
DA	Development Application
DCP	Development Control Plan
LGA	Local Government Area
SEPP	State Environmental Planning Policy
SEE	Statement of Environmental Effects

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## PLANS AND SUPPORTING DOCUMENTATION

This SEE is supported by the following plans and documentation:

<b>Appendix</b>	<b>Document</b>	<b>Prepared by</b>
1	EP&A REGULATION 2000 (Schedule 1)	Perception Planning
2	DCP Compliance Table	Perception Planning
3	Site/Floor Plans	Perception Planning
4	Deposited Plan	GlobalX Terrain
5	AHIMs Search Results	Perception Planning
6	DBYD Search Results	Perception Planning
7	Council Correspondence	Maitland Council
8	Hunter Water Stamped Plans	Hunter Water Corporation

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# 1 BACKGROUND

## 1.1 PURPOSE

The purpose of this Statement of Environmental Effects (SEE) is to assist Council in their assessment and determination and to assist the community in understanding the proposed development.

This SEE has been prepared in coordination with Tarana Estate Foods (**‘the client’**) and other sub-consultants to demonstrate the relevant matters associated with in the proposed development. The SEE examines the existing development and site location, how the proposed development relates to the location and the environment, as well as the planning merits of the development with respect to the relevant legislation, regulation and other requirements. The SEE examines the applicable site attributes and the specifics of the development proposal that are appropriate to the development application stage. The SEE seeks to provide all the relevant data to give a suitable level of certainty to the consent authority that the proposal has a positive impact on the immediate area and the wider surrounds.

This SEE has been prepared in accordance with best practice principles, applicable aspects of the Development Assessment Framework and the Department of Planning and Infrastructure’s (now the Department of Planning, Infrastructure and Environment) guide to the *Environmental Planning and Assessment Act* (EP&A Act) 1979 (s4.15).

The objectives of this SEE are as follows:

- To provide a description of the site, existing development and the surrounding locality;
- To provide a description of the proposal and the key issues;
- To provide a discussion of the relevant Environmental Planning Instruments (EPI)s; and
- To provide an assessment of the potential environmental impacts, having regard to the matters for consideration pursuant to the EP&A Act (s4.15) and other State, Regional and Local environmental planning policies and guidelines.

## 1.2 SITE DETAILS

<b>Property Address</b>	22 – 24 Chelmsford Drive, Metford NSW 2323
<b>Lot and DP</b>	LOT 113 / DP241953
<b>Current Use</b>	Retail Premises (Bakery)
<b>Zoning</b>	R1 – General Residential
<b>Size</b>	1,299m <sup>2</sup>
<b>Site Constraints</b>	Acid Sulfate Soils – Class 5 Minimum Lot Size – 450m <sup>2</sup>
<b>Owner</b>	Owners consent has been provided on the Application Form for the DA.
<b>DP and 88B Instrument</b>	Nothing on the DP or 88B instrument prohibits the proposed development. No existing easements are identified within the DP provided at <b>Appendix 4</b> .

## 1.3 SITE DESCRIPTION

The site is located 22 – 24 Chelmsford Drive, Metford, NSW, 2323 is legally identified as Lot 113 /DP 241953 (**‘the site’**) and has a total area of 1299m<sup>2</sup> (**FIGURE 1**). The site is located within the township of Metford, within the Maitland Local Government Area (LGA). Site particulars are identified within the table above.

Metford Shopping Village also includes an existing hair dressing salon, mini mart and liquor store which are operated independently. The site contains DA consent for a retail premises (bakery) within shop 6. It is to our understanding that the retail premises traded consistently until after March 2020.

The site is bound to the south by Chelmsford Drive, Tennyson Street to the west and established residential land use to the north and south. The site is accessed via a paved driveway off Tennyson Street. This leads to a carpark area and Metford Shopping Village. The subject area is located on the east side of the land parcel.

The bulk of the site is concreted, three large trees are located to the west of the existing buildings.

A Dial Before You Dig search, contained in **Appendix 7**, identifies that the site is connected to reticulated sewer, water and electricity.

**Figure 1 - Locality Plan (Sixmaps, 2021)**



## 1.4 CURRENT USE AND EXISTING DEVELOPMENT DETERMINATIONS

The site is currently occupied by Metford Shopping Village and includes an existing hair dressing salon, mini mart and liquor store which are operated independently. Shop 6 contains a retail premises historically used as bakery under historic approval. Maitland Council approved the previous change of use to a retail bakery in Shop 6 on 29 June 2015 under DA 15-1067. It is to our understanding that the approved retail premises operated continuously up until the end of March 2020 and therefore is not considered 'abandoned' in accordance with the requirements of Section 4.66 (4).

Commercial premises is identified as prohibited within the R1 General Residential zone, the proposed development relies upon existing use rights under the Environmental Planning and Assessment Act 1979 No 203 (EP&A Act), and Environmental Planning Assessment Regulation 2000 (EP&A Regulation) to undertake the works.

The Maitland Council Development Application Tracker website identifies recent approvals as listed below:

**Table 1** - Existing Development Determinations

Application Number	Application Type	Lodgement Date	Details
DA15/1067	Development Application	1/06/2015	Change of Use (Bakery Premises)

## 2 DESCRIPTION OF THE DEVELOPMENT

### 2.1 PROPOSED DEVELOPMENT

The objective of the proposed development is to seek consent for a change of use – retail premises (bakery) to takeaway food and drink premises. The characteristics of the development include:

The takeaway food and drink premises will be used for the preparation and retail sale of food and drinks for immediate consumption away from the premise.

The floor layout includes indoor seating ancillary to the operation of the takeaway premises which allows patrons an area to sit down whilst waiting for takeaway food and drinks to be prepared. **Figure 2** below shows the existing floor plan of the proposed development.

No physical works are proposed by this development application.

The operational details of the proposed development will include:

## **Operating Hours**

Monday – Friday:

- 8am-3pm
- 5pm-8pm

Sunday:

- 8am – 1 pm

## **Staff Numbers**

The site employs a maximum of 5 staff working onsite at one time, which includes chef's, wait staff and administration.

**Maximum patrons – 10**

## **Waste Management**

Waste management will be via general Council kerb-side collection. Should waste generation increase, a private contractor will be organised to collect waste, however this is not foreseen at this time.

**Figure 2** – Floor Plan, (Source: Perception Planning, 2021)

## 3 PLANNING CONTROLS

### 3.1 ACTS

All NSW Acts have been considered in the preparation of this SEE. The following Acts are considered relevant to the proposed development and discussed in further detail below.

- *Environmental Planning and Assessment Act 1979*
- *Hunter Water Act 2000*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Food Act 2003*

#### 3.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) is the principal planning and development legislation in NSW and is applicable to the proposed development. Section 4.15 of the EP&A Act specifies the matters which a consent authority must consider when determining a DA. The relevant matters for consideration under Section 4.15 are addressed in further detail in separate sections of this SEE below.

- **Section 4.46 – What is integrated development?**

Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the approvals listed within **Table 2** below.

- **Section 4.65 – Section 4.70 – Existing uses**

The subject site is zoned R1 General Residential under the LEP 2011. A 'commercial premises' inclusive of a 'retail premises' or 'food and drink premises' use is not permissible within the R1 zone; accordingly, the proposed development satisfies the definition of an 'existing use' under Division 4.11 of the EP&A Act.

Maitland Council granted consent for DA 103/5/91/79 on 11 September 1979 to construct a Neighbour Shopping Centre on the subject land which was constructed shortly after. The development consisted of a retail shopping centre consisting of seven shops, four of which were occupied by a takeaway shop, convenience store, hairdresser and an office. This demonstrates that the site as a whole has been used for a lawful purpose immediately before the LEP 2011 came into force, meeting the requirements of Section 4.65 and benefits from existing use rights arising from the grant of consent in 1979.

Further, approvals relating to the retail premises (bakery) in shop 6 exist on Councils records under DA 15/1067 (approved 29 June 2015). The approved retail premises operated continuously up until the end of March 2020 and therefore is not considered 'abandoned' in accordance with the requirements of Section 4.66 (4).

### **3.1.2 HUNTER WATER ACT 1991 (HW ACT)**

The subject site is not located within a Drinking Water Catchment. No physical works will take place on any body of water located on the site nor will the development have a lasting impact on any watercourses or waterbodies. To this extent, no referral to the Hunter Water Corporation under section 51 of the HW Act is required.

Stamped plans in accordance with Section 49 of the HW Act are provided as **Appendix 8** to this application.

### **3.1.3 WATER MANAGEMENT ACT 2000**

The subject site is not located within a Drinking Water Catchment. Physical works are to occur greater than 40m away from a mapped waterway. It is considered that referral to NRAR is not required pursuant to S89, 90 or 91 of the *Water Management Act 2000*.

### **3.1.4 BIODIVERSITY CONSERVATION ACT 2016**

The purpose of the *Biodiversity Conservation Act 2016* (BC Act) is to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development. The proposed development does not require the vegetation removal; accordingly, this does not exceed the biodiversity threshold for tree removal. Further consideration of the BC Act is not required.

### **3.1.5 FOOD ACT 2003**

The objective of the *Food Act 2003* is to ensure food for sale is both safe and suitable for human consumption, to prevent misleading conduct in connection with the sale of food and to provide for the application in this State of the Food Standards Code. The premises will be used for the preparation and retail sale of food and drinks for immediate consumption away from the premise.

Pursuant to Section 100 of the *Food Act 2003* the proprietor of a food business must give notification to the appropriate enforcement agency before the business is conducted. Notification to the Food Authority is required. The activity is to meet the requirements of the Food Safety Schemes as described in the *Food Regulation 2015*.

## **3.2 REGULATIONS**

### **3.2.1 Environmental Planning and Assessment Regulation 2000**

Clause 41 – Certain development allowed: Pursuant to Clause 41(1)(e), the proposed development could seek approval for a ‘change of use’ from one commercial use to another commercial use (including a commercial use that would otherwise be prohibited under the



Act). However, an existing use must not be changed under subclause 1(e) unless that change complies with the limitations of Subclause (2);

- a. *involves only alterations or additions that are minor in nature, and*
- b. *does not involve an increase of more than 10% in the floor space of the premises associated with the existing use, and*
- c. *does not involve the rebuilding of the premises associated with the existing use, and*
- d. *does not involve a significant intensification of that existing use.*

For the purposes of the proposed development, proposed change of use (food and drink premises) and/or part change of use seeks approval under Clause 41(e) of the EP&A Regs. This change of use does not involve physical works nor rebuilding of the premises. For this reason, the change of use from a retail premises to a food and drink premises is not considered a significant intensification of the existing use.

The existing use provisions aim to balance the potential hardship and dislocation that could result if landowners or occupiers were required to discontinue uses no longer permitted under current planning controls, against the need to transition to the new and preferred planning regime of the area. Whilst the area is now zoned R1 General Residential, prohibiting commercial uses, in contrast to the previous zoning and associated uses permitted within that zone, the site is characterised by a neighbourhood shop arrangement, reflective of the history of the area. This is consistent with the R3 zone objectives, to enable other land uses to provide facilities or services to meet the day to day needs of the residents, inclusive of food and drink premises, hairdressers, convenience stores and the like which are visible within the area.

Clause 42 – Development consent is required for the enlargement, expansion and intensification of existing uses, which must be for the existing use and for no other use. Approval under this clause is not sought for the purpose of the proposed development.

Clause 43 – Development consent is required for any alteration or extension of a building or work used for an existing use. The alteration or extension must:

- a. *be for the existing use of the building or work and for no other use, and;*
- b. *must be erected or carried out only on the land on which the building or work was erected or carried out immediately before the relevant date.*

No built works of the existing building are proposed as part of this development.

Clause 44 – Development consent is required for any rebuilding of a building or work use for an existing use. No rebuilding is proposed as part of the development.

Clause 45 – Development consent is required for any change of an existing use for another use. Consent is sought for a part change of use, as specified above.

Regardless of its current mapping overlay, the site does in fact demonstrate the privilege of 'existing use rights' pursuant to Section 4 Division 4.11 of the EP&A Act and Part 5 Existing Use Rights clauses 40 – 46 of the EP&A Regulation.

**Table 2 - Integrated development**

Integrated development	Proposed Development	
<b>Fisheries Management Act 1994</b>	<ul style="list-style-type: none"> <li>▪ s 144</li> <li>▪ s 201</li> <li>▪ s 205</li> <li>▪ s 219</li> </ul>	N/A
<b>Heritage Act 1977</b>	<ul style="list-style-type: none"> <li>▪ s 58</li> </ul>	<p>No – Development is not integrated development in respect of an Aboriginal heritage impact permit required under Part 6 of the National Parks and Wildlife Act 1974 unless –</p> <ul style="list-style-type: none"> <li>a. an Aboriginal object referred to in that Part is known, immediately before the development application is made, to exist on the land to which the development application applies, or</li> <li>b. the land to which the development application applies is an Aboriginal place within the meaning of that Act immediately before the development application is made</li> </ul> <p>The AHIMs Search Results <b>Appendix 5</b> do not identify the site as containing any Aboriginal sites or places (including buffer of 50m), thus no referral to the Biodiversity Conservation Division (BCD) as integrated development is required as part of this application. Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.</p>
<b>Coal Mine Subsidence Compensation Act 2017</b>	<ul style="list-style-type: none"> <li>▪ s 22</li> </ul>	N/A
<b>Mining Act 1992</b>	<ul style="list-style-type: none"> <li>▪ s 63, 64</li> </ul>	N/A

<b>National Parks &amp; Wildlife Act 1974 (as amended)</b>	<ul style="list-style-type: none"> <li>▪ s 90</li> </ul>	N/A
<b>Protection of the Environment Operations Act 1997</b>	<ul style="list-style-type: none"> <li>▪ ss 43(a), 47, 55</li> <li>▪ ss 43(b), 48, 55</li> <li>▪ ss 43(d), 55, 122</li> </ul>	N/A
<b>Roads Act 1993</b>	<ul style="list-style-type: none"> <li>▪ s 138</li> </ul>	N/A
<b>Rural Fires Act 1997</b>	<ul style="list-style-type: none"> <li>▪ s 100B</li> </ul>	N/A
<b>Water Management Act 2000</b>	<ul style="list-style-type: none"> <li>▪ ss 89, 90, 91</li> </ul>	N/A

### **3.3 STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)**

The following SEPPs are considered relevant to the proposed development:

#### **3.3.1 SEPP No.55 – Remediation of Land**

SEPP No.55 provides a State-wide planning approach to the remediation of contaminated land. Clause 7 of SEPP No.55 provides that a consent authority must not consent to the carrying out of development on land unless it has given consideration to whether the land subject to the development is contaminated. Where the land is contaminated a consent authority must determine if the land is suitable in its contaminated state for the development, or alternatively determine that the land would be suitable once remediated.

The site is an existing retail premises. No potentially contaminating previous uses have been identified. The subject site is suitable for the proposed development and the objectives of SEPP No.55 have been satisfied.

#### **3.3.2 SEPP (Koala Habitat Protection) 2021**

SEPP (Koala Habitat Protection) 2021 aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas. The Koala SEPP 2021 reinstates the policy framework of SEPP Koala Habitat Protection 2019 to 83 Local Government Areas (LGA) in NSW. The City of Maitland is a local government area to which to policy applies.

Whilst the area of the site is greater than 1 hectare, the proposed development does not include the need for vegetation removal. It is considered that there will be negligible impact on koala habitat and the local koala population. It is believed that there is no basis to deny this development pursuant to the Koala SEPP.

### 3.4 LOCAL ENVIRONMENTAL PLAN (LEP)

The site of the proposed development is located within the R1 General Residential Land Use zone as identified by the Maitland LEP. The proposed development includes a change of use from a retail premises to a takeaway food and drink premises, which is prohibited in the zone. To this extent, the proposed development is reliant upon existing use rights provisions, as detailed above.

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

- **Clause 2.3 – Zone Objectives and Land Use Table**

The objectives of the R1 General Residential zone are stated and commented on as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The development provides a service which services the day to day needs of residents within the Metford locality and provides further employment opportunities as the business develops. It is considered that the development will support to the economic sustainability of Metford district by developing the services offered to the public at the premises.

The proposal will not have any adverse effect on the quality of the surrounding environment, nor result in a development that would conflict with any nearby residential land uses. Based on this, the proposed development is consistent with the above objectives and will not have any detrimental impact on the objectives of the R1 General Residential use zoning.

It is therefore submitted that Council can, and should, be satisfied that the land demonstrates existing use rights and in principle, the proposed development can rely on existing use rights so to obtain the grant of development consent, subject to its merits.

The following parts of the Maitland LEP 2011 apply to the proposed development:

- **Clause 5.10 – Heritage conservation**

The subject site is not located within a Heritage Conservation Area, nor does it contain a local or state heritage listed item. A search of the Aboriginal Heritage Information Services (AHIMS) database (11 October 2021) did not identify the subject site as containing any Aboriginal sites or places as shown in **Appendix 5**.

It is noted that no physical works are proposed by this application. Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person. In this regard, no further assessment against the requirements of clause 5.10 is required.

- **Clause 5.21 - Flood Planning**

The site is not identified as flood prone land.

- **Clause 7.1 - Acid Sulfate Soils**

The objective of Clause 6.1 is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage. The site is identified as having class 5 Acid Sulfate Soil conditions. Works are not expected to be more than 1 metre below the natural ground surface. The proposal therefore complies with Clause 7.1.

- **Clause 7.2 – Earthworks**

The application does not propose earthworks.

### **3.5 DEVELOPMENT CONTROL PLAN (DCP)**

Consideration of compliance and/or consistency with the relevant provisions of the Maitland DCP is provided in the Table of Compliance provided at **Appendix 2**. The Table of Compliance identifies that the proposed development demonstrates compliance with the relevant provisions of the DCP or overarching objectives where variations are proposed.

## **4 LIKELY IMPACTS OF THE DEVELOPMENT**

The likely impacts of the proposed development and constraints affecting the subject site have been explored throughout this SEE. The following sections detail the major potential impacts and constraints in greater detail, in accordance with Section 4.15(1) of the EP&A Act 1979.

### **4.1 BUILT ENVIRONMENT**

#### **4.1.1 CONTEXT, SETTING AND VISUAL IMPACT**

The proposed change of use development is consistent with the surrounding commercial development within the site. The provision of a food and drink premises is an effective use of the area, allowing patrons a service consistent with the location within the Metford

Shopping Village. Given no alterations are proposed to the existing building there are no anticipated adverse visual impacts on the built environment as a result of the proposed change of use.

#### **4.1.2 ACCESS, TRANSPORT AND TRAFFIC**

Vehicle access to the premises is from Tennyson Street. The proposed change of use as a takeaway food and drink premises is not considered to create any additional traffic or parking impacts. The development promotes walkability given the premises is well connected with surrounding residential properties within walking distance. The retail premises has operated as existing for some years. During this time no impacts to the surrounding road network or adjoining residences are understood to be attributable to the operation of the premises. As such, the existing vehicle arrangements are considered suitable to accommodate for the proposed development.

Service vehicles and deliveries to the site access the premises via Tennyson Street, deliveries utilize the main entrance.

#### **4.1.3 PUBLIC DOMAIN**

The development will not have an impact on any public domain.

#### **4.1.4 SERVICES**

Electricity, telephone, and physical, legal and emergency service are available to the site.

The proposed development will not unreasonably increase demand of these services.

#### **4.1.5 NOISE AND VIBRATION**

No construction noise is attributed to the proposed development.

Standard operating hours for the takeaway food and drink premises are as follows:

Monday – Friday:

- 8am-3pm
- 5pm-8pm

Sunday:

- 8am – 1 pm

No noise impacts associated with the operating hours of the business have been identified.

To this effect, it is considered surrounding residential properties will not be unduly impacted by noise during the proposed operating hours.



## **4.2 NATURAL ENVIRONMENT**

### **4.2.1 ECOLOGICAL**

The site does not contain significant vegetation, and no physical development is proposed by the application. As such there will be no ecological impacts as a result of the proposed development.

### **4.2.2 LANDSCAPING**

Landscaping is not included in this DA.

### **4.2.3 ARCHAEOLOGY**

A search of the Aboriginal Heritage Information Services (AHIMS) database (13 September 2021) did not identify the subject site as containing any Aboriginal sites or places as shown in **Appendix 5**. Should any Aboriginal objects be uncovered during works, all works will cease in that location and contact shall be made with the appropriate person.

It is noted that the development does not include any physical works.

### **4.2.3 STORMWATER**

No physical works are proposed that would attribute to any additional stormwater run-off, therefore there will be no adverse impact on receiving environments or adjoining properties attributable to the proposal.

## **4.3 SOCIAL AND ECONOMIC**

Social impact is best defined by (Armour 1992) that describes changes that occur in:

- People's way of life (how they live, work, play and interact with one another on a day to day basis),
- Their culture (shared beliefs, customs and values), and
- Their community (its cohesion, stability, character, services and facilities).

The change of use will assist in generating additional income which in turn positively impacts on the economic environment. Socially, the change of use will see an increase in visitations to Metford Shopping Village by providing diversified service options.

There are no anticipated adverse economic impacts as a result of the proposed development, rather it is considered the proposal will contribute positively to the social elements of the locality. No amenity impacts are anticipated as a result of the proposed use.

The proposed development is not out of character with the existing commercial setting (Metford Shopping Village), will not involve an increased risk to public safety and will not

threaten the existing sense of community, identity or cohesiveness, rather will contribute to the increase of these aspects in the locality.

The ongoing use of the site will provide employment opportunities in the locality and support the local growers who supply the food and drink premises. This will have direct monetary input to the local economy.

There are no anticipated adverse economic impacts as a result of the proposed development. Overall, it is believed that the proposed development will have a positive social and economic impact in the locality.

#### **4.3.1 SAFETY, SECURITY AND CRIME PREVENTION**

No safety, security for crime prevention measures are required as a result of the proposed development. The proposed development will not create any safety, security or crime concerns on or around the site.

## **5 SUITABILITY OF THE SITE**

The subject site is an existing and established commercial premises. The site has access to all relevant services and the proposed development makes good use of the available land and existing premises. As such the development is a suitable use of the site.

## **6 ANY SUBMISSIONS AND CONSULTATION**

As part of the DA consideration process it is envisaged Council may place the proposal on public exhibition and send neighbor notification letters to adjoining or adjacent properties.

## **7 PUBLIC INTEREST**

The proposal represents the interest of the owner and the wider community through the approved diversification of the services offered by the existing commercial premises.

The proposal is not anticipated to have any significant adverse impacts to surrounding properties or the amenity of the locality.

## **8 CONCLUSION**

This SEE has shown that the development is within the public interest, from a social, economic and environmental perspective. The proposed formalization of the existing food and drink premises is a highly suitable option for the development of the site. Any relevant matters have been addressed through this SEE.

The key reasons why the proposed development is appropriate are as follows;

- Conforms with planning guidelines specified by the LEP 2011 and DCP controls where applicable,
- Will maintain and promote the economic sustainability of the Metford Shopping Village and Metford precinct, through establishment of the food and drink premises and,
- Has been demonstrated to have minimal negative environmental or social impact on neighbouring properties or the greater area,
- The proposed development will directly benefit the community by providing an important service to meet the needs of the community.

It is considered that the proposal will have no significant impacts on the surrounding properties to that it is likely to adversely affect their enjoyment or amenity. We look forward to Councils determination of this matter. If we can provide any further information or clarity, please don't hesitate to contact us.

## Appendix 1 – EP&A Regulation 2000 (Schedule 1)

A development application under Schedule 1 (2) – Forms of the Environmental Planning and Assessment Regulation 2000 is to be accompanied by the following information.

No	Requirement	Response
Information to be included in development application		
1(a)	Name and address of the Applicant	This is provided on the Council DA Form and within the SoEE.
1(b)	A description of the development to be carried out	
1(c)	The address, and formal particulars of title, of the land on which the development is to be carried out	
1(d)	An indication as to whether the land is, or is part of, critical habitat	Nothing (i.e. vegetation) on the site suggests that it is critical habitat.
1(e)	An indication as to whether the development is likely to significantly affect threatened species, populations or ecological communities, or their habitats, unless the development is to be taken to be development that is not likely to have such an effect because it is a biodiversity compliant development.	
1(ea)	For biodiversity compliant development, an indication of the reason why the development is biodiversity compliant development.	
1(f)	A list of authorities from which concurrence must be obtained before the development may be lawfully carried out or from which concurrence would have been required, but for section 4.13 (2A) or 4.41	This is provided on the Council DA Form and within the SoEE. These documents identify that the development is not defined as 'integrated development'
1(f1)	In the case of an application that is accompanied by a biodiversity development assessment report, the reasonable steps taken to obtain the like-for-like biodiversity credits required to be retired under the report to offset the residual impacts on biodiversity values if different biodiversity credits are proposed to be used as offsets in accordance with the variation	An ecological assessment report is not required to be provided with this application.

	rules under the Biodiversity Conservation Act 2016.	
1(f2)	If the land is subject to a private land conservation agreement under the Biodiversity Conservation Act 2016, a description of the kind of agreement and the area to which it applies.	
1(g)	A list of any approvals of the kind referred to in section 4.46(1) of the Act that must be obtained before the development may be lawfully carried out.	The subject site is not identified as bushfire prone land.
1(g1)	In the case of State significant development, a list of any authorisations that must be provided under section 4.4 of the Act in relation to the development.	The development is not identified as State significant.
1(h)	The estimated cost of the development.	The estimated cost of the development is identified on the Council DA Form.
1(h1)	In the case of State Significant development, the capital investment value of the development.	The development is not defined as State significant.
1(i)	Evidence that the owner of the land on which the development is to be carried out consents to the application, but only if the application is made by a person other than the owner and the owner's consent is required by this Regulation.	The owners' consent is provided on the Council DA Form.
1(j)	A list of the documents accompanying the application.	A list of documents accompanying this application is provided within this Statement of Environmental Effects.
<b>Documents to accompany development application</b>		
2 (a)	A site plan of the land	A site plan is provided within this Statement of Environmental Effects.
2(b)	A sketch of the development	Development plans for the development provided within this Statement of Environmental Effects contains detailed plans of the development.

2(c)	A statement of environmental effects (in the case of development other than designated development or State significant development)	This table is an attachment to the SoEE.
2(d)	In the case of development that involves the erection of a building, an A4 plan of the building that indicates its height and external configuration, as erected, in relation to its site (as referred to in clause 56 of this Regulation)	Development plans for the development provided within this Statement of Environmental Effects contains detailed plans of the development.
2(e)	An environmental impact statement (in the case of designated development or State significant development)	The development is not defined as designated or state significant.
2(f)	A species impact statement (in the case of land that is, or is part of, critical habitat or development that is likely to significantly affect threatened species, populations or ecological communities, or their habitats, but not if the development application is for State significant development)	An ecological assessment report is not required by this application.
2(g)	If the development involves any subdivision work, preliminary engineering drawings of the work to be carried out	The development does not include any subdivision works to which this clause is applicable. .
2(h)	If an environmental planning instrument requires arrangements for any matter to have been made before development consent may be granted (such as arrangements for the provision of utility services), documentary evidence that such arrangements have been made.	This SoEE discusses 'essential services' and the approach taken.
2(i)	If the development involves a change of use of a building (other than a dwelling-house or a building or structure that is ancillary to a dwelling-house and other than a temporary structure):  (i) a list of the Category 1 fire safety provisions that currently apply to the existing building, and  (ii) a list of the Category 1 fire safety provisions that are to apply to the building following its change of use	The proposed development is not a change of use to which this clause applies.
2(j)	If the development involves building work to alter, expand or rebuild an existing building, a scaled plan of the existing building	The proposed development is not an alteration, expansion or rebuild

		of an existing building to which this clause applies.
2(k)	If the land is within a wilderness area and is the subject of a wilderness protection agreement or conservation agreement within the meaning of the Wilderness Act 1987, a copy of the consent of the Minister for the Environment to the carrying out of the development	The proposed development is not located within a wilderness area.
2(k1)	In the case of development comprising mining for coal (within the meaning of section 380AA of the Mining Act 1992)—documentary evidence that the applicant holds an authority under the Mining Act 1992 in respect of coal and the land concerned or has the written consent of the holder of such an authority to make the development application.	The development does not compromise mining for coal.
2(l)	In the case of development to which clause 2A applies, such other documents as any BASIX certificate for the development requires to accompany the application.	A BASIX Certificate is not required for the proposed development.
2(m)	In the case of BASIX optional development—if the development application is accompanied by a BASIX certificate or BASIX certificates (despite there being no obligation under clause 2A for it to be so accompanied), such other documents as any BASIX certificate for the development requires to accompany the application	
2(n)	If the development involves the erection of a temporary structure, the following documents: (i) documentation that specifies the live and dead loads the temporary structure is designed to meet, (ii) a list of any proposed fire safety measures to be provided in connection with the use of the temporary structure, (iii) in the case of a temporary structure proposed to be used as an entertainment venue—a statement as to how the performance requirements of Part B1 and NSW Part H102 of Volume One of the Building Code of Australia are to be complied with (if an alternative	The development does not involve the erection of a temporary structure.

	<p>solution, to meet the performance requirements, is to be used),</p> <p>(iv) documentation describing any accredited building product or system sought to be relied on for the purposes of section 4.15 (4) of the Act,</p> <p>(v) copies of any compliance certificates to be relied on</p>	
2(o)	<p>In the case of a development involving the use of a building as an entertainment venue or a function centre, pub, registered club or restaurant—a statement that specifies the maximum number of persons proposed to occupy, at any one time, that part of the building to which the use applies</p>	<p>This development will not involve a building as an entertainment venue or a function centre, pub, registered club or restaurant to which this clause applies.</p>





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Email: [admin@perceptionplanning.com.au](mailto:admin@perceptionplanning.com.au)

# **DCP COMPLIANCE TABLE**

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**CHANGE OF USE (BAKERY RETAIL  
PREMISES TO TAKEAWAY FOOD AND DRINK  
PREMISES)**

**SHOP 6 22 – 24 CHELMSFORD DRIVE,  
METFORD**

**(LOT 113/ DP241953)**

Ashlee Rutherford Town Planner PO BOX 107 CLARENCE TOWN, NSW, 2321	<b>Phone:</b> 0428 801 720 <b>Email:</b> <a href="mailto:ashlee@perceptionplanning.com.au">ashlee@perceptionplanning.com.au</a>
<b>PP Reference</b>	J002492
<b>Prepared for</b>	Tarana Estate Foods

<b>Document Versions and Control</b>				
DCP Compliance Table, 22 – 24 Chelmsford Drive, Metford				
<b>No:</b>	<b>Date:</b>	<b>PP Ref:</b>	<b>Author:</b>	<b>Reviewed by:</b>
Version 1	13/10/21	DCP Compliance Table – 22 – 24 Chelmsford Drive	AR	MB
Version 2	19/10/2021	DCP Compliance Table – 22 – 24 Chelmsford Drive	AR	Client

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Perception Planning accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not identified to be suitable for a site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

**Table 2: Maitland DCP (MDCP 2011) Examined as Relevant**

MDCP 2011	Controls/Purpose	Review/Response	Comply
<b>Part A - Administration</b>			
A.4 – Notification	Formal notification of development applications is a requirement of the legislation. There are different requirements for different development types.	It is anticipated that this application will require formal notification.	Yes
<b>Part B – Environmental Guidelines</b>			
B2 – Stormwater	a) Ensure that compliance with BASIX objectives and requirements are achieved. (b) Ensure that an acceptable standard of water quality is maintained within storm water lines and rain water storage tanks. (c) Ensure the most suitable rainwater storage method is employed pursuant to the relevant site conditions, including health and safety aspects of the storage installation. (d) Ensure the method of laying storm water lines is in accordance with the relevant Australian Standard, (AS/NZS 3500.3:2003). (e) Ensure that storm water discharge points at kerbs and inter-allotment drainage pits are of an acceptable standard and location	This section applies to residential and rural development land zones. No physical works are associated with the proposed change of use. Existing stormwater disposal arrangements will remain as existing at the site.	Yes
B3 – Hunter River Floodplain	The onus is on the proponent to provide an adequate level of information to support any development on land below the FPL. The Council will require a Statement of	The site is not identified as being flood prone land.	N/A

	Environmental Effects (or an Environmental Impact Statement if the proposal is designated development) justifying the development in its location.		
B4 – Onsite Sewage Management System	This chapter applies to all land within the Maitland City Council Local Government Area that is not capable of being connected to a reticulated sewerage system.	The subject site is capable of being connected to reticulated sewer. No additional sewerage connections are proposed by this application.	N/A
B5 – Tree Management	This section prescribes the types of trees and vegetation where development approval is required under clause 5.9 of the <i>Maitland Local Environmental Plan 2011</i> . These provisions only apply to urban land.	No trees or significant vegetation will be required to be removed for the proposed development.	N/A
B6 – Waste Minimisation & Management	This section only applies to a specific type of development – a change of use is included in this list.	Waste management will be via general Council kerb-side collection. Should waste generation increase, a private contractor will be organised to collect waste, however this is not foreseen at this time.	Yes
B7 – Riparian Land and Waterways	This DCP chapter applies to all land within the Maitland Local Government Area (LGA) that contains riparian land and/or waterways.	The site is not identified as “Watercourse Land” on the Maitland Local Environmental Plan 2011 Watercourse Map.	N/A





<b>Part C – Design Guidelines</b>			
2.1 Building Regulations	The building regulations give us the minimum standards for providing a desirable level of access and provisions for people with disabilities.	It is understood that the existing building meets the requirements of the National Construction Code.	Yes
<b>C.11 – Vehicular Access and Car Parking</b>	<b>This chapter outlines Council’s policy for the provision of parking and service delivery facilities in association with development proposals</b>		
2.2 Calculation of Parking Requirements	<p>d) Change of Use</p> <p>Where the use of an existing building is to be changed, or where an existing building is to be replaced with a new building, the following method of calculation shall apply:</p> <p>The parking requirement of the proposed development is to be determined in accordance with Appendix A of this policy;</p>	<p>Appendix A states that a take-away food and drink premises is to have a minimum of 1 space per 6.5m<sup>2</sup> service area.</p> <p>The development proposes a change of use from a retail premises to a takeaway food and drink premises. Correspondence between Maitland Council and the owners of the site confirmed that Council’s policy treats a Takeaway food shop the same as a retail shop which means there would be no additional parking spaces required. Therefore, it is considered the existing vehicle car parking area adjacent to the building is suitable to cater for the proposed development.</p> <p>Refer to Councils correspondence contained in <b>Appendix 7</b>.</p>	Yes
3. Guidelines for The Design, Layout and Construction of	The dimensional requirements for on-site car parking spaces and driveways giving access to parking spaces shall generally be as set out in accordance with the Australian Standard	It is understood that all existing car parking areas meet the provisions of the Australian Standards.	Yes

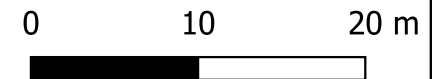
Access and Parking Areas	AS2890.1-1993 Parking Facilities – Off-Street Car Parking		
<b>C.12 – Crime Prevention Through Environmental Design</b>	<b>Crime Prevention through Environmental Design (CPTED) seeks to influence the design of buildings and places in ways that lessen or prevent the incidence of crime.</b>		
1.1 Development Requirements	<p>This section sets out the controls and development requirements for development proposals.</p> <p>A medical centre is not listed as a development type requiring the completion of a CPTED Report.</p>	<p>The proposed development is not considered to increase or compromise the safety or security of the site or immediate area. Alternatively, the development allows for passive surveillance of the locality and should improve the perception of safety on the site.</p> <p>General crime prevention controls such as security lighting and/or alarm or surveillance systems can be utilised to maintain the security of the premises and</p>	Yes

Shop 6/22-24 Chelmsford Drive, Metford, NSW, 2323

## Site Plan



-  Watercourses
-  Water Bodies
-  Site Boundaries
-  Road



Disclaimer: While every effort is made to ensure this map is free of errors, there is no warranty that the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied. Reference should always be made to the Architectural Plans for site features, such as the building footprint.

Job No: J002492

Date: 12/10/2021





Shop 6/22-24 Chelmsford

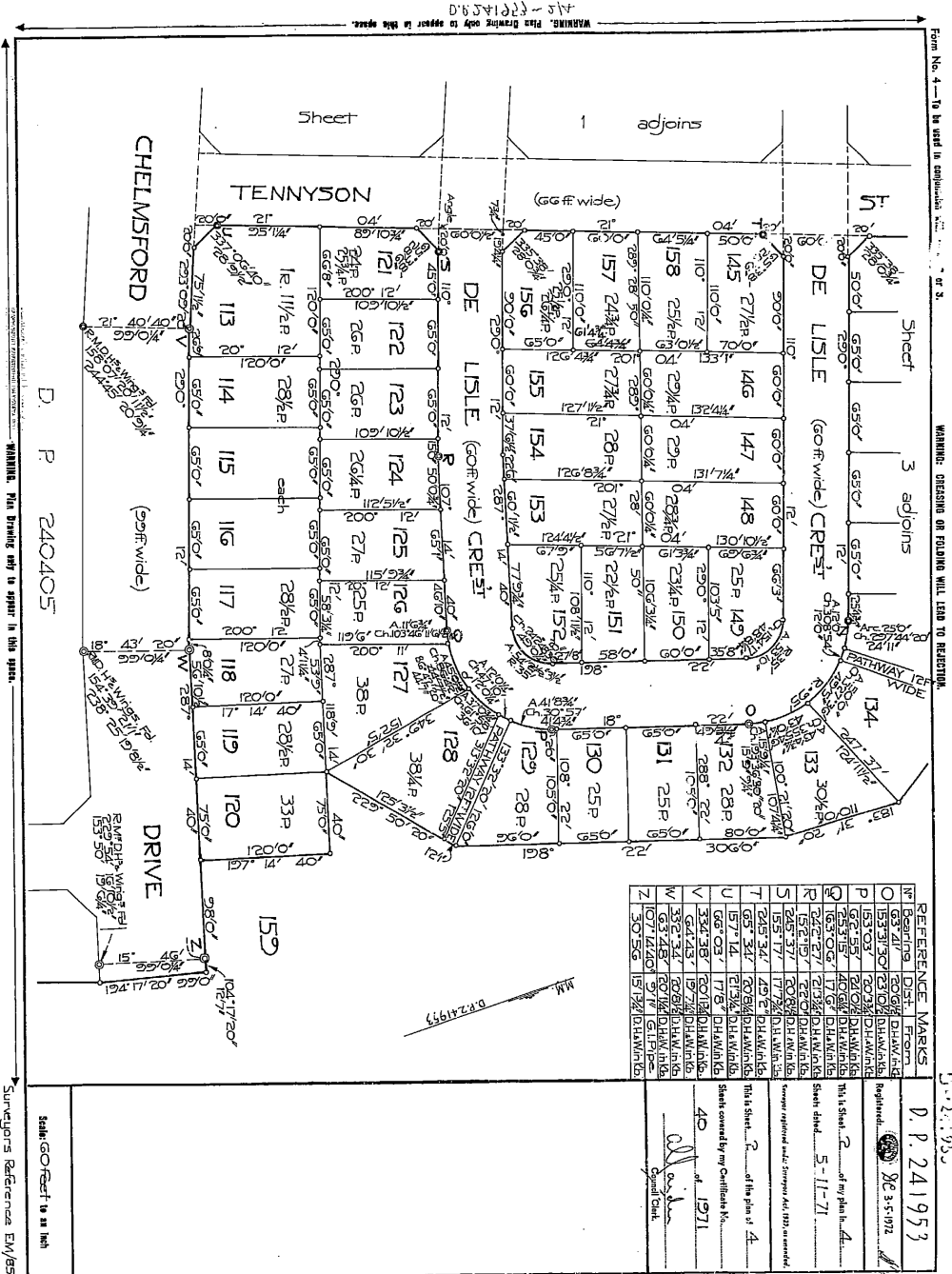
## Floor Plan



Disclaimer: While every effort is made to ensure this map is free of errors, there is no warranty that the map or its features are either spatially or temporally accurate or fit for a particular use. This map is provided without any warranty of any kind whatsoever, either express or implied. Reference should always be made to the Architectural Plans for site features, such as the building footprint.

Job No: J002492

Date: 19/10/2021



REF. MARK	DATE	BY	DESCRIPTION
1	1971	...	...
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3	1971	...	...
4	1971	...	...
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36	1971	...	...
37	1971	...	...
38	1971	...	...
39	1971	...	...
40	1971	...	...

DIMENSION 64'4 1/4" AMENDED TO 61'4 1/4" IN REG. GEN. DEPT. AT SURVEYORS REQUEST DC 3-5-1972

1. Bruce Richard Davies, Registrar General for New South Wales, certify that this is a true and correct copy of the original plan as filed in the office of the Registrar-General on the 15th day of August, 1972.



CONVERSION TABLE	FEET INCHES	METRES
1/2	0 1/2	0.125
3/4	0 3/4	0.1875
1	1	0.25
1 1/4	1 1/4	0.3125
1 1/2	1 1/2	0.375
1 3/4	1 3/4	0.4375
2	2	0.5
2 1/4	2 1/4	0.5625
2 1/2	2 1/2	0.625
2 3/4	2 3/4	0.6875
3	3	0.75
3 1/4	3 1/4	0.8125
3 1/2	3 1/2	0.875
3 3/4	3 3/4	0.9375
4	4	1.0
4 1/4	4 1/4	1.0625
4 1/2	4 1/2	1.125
4 3/4	4 3/4	1.1875
5	5	1.25
5 1/4	5 1/4	1.3125
5 1/2	5 1/2	1.375
5 3/4	5 3/4	1.4375
6	6	1.5
6 1/4	6 1/4	1.5625
6 1/2	6 1/2	1.625
6 3/4	6 3/4	1.6875
7	7	1.75
7 1/4	7 1/4	1.8125
7 1/2	7 1/2	1.875
7 3/4	7 3/4	1.9375
8	8	2.0
8 1/4	8 1/4	2.0625
8 1/2	8 1/2	2.125
8 3/4	8 3/4	2.1875
9	9	2.25
9 1/4	9 1/4	2.3125
9 1/2	9 1/2	2.375
9 3/4	9 3/4	2.4375
10	10	2.5

CONVERSION TABLE	FEET INCHES	METRES
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1/4	0 1/4	0.03125
3/8	0 3/8	0.046875
1/2	0 1/2	0.09375
5/8	0 5/8	0.15625
3/4	0 3/4	0.21875
7/8	0 7/8	0.28125
1	1	0.3048
1 1/8	1 1/8	0.36625
1 1/4	1 1/4	0.42875
1 1/8	1 1/8	0.49125
1 1/2	1 1/2	0.55375
1 3/4	1 3/4	0.61625
1 7/8	1 7/8	0.67875
2	2	0.74125
2 1/8	2 1/8	0.80375
2 1/4	2 1/4	0.86625
2 3/8	2 3/8	0.92875
2 1/2	2 1/2	0.99125
2 5/8	2 5/8	1.05375
2 3/4	2 3/4	1.11625
2 7/8	2 7/8	1.17875
3	3	1.24125
3 1/8	3 1/8	1.30375
3 1/4	3 1/4	1.36625
3 3/8	3 3/8	1.42875
3 1/2	3 1/2	1.49125
3 5/8	3 5/8	1.55375
3 3/4	3 3/4	1.61625
3 7/8	3 7/8	1.67875
4	4	1.74125
4 1/8	4 1/8	1.80375
4 1/4	4 1/4	1.86625
4 3/8	4 3/8	1.92875
4 1/2	4 1/2	1.99125
4 5/8	4 5/8	2.05375
4 3/4	4 3/4	2.11625
4 7/8	4 7/8	2.17875
5	5	2.24125
5 1/8	5 1/8	2.30375
5 1/4	5 1/4	2.36625
5 3/8	5 3/8	2.42875
5 1/2	5 1/2	2.49125
5 5/8	5 5/8	2.55375
5 3/4	5 3/4	2.61625
5 7/8	5 7/8	2.67875
6	6	2.74125







Ashlee Rutherford  
260 Maitland Road  
Mayfield New South Wales 2304  
Attention: Ashlee Rutherford

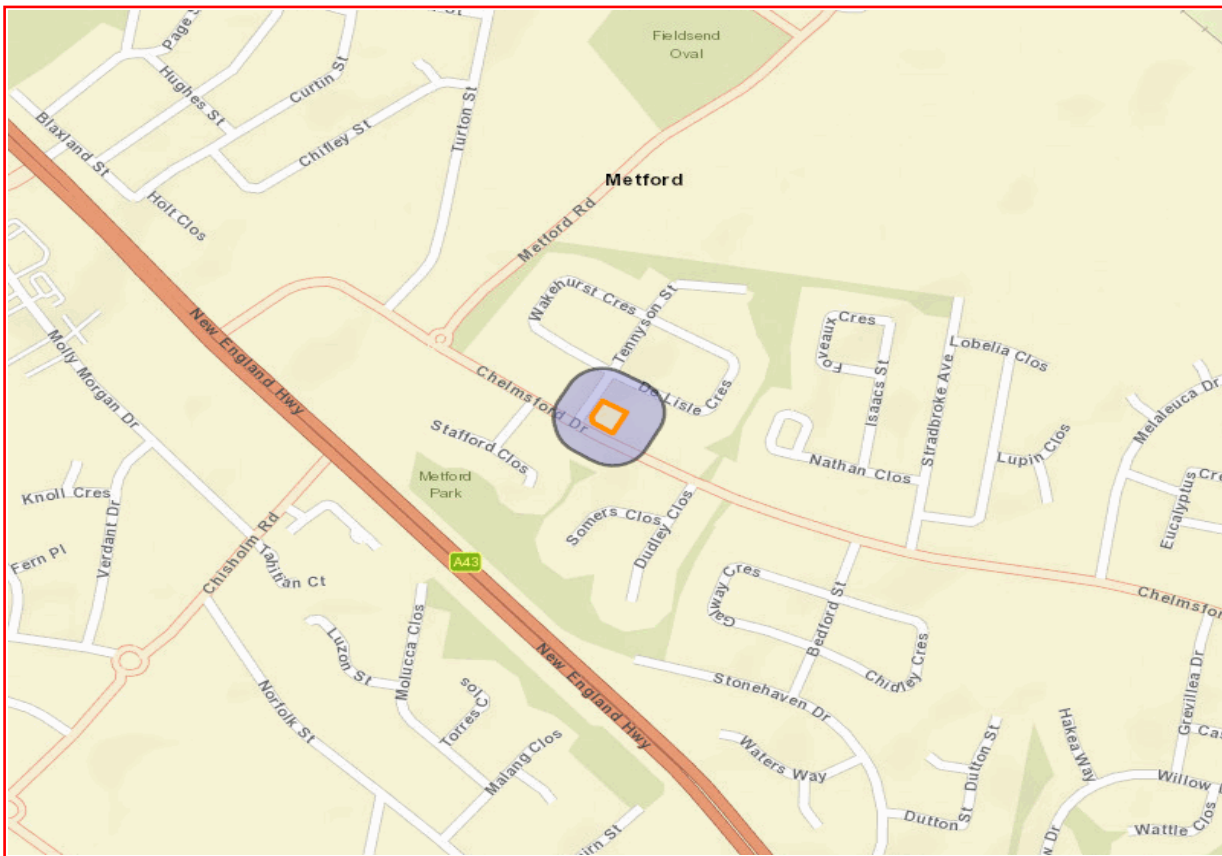
Date: 13 October 2021

Email: ashlee@perceptionplanning.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Lot : 113, DP:DP241953, Section : - with a Buffer of 50 meters, conducted by Ashlee Rutherford on 13 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:

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

### **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.

## Caller Details

<b>Contact:</b> Ashlee Rutherford	<b>Caller Id:</b> 3034773	<b>Phone:</b> 0428 801 720
<b>Company:</b> Not supplied		
<b>Address:</b> PO BOX 107 Clarence Town NSW 2321	<b>Email:</b> ashlee@perceptionplanning.com.au	

## Dig Site and Enquiry Details

**WARNING:** The map below only displays the location of the proposed dig site and does not display any asset owners' pipe or cables. The area highlighted has been used only to identify the participating asset owners, who will send information to you directly.



<b>User Reference:</b> 22-24 Chelmsford Drive		
<b>Working on Behalf of:</b> Private		
<b>Enquiry Date:</b> 12/10/2021	<b>Start Date:</b> 26/11/2021	<b>End Date:</b> 07/12/2021

**Address:**  
 22-24 Chelmsford Drive  
 Metford NSW 2323

**Job Purpose:**  
 Excavation

**Onsite Activities:**  
 Non-Destructive Digging

**Location of Workplace:**  
 Private

**Location in Road:**

- Check that the location of the dig site is correct. If not you must submit a new enquiry.
- Should the scope of works change, or plan validity dates expire, you must submit a new enquiry.
- Do NOT dig without plans. Safe excavation is your responsibility. If you do not understand the plans or how to proceed safely, please contact the relevant asset owners.

**Notes/Description of Works:**  
 Not supplied

## Your Responsibilities and Duty of Care

- The lodgement of an enquiry does not authorise the project to commence. You must obtain all necessary information from any and all likely impacted asset owners prior to excavation.
- If plans are not received within 2 working days, contact the asset owners directly & quote their Sequence No.
- ALWAYS perform an onsite inspection for the presence of assets. Should you require an onsite location, contact the asset owners directly. Please remember, plans do not detail the exact location of assets.
- Pothole to establish the exact location of all underground assets using a hand shovel, before using heavy machinery.
- Ensure you adhere to any State legislative requirements regarding Duty of Care and safe digging requirements.
- If you damage an underground asset you MUST advise the asset owner immediately.
- By using this service, you agree to Privacy Policy and the terms and disclaimers set out at [www.1100.com.au](http://www.1100.com.au)
- For more information on safe excavation practices, visit [www.1100.com.au](http://www.1100.com.au)

## Asset Owner Details

The assets owners listed below have been requested to contact you with information about their asset locations within 2 working days. Additional time should be allowed for information issued by post. It is **your responsibility** to identify the presence of any underground assets in and around your proposed dig site. Please be aware, that not all asset owners are registered with the Dial Before You Dig service, so it is **your responsibility** to identify and contact any asset owners not listed here directly.

\*\* Asset owners highlighted by asterisks \*\* require that you visit their offices to collect plans.

# Asset owners highlighted with a hash # require that you call them to discuss your enquiry or to obtain plans.

Seq. No.	Authority Name	Phone	Status
204001588	Ausgrid	(02) 4951 0899	NOTIFIED
204001584	Hunter Water Corporation	1300 657 657	NOTIFIED
204001589	Jemena Gas North	1300 880 906	NOTIFIED
204001586	NBN Co NswAct	1800 687 626	NOTIFIED
204001587	Telstra NSW Central	1800 653 935	NOTIFIED
204001585	TPG Telecom (NSW)	1800 786 306	NOTIFIED

END OF UTILITIES LIST



# Reading Ausgrid Plans

COMN0119

## 1 Property Lines

“property line” (PL), sometimes referred to as “building line” (BL), is the standard dimensioning reference point on all Ausgrid plans and represents property boundaries.

Typically, the PL is the boundary between private property and local council’s footpath area or nature reserve. Most residential fences and office blocks are erected along the PL.

“kerb line” (KL) is less frequently referred to on Ausgrid plans, and where used will be identified clearly as KL.

Numbers listed within property boundaries should correspond to recognised “street numbers” (refer to figure 1).



Figure 1

## 2 Datum References

“datum references” identify distances (in metres) from significant features (such as corners of property boundaries) to reference points such as Ausgrid assets (eg: “conduits”, “cables”, “joints”) (refer to figure 2).

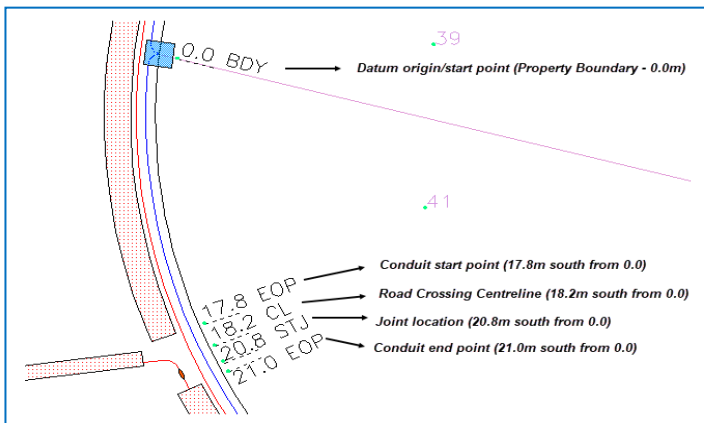


Figure 2

## 3 Cross Sections

A “cross sections” displayed on Ausgrid plans detail information relating to the relative position (ie: distance from the “property line”, and the depth of “cover”) of Ausgrid assets.

“Cover” is a term used to refer to the depth of cables underground.

A “cross section” leader line will be drawn indicating the location of the displayed “cable” or “conduit” information on Ausgrid plans.

The distance from “property line” (in metres) and depth of “cover” (in metres) references are displayed as; ie: 0.6 metres from PL and 0.5 metres underground.

Where distance and cover are not recorded, they will be clearly marked as “NR”.

NOTE: Distance and cover where indicated may be different to the actual position of the cables (eg: fill may have been placed at site that has changed the ground level).

“PL” distance shown in cross sections is an indicative measure to the centre of the trench allocation from the adjacent property line.

On some plans the “cross sections” may also be shown with a specific number (eg: HR1). This number will match with a cross section detail found in the border of the plot or on a separate plot page (refer to figures 3 and 4).

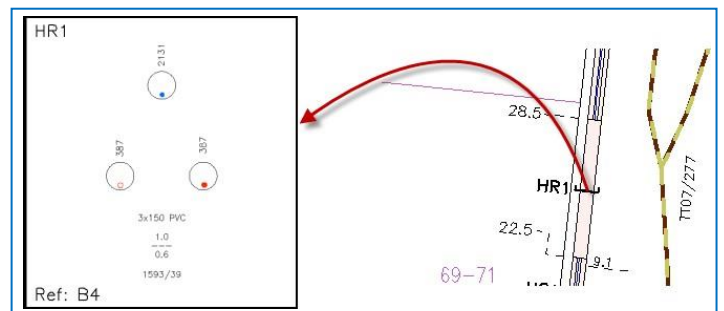


Figure 3

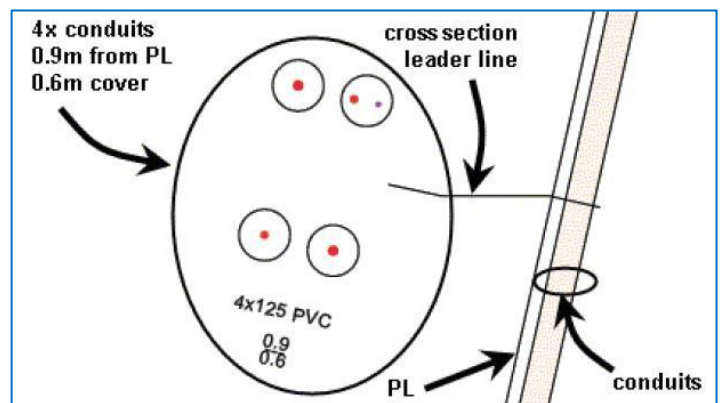


Figure 4

## 4 Cable Joints and Joint Reports

“cable joints” (numbered individually) and “joint reports” (attached to Ausgrid plans) can provide information relating to the relative position of Ausgrid assets, distance from the “property line” (in metres), and the depth of “cover” (in metres) (refer to figures 5 and 6).

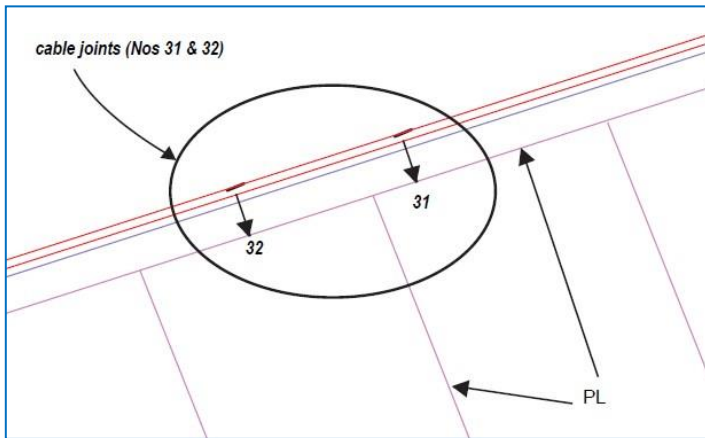


Figure 5

JOINT DETAIL REPORT			
No.	Bk-Pg	PI/Cvt	Joint Location
Map:	LE912		
31	524-24	1.14/0.69	61.7 E of Pearl Lane EPL
32	524-24	1.14/0.69	57.6 E of Pearl Lane EPL

joint location  
(61.7m east of Pearl Lane East PL)

joint position  
(1.14m from PL, 0.69 cover)

Figure 6

## 5 Cross Section Detail Boxes

“cross section” detail boxes on the sides of an Ausgrid plan are used when there is insufficient room to display “cable” and/or “conduit” information on the Ausgrid plan.

Ausgrid plans (refer to figure 7) are bordered by numeric identifiers along the top and bottom borders and alpha identifiers along the side borders.

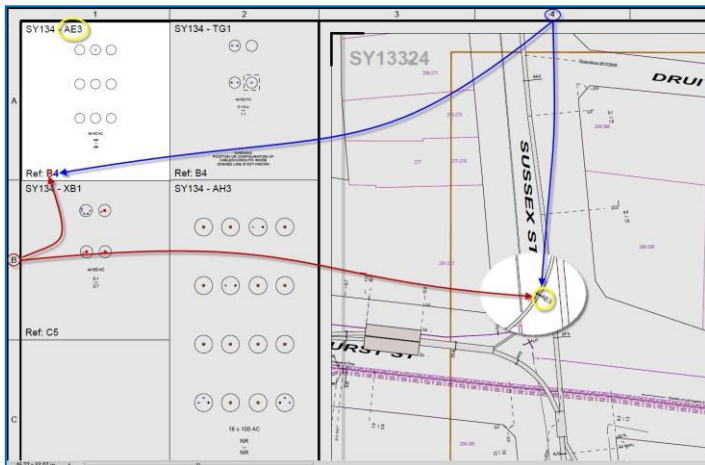


Figure 7

“Cross section” leader line and annotation is drawn on the Ausgrid plan for a reference to “cable” and/or “conduit” information in the “cross

## 6 Pits

Underground “pits” are numbered on Ausgrid plans, positioned relative to the “property line” (PL), and can be found on either the footpath (nature strip) or the road (refer figure 8).

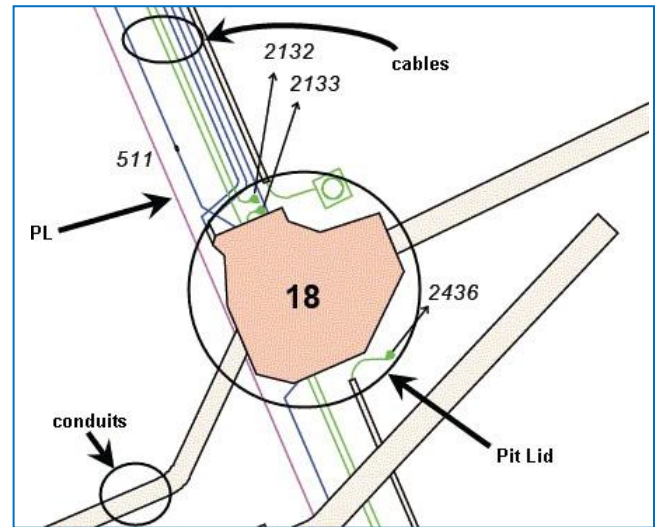


Figure 8

## 7 Proposal Areas

“section” detail boxes. There are areas where underground work may have been issued for construction by Ausgrid, but details are not yet completely displayed on Ausgrid plans. In such cases a shaded “proposal area” is displayed on the Ausgrid plan, indicating underground work may have commenced in the vicinity but is not yet complete.

In some instances, cables and other assets within the shaded “proposal area” will be shown in a **bright magenta** colour, indicating that the proposed new work displayed within the shaded area is based on initial planning documentation (refer to figure 9).

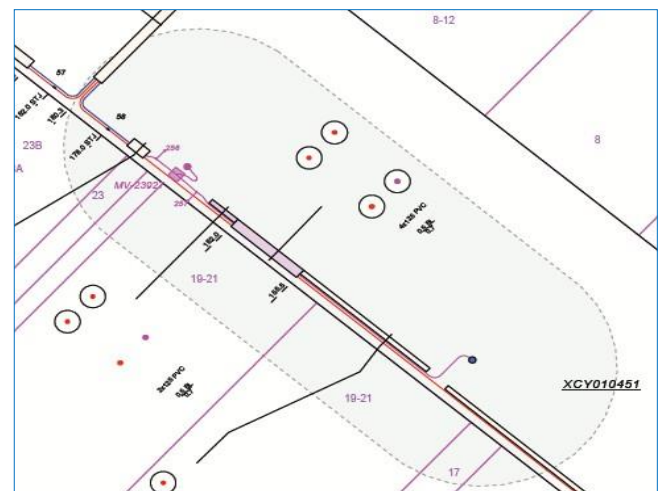


Figure 9

In other instances, the shaded “proposal area” itself may be shown as a blue colour, indicating that the new work displayed within the shaded area on the Ausgrid plan is yet to include details regarding final depths and dimensioning (refer to figure 10).

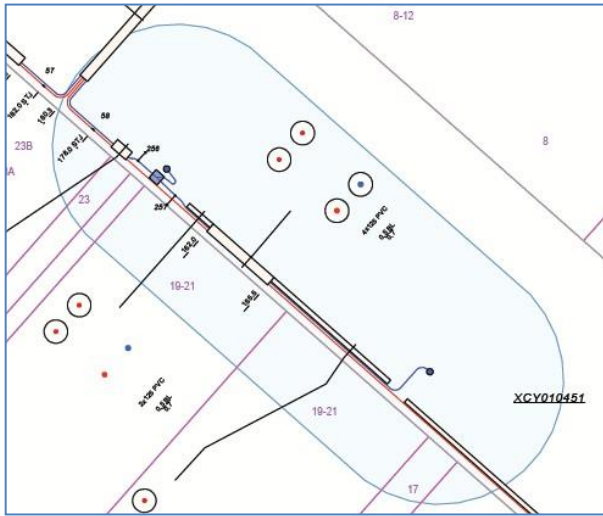


Figure 10

**NOTE:** In cases where these shaded “proposal areas” are displayed on Ausgrid plans.

“Ausgrid’s design plans showing the proposed position of its underground cables, overhead lines and structures have been prepared solely for Ausgrid’s own planning use. They show the proposed position of such underground cables, overhead lines and structures as proposed at the time of planning and have not necessarily been corrected to take into account any changes to road widths, road levels, fences and buildings subsequent to proposed installation.

Actual installations may vary from proposed installations as it may be necessary to take account of unforeseen above ground or subterranean constructions. Therefore, Ausgrid does not hold out that the design plans show more than the proposed presence or absence of its underground cables, overhead lines and structures in the street and will accept no liability for inaccuracies in the information shown on such design plans from any cause whatsoever.”

Any further information regarding information displayed for “proposal areas” can be obtained by contacting the Ausgrid Dial Before You Dig (DBYD) office at the number indicated on the response to your DBYD enquiry for further information.

## 8 Ausgrid Maps

Depending on the size of the DBYD request, the response will either be a **single map area** or a **cover sheet** and several standard maps.

### 8.1 Single Map Area Response

The single map area response will have a buffer area shown on the plan that should relate to the original Dial Before You Dig request.

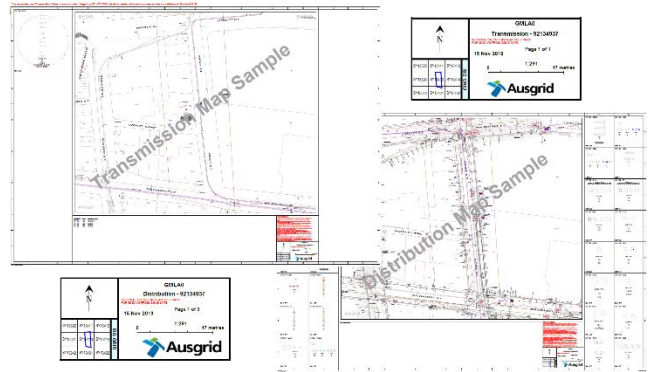


Figure 11

The **map grid index box** on Ausgrid plans should be used when reading the “**joint report**” (see part 4 of this document for more detail) to accurately locate underground cables. The buffer area will display on the grid index box for single map area responses

There are two different size maps that can be produced – A3 will be issued if there are no cross sections in the area, and an A0 will be issued if there are cross sections that are required to be displayed in the detail boxes on the side.

A single map area response could include two maps in the Sydney region. Ausgrid plans are separately labelled as “**Distribution – nnnnnnn**” and “**Transmission – nnnnnnn**”, where “**nnnnnnn**” refers to the DBYD sequence number quoted. If the request does not include any Transmission assets, then only one Distribution map will be issued.

In the Hunter region, the Ausgrid plans show combined “**distribution**” and “**transmission**” voltage assets, are clearly labelled as “**Distr + Trans – nnnnnnn**” where “**nnnnnnn**” refers to the DBYD sequence number.

Some Hunter plans may have transmission cables in the area, when these cables are present there will be a warning printed at the top of the plan supplied: “**“You are working near Transmission Cables. You must contact Ausgrid on (02) 4951 9200 at least two weeks before work commences. See Ausgrid Network Standard NS156”**

### 8.2 Cover Sheet Response

On a response that includes a cover sheet, the buffer area will only be shown on the cover sheet and it will not appear on the standard maps. The cover sheet will indicate which standard maps have been included and provide a high-level view of the location of the underground details (Figure 12). The standard maps will have the detail of the underground assets (Figure 13).

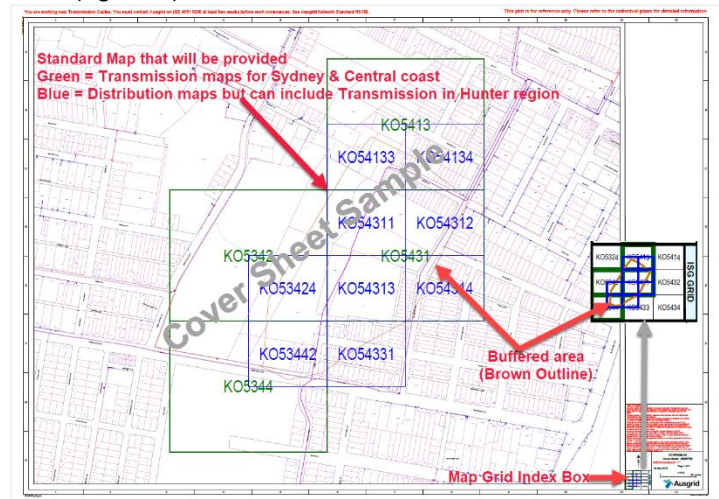


Figure 12

A **map grid index box** has been included in the cover sheet and on the standard maps. The buffer area will only display on the grid index box on the cover sheet and not on standard maps (Figure 12 + Figure 13).

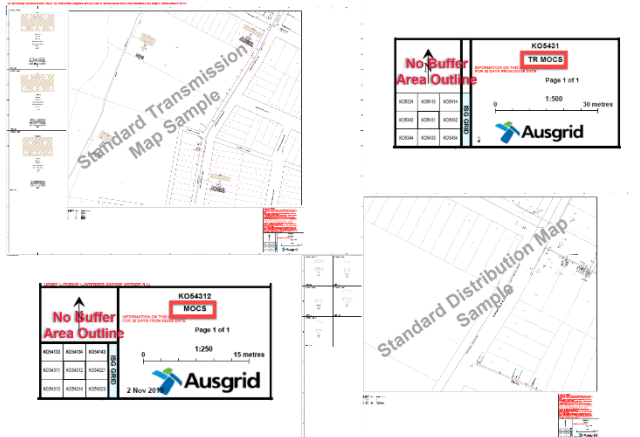


Figure 13

## 9. Shifting Land Base” on Ausgrid Distribution and Transmission Plans

In some instances, the plans supplied may indicate road or property outlines that appear to have shifted in relation to the Ausgrid assets displayed (refer to figure 14).

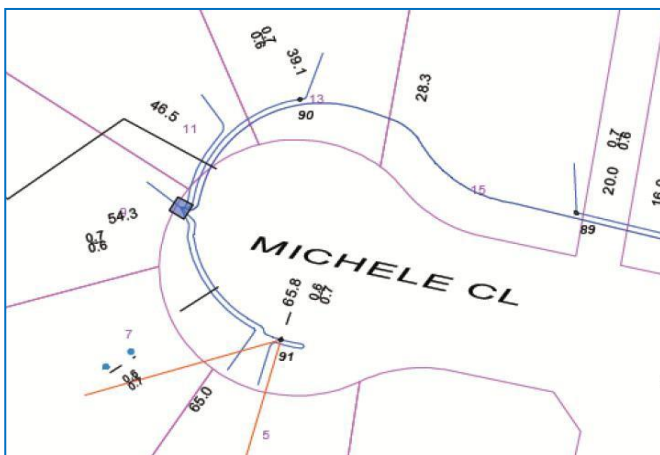


Figure 14

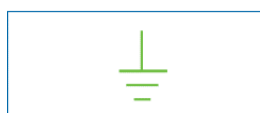
In such instances, always refer to the **“property line”** (in metres) and depth of **“cover”** (in metres) references displayed on the nearest relevant **“cross sections”** to obtain Ausgrid asset location information (see Reading Ausgrid Plans, clause 3, Cross Sections for more detail).

## 10. “Underground Earthing Infrastructure”

In some instances, the plans supplied may also indicate the presence of underground earthing infrastructure associated with underground and/or overhead Ausgrid assets.

The **“Earth Point”** symbol (refer to figure 15) will be shown on plans to minimize risk of disturbance or damage to any Ausgrid underground earthing infrastructure in the vicinity.

Figure 15



## 11. Hazardous Cables – Specific Excavation Hazard

Certain low voltage cables are susceptible to deterioration or defects that may pose a risk of electric shock when working near them particularly in damp ground. Other low voltage cables may have an exposed conductive sheath or armour which may, under certain conditions, become energised. These cables may pose a significant risk and will be illustrated as in figures 15 and 16 below. For all work on or near Ausgrid’s network where workers have been trained in Ausgrid’s “Working near or around underground cables” course the work practices outlined in NS156 “Working near or around underground cables”, NS199 “Safe Electrical Work on Low Voltage Underground Assets” for low voltage cables susceptible to deterioration and the Electrical Safety Rules for low voltage exposed conductive sheath or armoured cables must be adhered to. All other persons must contact Ausgrid before excavating near or accessing areas where these cables are present to arrange for appropriate precautions to be applied.

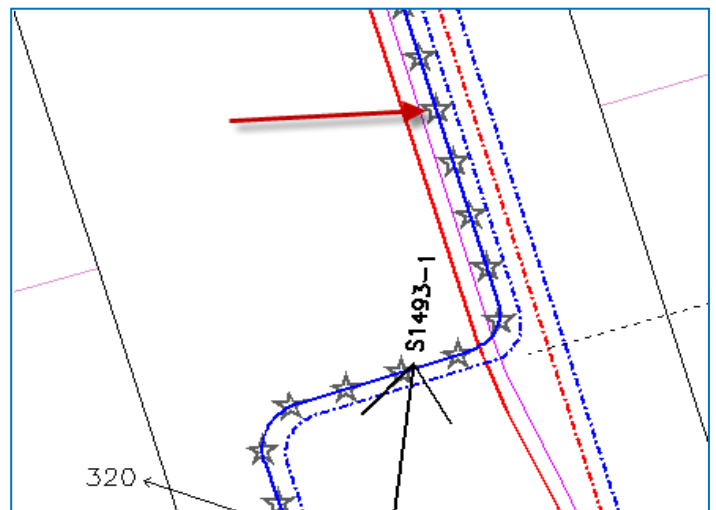


Figure 15

The **“star”** symbols over the cable indicates that it may be susceptible to deterioration or defects or the cable may contain an exposed conductive sheath or armour which could pose an electrical risk to workers.

Cables that are in duct lines have this symbology covered so an at-risk cable is indicated only within a cross section by a **“#”** appended to its cable code as illustrated below.

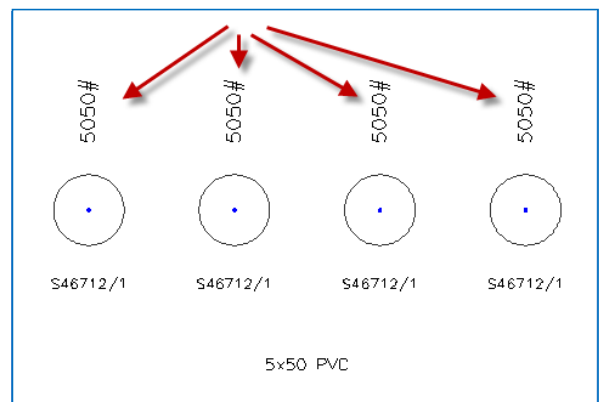


Figure 16



## Ausgrid Underground Map Symbology

**NOTE:** Please note symbology is subject to change. This document provides underground (UG) related objects only. In cases where you are unsure of the data presented, please contact Ausgrid's DBYD for clarification *prior* to any planning/excavation works.

Object		Symbol
HV Cable	HV (High Voltage) 5kV-22kV	In Service 
		Out of Service 
	TR (Transmission) 33kV – 330kV	In Service 
		Out of Service 
LV Cable (Low Voltage)	Mains (Dark blue)	In Service 
		Out of Service 
	Street Lighting (Green) Note: Mains Connector also used as Street Lighting (dark blue)	In Service 
		Out of Service 
	Service (Light blue)	In Service 
	Out of Service 	
	Stars are used to highlight At Risk cables	In Service Risk 
		In Service Risk 
		In Service Risk 
	Unknown	
Auxiliary Cable	Data	In Service 
	Comms	
	Telco	
	Protection	
	Fibre Optic	
	Pilot	Out of Service 

Object		Symbol
HV UG Joint	Straight Through, Parallel Branch or Tee	
	Switchgear, End Box or Transition	
HV UG Termination	Sealed end	
	Pot End	
	UGOH	
HV Cable Repair	5kV-330kV (HV & TR)	
LV UG Joint	Straight Through, Parallel Branch, Tee or Service	
	Network Box	
LV UG Termination	Switchgear, End Box or Transition	
	Sealed end	
	Pot End	
	UGOH	

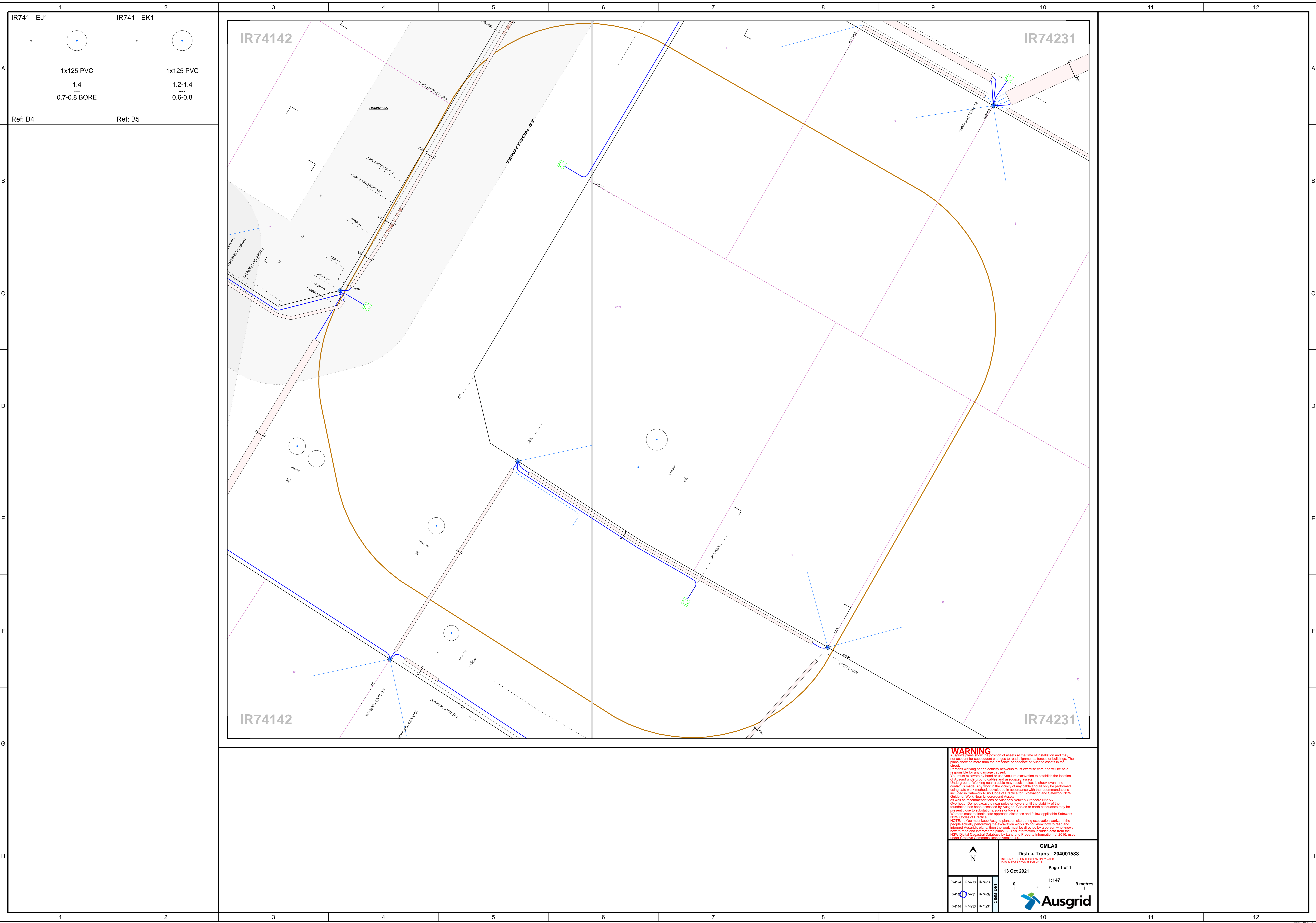
Object		Symbol
Auxiliary Fix	Pilot Window	
Auxiliary Joint	Straight Through, Parallel Branch or Tee	
Auxiliary Termination	UGOH or Pole Termination	
	Pilot	
	UGOP-ADSS Termination	
Cable Pit (Can be various shapes)	Auxiliary	
	Distribution	
	Transmission	
LV Pillar	Distribution	
	Switch	
	SL Pillar	
	SL Cubicle	
	Fargo	
	Private	
LV Auxiliary Pillar	All Types	
LV Link Box	2 Way & 4 Way	

# Ausgrid Underground Map Symbology

Object	Symbol	
<b>Substation</b>	Cottage & Chamber	
	Ground & Subtransmission Ground	
	Kiosk & Subtransmission Kiosk	
	Zone	
	Transmission	
	Bulk Supply Point	
	Metering Station & Subtransmission Metering	
	<b>Switching Station</b>	Isolating & Earth
Other – OH & UG		
Ring Main Unit		
<b>Earthing</b>	UG Earth Cable	
	Earth Point	
<b>Frequency Marker</b>	Distribution and Transmission Power	 Ball or Disc Type Marker
	Auxiliary Communications	 Ball or Disc Type Marker
	Distribution and Transmission Power	 Tape Marker
	Auxiliary Communications	 Tape Marker

Object	Symbol		
<b>Trench</b>	Centreline		
	<b>Conduit (Can be various shapes)</b>	Coverage (Distribution)	
		Coverage (Transmission)	
Coverage (Underbore – cross hatched)			
<b>Cross Section</b>	Marker (Staple)		
	User Line		
<b>Measurement Point</b>			
<b>Miscellaneous Point Feature</b>	Cable Clamp		
	Cable Core split (Trifurcation)		
	Cable Marker		
	Electrolysis Point		
	End Of Pipe		
Frequency Injection Unit			
Gas Charger			
Gas Control Cabinet			
Gas Control Kiosk			
Gas Control Point			
Gas Control Valve			
Gatic Pit lid			

Object	Symbol	
<b>Miscellaneous Point Feature</b>	Inspection Box	
	Link point	
	Oil Control Valve	
	Oil Gauge	
	Oil Tank	
	Sniffer Box	
	Thermocouple Box	
	Transmission Cable Marker	
Transmission Link Point		
<b>Miscellaneous Linear Feature</b>	All Geometries	
	Map Note	Text about note
<b>Dimension Feature</b>	Placement Change	
<b>Lead Cable</b>	Oil/Gas/Thermocouple	
	Bonding	
	Electrolysis	



IR741 - EJ1

IR741 - EK1

IR74142

IR74231

IR74142

IR74231

1x125 PVC  
1.4  
0.7-0.8 BORE

1x125 PVC  
1.2-1.4  
0.6-0.8

Ref: B4

Ref: B5

TENNYSON ST

1000 0.8500000 1.0

1335 0.8500000 1.0

1445 0.7000000 1.1

1445 0.7000000 1.1

1445 0.7000000 1.1

1445 0.7000000 1.1

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**WARNING**  
 Ausgrid's plans show the position of assets at the time of installation and may not account for subsequent changes to road alignments, fences or buildings. The plans show no more than the presence or absence of Ausgrid assets in the Street.  
 Persons working near electricity networks must exercise care and will be held responsible for any damage caused.  
 You must exercise care to avoid excavation to establish the location of Ausgrid underground cables and associated assets.  
 Underground Working near a cable may result in electric shock even if no contact is made. Any work in the vicinity of any cable should only be performed using safe work methods developed in accordance with the recommendations included in Safe Work NSW Code of Practice for Excavation and Safework NSW Guide for Work Near Underground Assets.  
 as well as recommendations of Ausgrid's Network Standard NS156.  
 Overhead: Do not excavate near poles or towers until the stability of the foundation has been assessed by Ausgrid. Cables or earth conductors may be present close to substations, poles or towers.  
 Excavators must maintain safe approach distances and follow applicable Safework NSW Code of Practice.  
 NOTE: 1. You must keep Ausgrid signs on site during excavation works. If the people actually performing the excavation works do not know how to read and interpret Ausgrid's plans, then the work must be directed by a person who knows how to read and interpret the plans. 2. This information includes data from the NSW Digital Customer Database for Land and Property Information (© 2016, used under Creative Commons license version 4.0).

**GMLAO**  
 Distr + Trans - 204001588  
INFORMATION ON THIS PLAN ONLY VALID FOR 30 DAYS FROM ISSUE DATE  
 13 Oct 2021 Page 1 of 1  
 0 1:147 9 metres



# Dial Before You Dig (DBYD) Location Information

## Hunter Water Corporation

36 Honeysuckle Drive  
NEWCASTLE NSW 2300

### To:

Ashlee Rutherford  
PO BOX 107  
Clarence Town NSW 2321

Enquiry Details	
Utility ID	80220
Job Number	30684717
Sequence Number	204001584
Enquiry Date	13/10/2021 07:49
Response	<b>AFFECTED</b>
Address	22-24 Chelmsford Drive Metford
Location in Road	
Activity	Non-Destructive Digging

Enquirer Details	
Customer ID	3034773
Contact	Ashlee Rutherford
Company	
Email	ashlee@perceptionplanning.com.au
Phone	+61428801720



## Enquirer Responsibilities

HWC's provision, and your access to and use, of the data, maps and other information contained in HWC's response to your Dial Before You Dig (DBYD) enquiry (Information) are subject to the following terms and conditions and any additional disclaimers contained in HWC's response.

### 1. Nature of HWC's assets

You acknowledge and accept that:

- (a) water in HWC mains is under pressure and may cause injury or damage if a main is damaged;
- (b) HWC sewer mains can be under pressure and may cause injury or damage if a main is damaged;
- (c) HWC recycled water mains can be under pressure and may cause injury or damage if a main is damaged;
- (d) HWC services are laid at varying depths;
- (e) the Information does not include data related to property services;
- (f) HWC will seek recovery of repair costs if an HWC asset is damaged; and
- (g) all electrical services are to be considered live.

Accordingly, all persons must exercise extreme care and only use hand excavation until the exact location of all assets within a work area is established.

### 2. Your use of Information

You acknowledge and accept that:

- (a) neither HWC nor DBYD make any representation or give any guarantee, warranty or undertaking (express or implied) as to the currency, accuracy, completeness, effectiveness or reliability of the Information;
- (b) all Information is:
  - i. generated by an automated system based on the information you submit to the DBYD website and it is your responsibility to ensure that the dig site is properly defined in your enquiry;
  - ii. approximate, intended to be of general application and may not be suitable for your specific requirements;
  - iii. unsuitable for scaling purposes; and
  - iv. based on information available to HWC and may not show all existing structures. For example, the location of Private Sewer/Water Mains is the initial indicative location supplied to HWC. This may not be the current location of such mains and not all private mains have been supplied to HWC;
- (c) you must not solely rely on the Information when undertaking underground works;
- (d) all Information is provided for the sole purpose of assisting you to locate HWC assets before excavation (Permitted Purpose) and you must not copy, translate, modify, distribute or make derivative works of the Information except as directly required to achieve the Permitted Purpose;
- (e) all Information must be used and kept together;
- (f) your access to and use of the Information does not grant you any ownership of or intellectual property rights in the Information;
- (g) in identifying in the Information the presence or potential presence of hazardous or potentially hazardous materials in HWC assets, HWC is not representing or warranting that other HWC assets not identified in the Information as containing or potentially containing hazardous materials do not also contain such materials; and
- (h) in excavating and conducting underground works, you must do so having regard to the fact that asbestos cement pipelines may form part of HWC's water and sewer reticulation systems.

### 3. Your other obligations

You are responsible for, amongst other things:

- (a) exposing underground structures, including HWC assets, by pot-holing using hand-held tools or vacuum techniques to determine the precise location and extent of structures before any mechanical means of excavation are used;
- (b) protecting underground structures, including HWC assets, from damage and interference;
- (c) maintaining acceptable clearances between HWC assets and structures belonging to others;
- (d) ensuring that backfilling in the vicinity of HWC assets complies with HWC's requirements (as set out on HWC's website or otherwise communicated to you by HWC);
- (e) notifying HWC immediately of any damage caused or threat of damage to any HWC asset; and
- (f) ensuring that plans are approved by HWC (usually by stamping) prior to landscaping or building over or in the vicinity of any HWC asset.

## Enquirer Responsibilities Continued

### 4. Disclaimer

While HWC takes reasonable care in providing details of its underground assets, due to changes in road and footway alignments and levels, the age and incompleteness of some records and the general nature of the Information, it is not possible to conclusively specify the location of all HWC underground assets, including pipes that contain or may contain hazardous materials.

ALL INFORMATION IS PROVIDED AS GENERAL GUIDANCE ONLY AND SHOULD NOT BE USED OR RELIED UPON IN SUBSTITUTION FOR SPECIALISED PROFESSIONAL INDEPENDENT ADVICE. YOU ACKNOWLEDGE AND AGREE THAT YOUR USE OF THE INFORMATION IS AT YOUR OWN RISK.

If you have any questions or concerns about the appropriateness, reliability or application of any Information you must seek advice from a relevantly qualified professional. Further, dealing with hazardous materials is potentially dangerous, and you must always seek advice where the Information provides that HWC's assets contain or may contain hazardous materials.

HWC makes no representation and gives no warranty or undertaking (express or implied) as to the currency, accuracy, completeness, effectiveness or reliability of the Information or that the Information can be used for any purpose in substitution for specialised, professional and independent advice.

### 5. Limitation of liability

To the fullest extent permitted by law:

- (a) all conditions and guarantees concerning the Information (whether as to quality, outcome, fitness, care, skill or otherwise) expressed or implied by statute, common law, equity, trade, custom, usage or otherwise are expressly excluded and to the extent such conditions and guarantees cannot be excluded, HWC's liability is limited to either of the following (as nominated by HWC):
  - i. HWC supplying the Information to you again; or
  - ii. HWC paying you the cost of having the Information supplied to you again.
- (b) HWC is not responsible for and you release HWC from any actions, liabilities, losses, damages, costs, claims, expenses, injuries or other claims whatsoever (including loss of revenue, use, production, goodwill, profit, business, contract, anticipated savings, financing costs, increased operating costs or other purely financial, economic, special or indirect loss or damage) arising out of:
  - i. your access to or use of the Information;
  - ii. any delay in HWC providing you with Information;
  - iii. your reliance on the Information or its inability to meet your needs;
  - iv. your failure to correctly or accurately:
    - (1) submit relevant or valid data to DBYD; or
    - (2) use or interpret Information provided to you by HWC; or
  - v. any failure, interruption or corruption of any Information;
- (c) you must indemnify HWC and its employees, agents and officers from and against all actions, liabilities, losses, damages, costs, claims, expenses, injuries and other claims arising out of or in connection with HWC providing you with incorrect or incomplete Information; and you assume all risk associated with your use of DBYD and HWC's websites and you release DBYD and HWC from and against all actions, liabilities, losses, damages, costs, claims, expenses, injuries or other claims which may arise in respect of such usage.

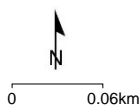
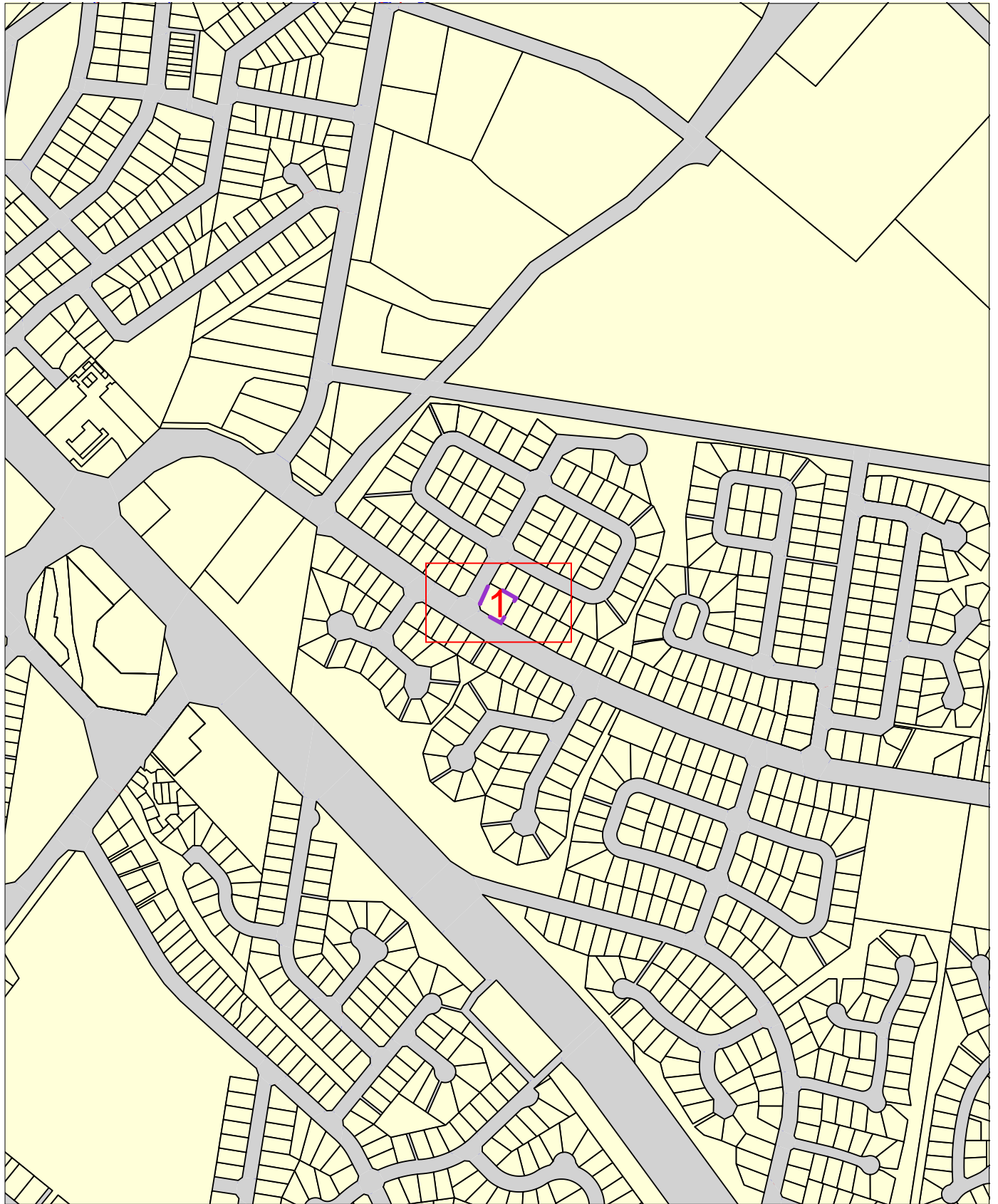
[www.hunterwater.com.au](http://www.hunterwater.com.au)

1300 657 000



# Overview Map

Sequence No: 204001584  
22-24 Chelmsford Drive Metford



**LEGEND:**


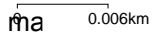
-  Detail Map
-  DBYD Work Area



# Map 1

Sequence No: 204001584



**IMPORTANT**

**THIS PLAN IS NOT TO BE USED FOR CONVEYANCING**

THIS INFORMATION IS VALID FOR 30 DAYS FROM THE DATE OF ISSUE

SEWER/WATER/RECYCLED WATER/  
ELECTRICAL - UTILITY DATA  
© HUNTER WATER CORPORATION 2019

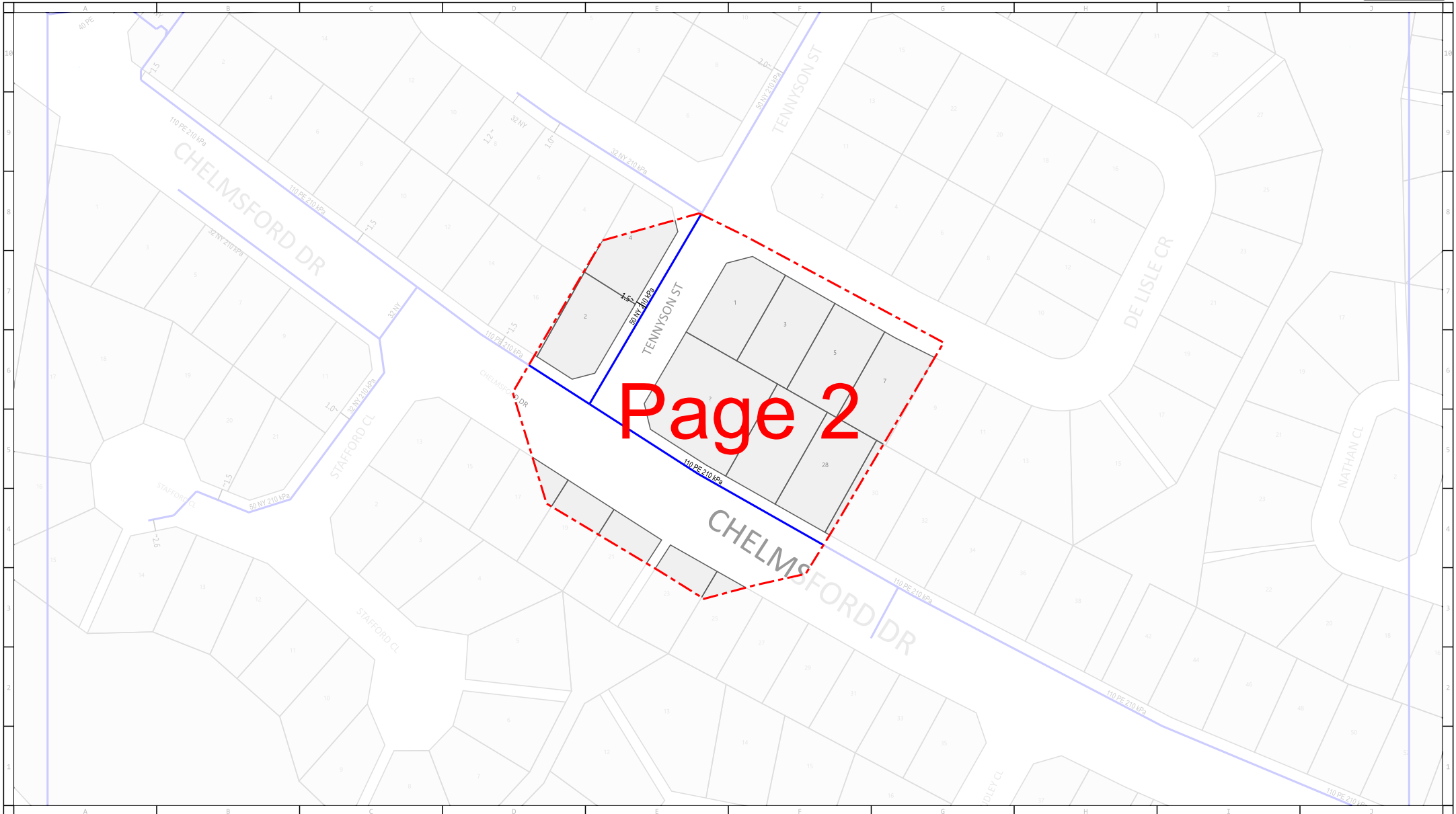
SERVICE LOCATIONS ARE APPROXIMATE.  
HAND DIG UNTIL ACTUAL LOCATIONS ARE IDENTIFIED.  
PROPERTY SERVICES ARE NOT SHOWN.

ANY INFORMATION ON THIS PLAN MAY NOT BE UP TO DATE  
AND THE CORPORATION ACCEPTS NO RESPONSIBILITY FOR  
ITS ACCURACY.

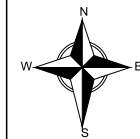
CADASTRAL DATA © Department Finance, Services & Innovation  
[Nov 2017]

## Hunter Water Corporation DBYD Asset Legend

<p><b>Electrical Assets</b></p> <ul style="list-style-type: none"> <li> High Voltage</li> <li> Low Voltage</li> <li> Electrical Pole</li> <li> Distribution Transformer</li> <li> Air Break Switch</li> <li> Circuit Breaker</li> <li> High Voltage</li> <li> Low Voltage</li> </ul>	<p><b>Water Assets</b></p> <ul style="list-style-type: none"> <li> Contol Valve</li> <li> Hydrant Control Valve</li> <li> Reflux Valve</li> <li> Stop/Scour Valve</li> <li> Tee &amp; Stop Valve</li> <li> Hydrant</li> <li> Cluster Box</li> <li> End Cap</li> <li> Flushing Tap</li> <li> Manhole</li> <li> Scour</li> <li> Water Meter</li> <li> Water Network Structure</li> <li> Other Main</li> <li> Trunk Main</li> <li> Reticulation Main</li> <li> Water Encased Mains</li> <li> Water Prelaid Service</li> </ul>	<ul style="list-style-type: none"> <li> HWC Rain Gauge</li> <li> HWC Stream Flow Gauge</li> <li> Radio Base</li> <li> Weather Station</li> <li> Piezometer</li> <li> Bore Site</li> </ul>	<p><b>RecycledWater Assets</b></p> <ul style="list-style-type: none"> <li> Air Valve</li> <li> Reflux Valve Open</li> <li> Stop Valve Open</li> <li> RecycledWater Hydrant</li> <li> Cluster Box</li> <li> End Cap</li> <li> Flushing Tap</li> <li> Manhole</li> <li> Scour</li> <li> RecycledWater Meter</li> <li> RecycledWater Network Structure</li> <li> Other Main</li> <li> Reticulation Main Encased/Conduit</li> <li> Trunk Main</li> <li> Trunk Main Encased/Conduit</li> <li> RecycledWater Encased Mains</li> <li> RecycledWater Prelaid Service</li> </ul>	<p><b>Sewer Assets</b></p> <ul style="list-style-type: none"> <li> Air Valve</li> <li> Stop/Butterfly/Ball Valve</li> <li> Gate Valve</li> <li> Manhole</li> <li> Cap</li> <li> Dead End</li> <li> Flushing Tank</li> <li> H&amp;V Bend</li> <li> Junction Connection</li> <li> Outfall</li> <li> Overflow</li> <li> Sewer/Valve Pit</li> <li> Tangent Point</li> <li> Sewer Meter</li> <li> Sewer Vent</li> <li> Sewer Network Structure</li> <li> Other Main</li> <li> Gravity Main</li> <li> Pressure/Vacuum Main</li> <li> Effluent Main</li> <li> Outfall</li> <li> Overflow Main</li> <li> Rising Main</li> <li> Sewer Encased Mains</li> </ul>	<ul style="list-style-type: none"> <li> StormWater Assets</li> <li> StormWater Network Structure</li> <li> StormWater Mains</li> <li> Mains Abandon</li> </ul>	<p><b>Land Details</b></p> <ul style="list-style-type: none"> <li> Area of Interest</li> <li> Easement Non HWC</li> <li> Fence Line</li> <li> Non-HWC Easement</li> <li> HWC Easement</li> <li> Parcel</li> <li> Road</li> <li> Water Parcels</li> <li> Hazardous Material</li> <li> Map Sheet Index</li> </ul>
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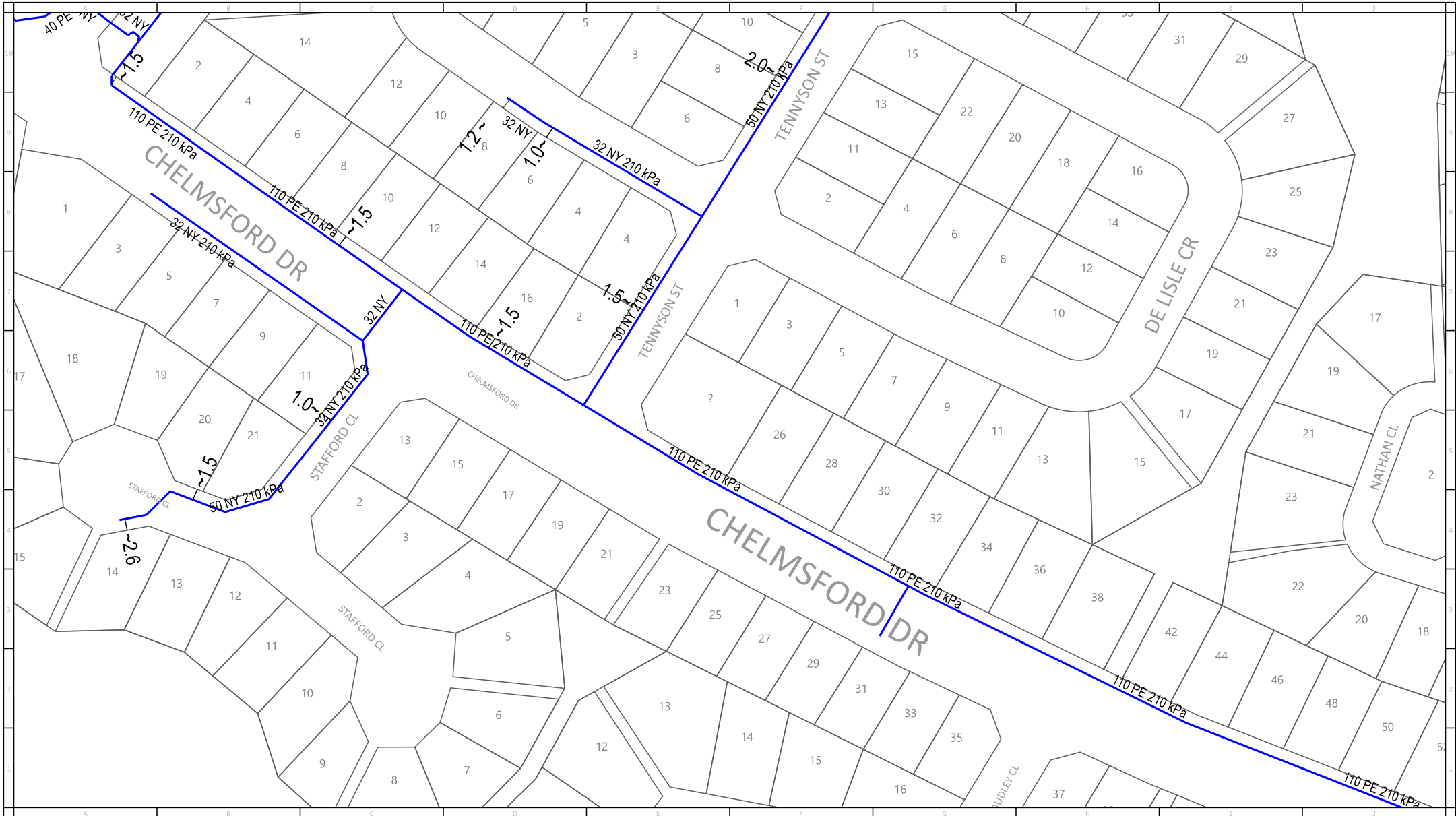
For legend details, please refer to the Coversheet attachment provided as part of this DBYD response.



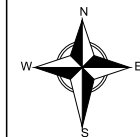
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Issue Date: 13/10/2021  
 DBYD Seq No: 204001589  
 DBYD Job No: 30684717  
 Overview Page:

**WARNING:** This is a representation of Jemena Gas Networks underground assets only and may not indicate all assets in the area. It must not be used for the purpose of exact asset location in order to undertake any type of excavation. Please read all conditions and information on the attached information sheet. This extract is subject to those conditions. The information contained on this plan is only valid for 28 days from the date of issue.



For legend details, please refer to the Coversheet attachment provided as part of this DBYD response.




Scale: 1:2000

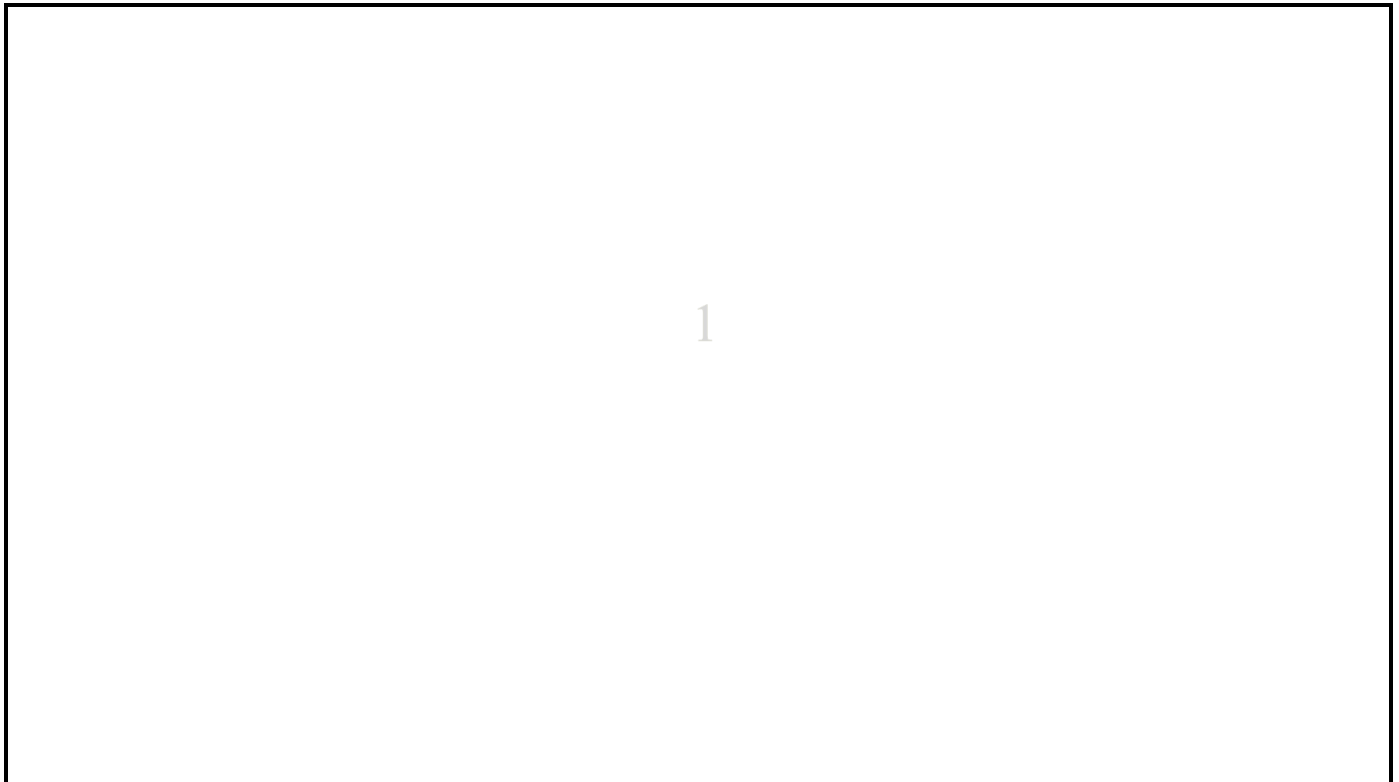
**Issue Date:** 13/10/2021  
**DBYD Seq No:** 204001589  
**DBYD Job No:** 30684717  
 0m 10m 20m 30m 40m 50m 60m 70m 80m

**WARNING:** This is a representation of Jemena Gas Networks underground assets only and may not indicate all assets in the area. It must not be used for the purpose of exact asset location in order to undertake any type of excavation. This plan is diagrammatic only, and distances scaled from this plan may not be accurate. Please read all conditions and information on the attached information sheet. This extract is subject to those conditions. The information contained on this plan is only valid for 28 days from the date of issue.

**To:** Ashlee Rutherford  
**Phone:** Not Supplied  
**Fax:** Not Supplied  
**Email:** ashlee@perceptionplanning.com.au

<b>Dial before you dig Job #:</b>	30684717	
<b>Sequence #</b>	204001586	
<b>Issue Date:</b>	12/10/2021	
<b>Location:</b>	22-24 Chelmsford Drive , Metford , NSW , 2323	

## Indicative Plans



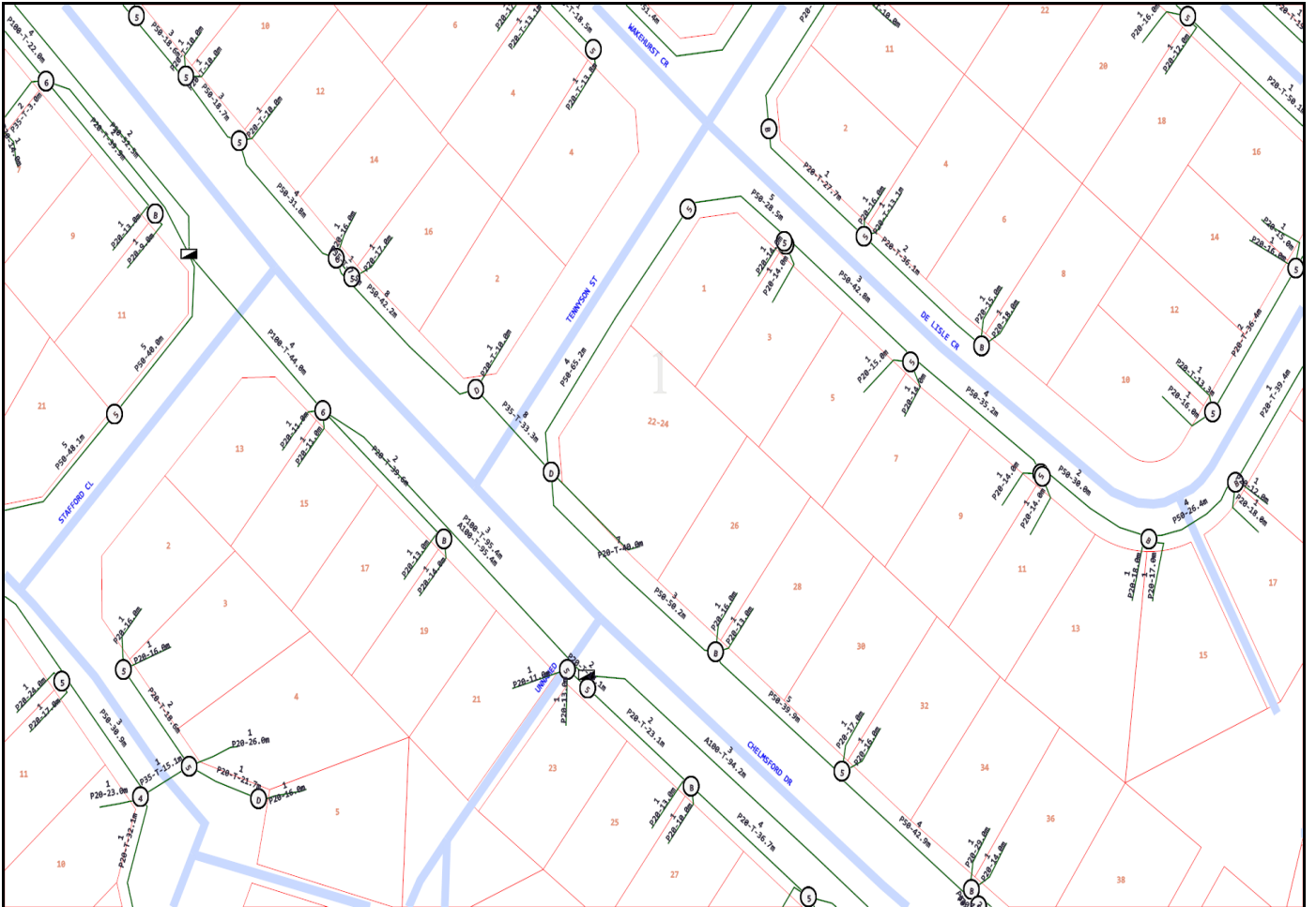




## LEGEND

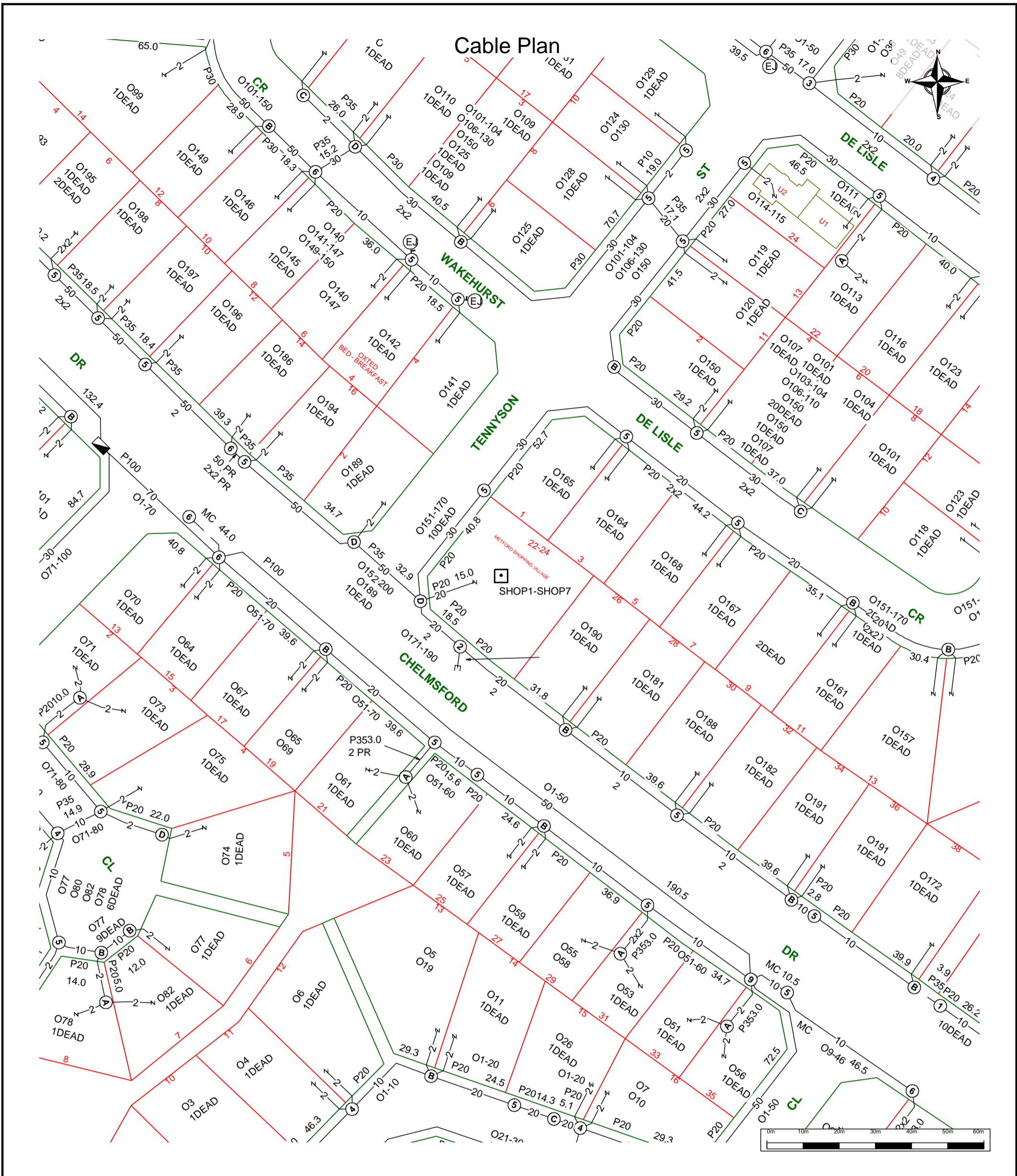


	Parcel and the location
	Pit with size "5"
	Power Pit with size "2E". Valid PIT Size: e.g. 2E, 5E, 6E, 8E, 9E, E, null.
	Manhole
	Pillar
	Cable count of trench is 2. One "Other size" PVC conduit (PO) owned by Telstra (-T-), between pits of sizes, "5" and "9" are 25.0m apart. One 40mm PVC conduit (P40) owned by NBN, between pits of sizes, "5" and "9" are 20.0m apart.
	2 Direct buried cables between pits of sizes, "5" and "9" are 10.0m apart.
	Trench containing any <b>INSERVICE/CONSTRUCTED</b> (Copper/RF/Fibre) cables.
	Trench containing only <b>DESIGNED/PLANNED</b> (Copper/RF/Fibre/Power) cables.
	Trench containing any <b>INSERVICE/CONSTRUCTED</b> (Power) cables.
	Road and the street name "Broadway ST"
Scale	0 20 40 60 Meters 1:2000 1 cm equals 20 m 



## Emergency Contacts

You must immediately report any damage to the **nbn™** network that you are/become aware of. Notification may be by telephone - 1800 626 329.



**Telstra** For all Telstra DBYD plan enquiries - email - Telstra.Plans@team.telstra.com  
 For urgent onsite contact only - ph 1800 653 935 (bus hrs)

TELSTRA CORPORATION LIMITED A.C.N. 051 775 556

Generated On 13/10/2021 08:55:57

Sequence Number: 204001587

**CAUTION: Fibre optic and/ or major network present in plot area. Please read the Duty of Care and contact Telstra Plan Services should you require any assistance.**

The above plan must be viewed in conjunction with the Mains Cable Plan on the following page

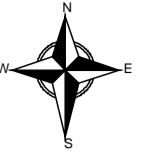
WARNING - Due to the nature of Telstra underground plant and the age of some cables and records, it is impossible to ascertain the precise location of all Telstra plant from Telstra's plans. The accuracy and/or completeness of the information supplied can not be guaranteed as property boundaries, depths and other natural landscape features may change over time, and accordingly the plans are indicative only. Telstra does not warrant or hold out that its plans are accurate and accepts no responsibility for any inaccuracy shown on the plans.

It is your responsibility to locate Telstra's underground plant by careful hand pot-holing prior to any excavation in the vicinity and to exercise due care during that excavation.

Please read and understand the information supplied in the duty of care statement attached with the Telstra plans. TELSTRA WILL SEEK COMPENSATION FOR LOSS CAUSED BY DAMAGE TO ITS PLANT.

Telstra plans and information supplied are valid for 60 days from the date of issue. If this timeframe has elapsed, please reapply for plans.

# Mains Cable Plan



D  
 c14:M701-900 200/0.40 CPIUT MB (AA)  
 3004:CC-MA/1-60 60F/- SMOF FNPEHJ/STD <- (AA)  
 3004:BH-CC/1-60 60F/- SMOF FNPEHJ/STD (AA)  
 1xP31 SUBDUCTS (AA)  
 3901:LZ-ME/1-6 6F/- SMOF FNPEHJ/STD (AA1)

AA  
 100  
 c14:M801-1000 200/0.40 CPIUT MB <- (AA)  
 c14:M1401-1500 100/0.40 CPIUT MB <- (AA)  
 2xDIST ( )

AA BA  
 A100  
 c14:M1-400 400/0.40 CPIUT MB (AA)  
 3004:CC-MA/1-60 60F/- SMOF FNPEHJ/STD (AA)  
 2xP31 SUBDUCTS (AA)  
 3901:LZ-MA/1-12 12F/- SMOF FNPEHJ/STD (AA1)  
 c14:M401-800 400/0.40 CPIUT MB (BA)  
 DIST ( )

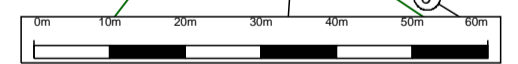
AA BA  
 A100  
 c14:M1-400 400/0.40 CPIUT MB (AA)  
 3004:CC-MA/1-60 60F/- SMOF FNPEHJ/STD (AA)  
 2xP31 SUBDUCTS (AA)  
 3901:LZ-MA/1-12 12F/- SMOF FNPEHJ/STD (AA1)  
 c14:M401-800 400/0.40 CPIUT MB (BA)

AA BA CA  
 A100  
 c14:M1-400 400/0.40 CPIUT MB (AA)  
 3004:CC-MA/1-60 60F/- SMOF FNPEHJ/STD (AA)  
 2xP31 SUBDUCTS (AA)  
 3901:LZ-MA/1-12 12F/- SMOF FNPEHJ/STD (AA1)  
 c14:M401-800 400/0.40 CPIUT MB (BA)

FNPEHJ/STD <- (AA)  
 (AA)  
 FNPEHJ/STD (AA1)  
 FNPEHJ/STD (AA1)  
 (AA)  
 (AA6)  
 2/2025 (AA5)  
 FNPEHJ/STD (AB)  
 FNPEHJ/STD (BA)  
 FNPEHJ/STD (BA)  
 FNPEHJ/STD (BA)  
 (BA)  
 (BA2)  
 (BA1)  
 FNPEHJ/STD <- (BB)  
 (BB)  
 (CA)

(CA)  
 (CB)  
 (DA)  
 (DA)  
 (DA1)

AA BA  
 A100  
 c14:M1-400 400/0.40 CPIUT MB (AA)  
 3004:CC-MA/1-60 60F/- SMOF FNPEHJ/STD (AA)  
 2xP31 SUBDUCTS (AA)  
 3901:LZ-MA/1-12 12F/- SMOF FNPEHJ/STD (AA1)  
 c14:M401-800 400/0.40 CPIUT MB (BA)  
 DIST (BA)



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 email - Telstra.Plans@team.telstra.com  
 For urgent onsite contact only - ph 1800 653 935 (bus hrs)

Sequence Number: 204001587

**CAUTION: Fibre optic and/ or major network present in plot area. Please read the Duty of Care and contact Telstra Plan Services should you require any assistance.**

TELSTRA CORPORATION LIMITED A.C.N. 051 775 556

Generated On 13/10/2021 08:55:59

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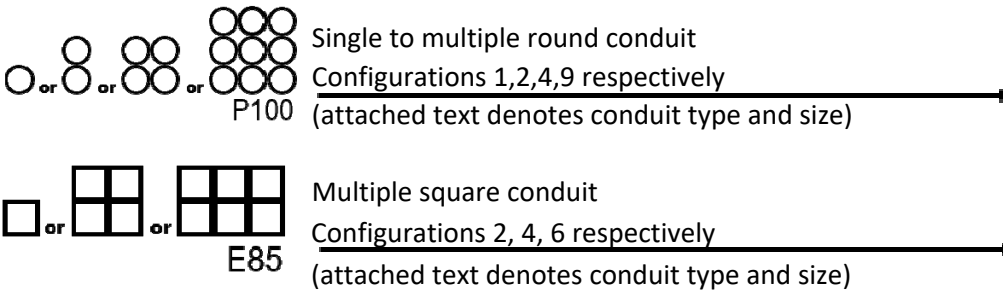
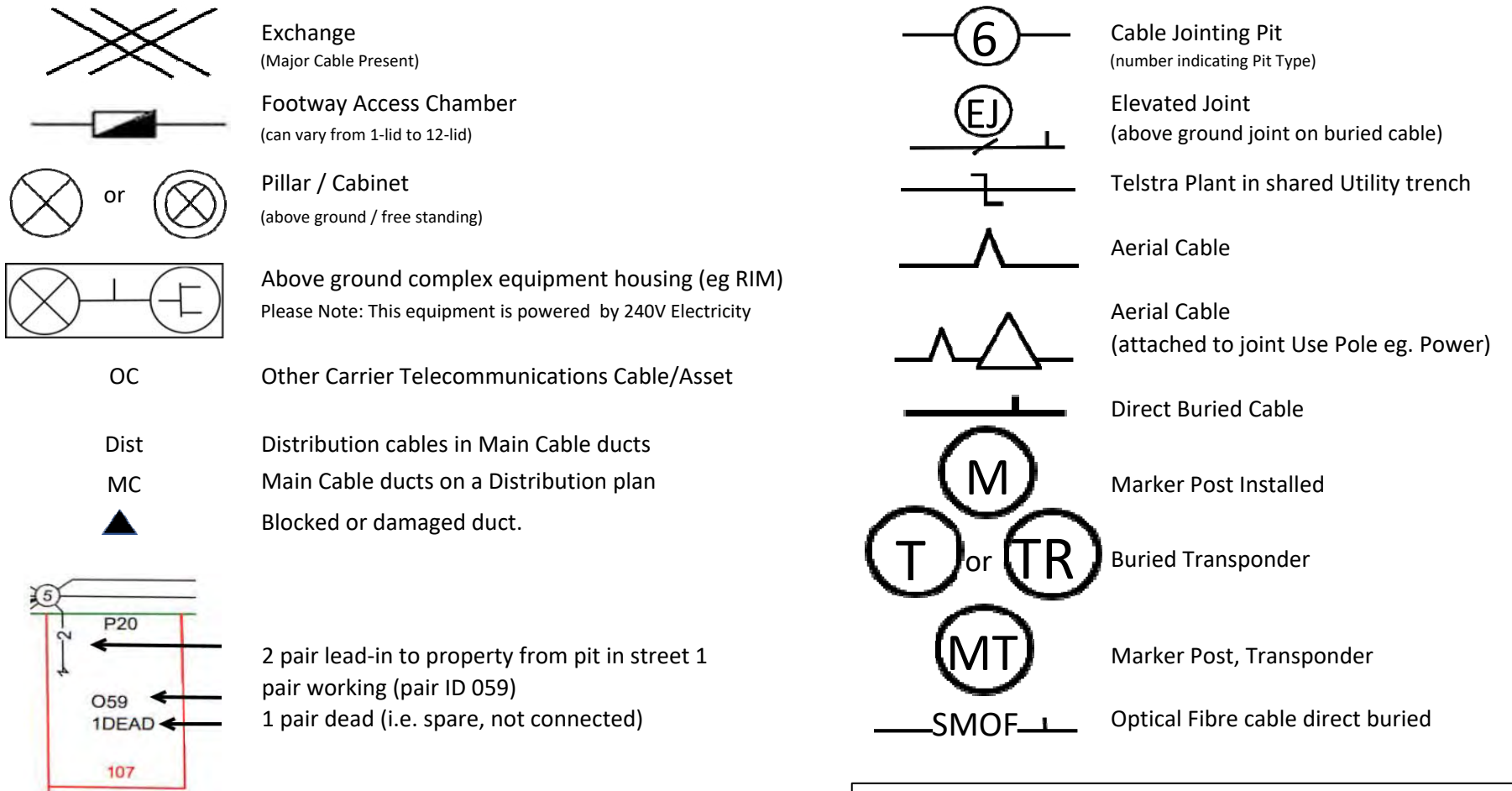
Telstra plans and information supplied are valid for 60 days from the date of issue. If this timeframe has elapsed, please reapply for plans.

# LEGEND

IT'S HOW WE CONNECT



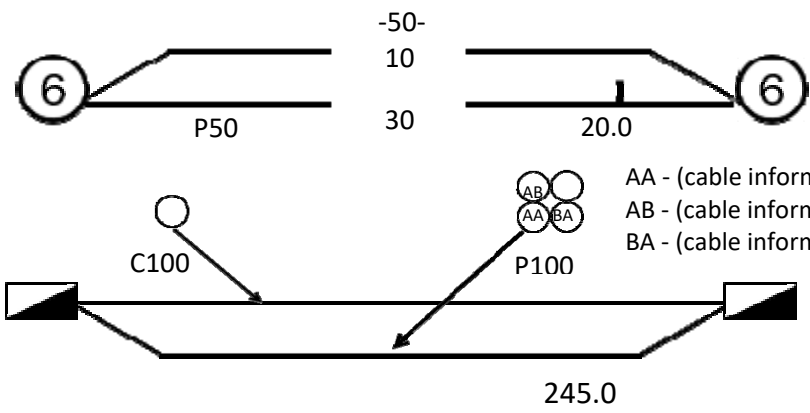
For more info contact a Certified Locating Organisation or Telstra Plan Services 1800 653 935



**Some examples of conduit type and size:**

A - Asbestos cement, P - PVC / Plastic, C - Concrete, GI - Galanised iron, E - Earthenware  
Conduit sizes *nominally* range from 20mm to 100mm  
P50 50mm PVC conduit  
P100 100mm PVC conduit  
A100 100mm asbestos cement conduit

Some Examples of how to read Telstra Plans



One 50mm PVC conduit (P50) containing a 50-pair and a 10-pair cable between two 6-pits. approximately 20.0m apart, with a direct buried 30-pair cable along the same route

Two separate conduit runs between two footway access chambers (manholes) approximately 245m apart A nest of four 100mm PVC conduits (P100) containing assorted cables in three ducts (one being empty) and one empty 100mm concrete duct (C100) along

**WARNING: Telstra plans and location information conform to Quality Level 'D' of the Australian Standard AS 5488 - Classification of Subsurface Utility Information. As such, Telstra supplied location information is indicative only. Spatial accuracy is not applicable to Quality Level D. Refer to AS 5488 for further details. Telstra does not warrant or hold out that its plans are accurate and accepts no responsibility for any inaccuracy shown on the plans. FURTHER ON SITE INVESTIGATION IS REQUIRED TO VALIDATE THE EXACT LOCATION OF TELSTRA PLANT PRIOR TO COMMENCING CONSTRUCTION WORK. A plant location service is an essential part of the process to validate the exact location of Telstra assets and to ensure the asset is protected during construction works. The exact position of Telstra assets can only be validated by physically exposing it. Telstra will seek compensation for damages caused to its property and losses caused to Telstra and its customers.**

**From:** [krysta heath](#)  
**To:** [Ashlee Rutherford](#)  
**Subject:** Fwd: lot 113 DP 214953 (Metford Shopping Village) Change of Use to Cafe or a Takeaway  
**Date:** Tuesday, 21 September 2021 5:06:33 PM

---

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

Just in case.

Krysta Heath

Sent from my iPhone

Begin forwarded message:

**From:** Greg Clayden <Greg.Clayden@maitland.nsw.gov.au>  
**Date:** 15 September 2021 at 5:30:57 pm AEST  
**To:** krysta heath <krysta\_ily@hotmail.com>  
**Cc:** Juliet Kauter <Juliet.Kauter@maitland.nsw.gov.au>, Gemma McMahon <Gemma.McMahon@maitland.nsw.gov.au>, Andrew Dean <Andrew.Dean@maitland.nsw.gov.au>, Kristy Cousins <Kristy.Cousins@maitland.nsw.gov.au>, Records Inbox <Records.Inbox@maitland.nsw.gov.au>, Andrew Ashton <Andrew.Ashton@maitland.nsw.gov.au>, Chris Thompson <Chris.Thompson@maitland.nsw.gov.au>, Murray Freeman <Murray.Freeman@maitland.nsw.gov.au>  
**Subject:** **RE: lot 113 DP 214953 (Metford Shopping Village) Change of Use to Cafe or a Takeaway**

Hi Krysta

You got the gist of most of our discussion yesterday, though you didn't get the detail quite right. Only to be expected, of course, as you're not a Town Planner. The following comments should help you understand Council's position:

- The subject land was zoned 3(a) General Business under the previous Maitland Local Environmental Plan 1993, though is now zoned R1 General Residential under the current Maitland Local Environmental Plan 2011 (MLEP 2011).
- The change to the R1 zone means that the various shops and the majority of other commercial activities in the shopping village are now rendered 'non-conforming' land uses in that zone. That means that those uses are defined as prohibited land uses under the MLEP 2011.
- The EP&A Act 1979, and the associated EP&A Regulation 2000, make provision for Council to consider a DA which seeks to change a use from one

*commercial* non-conforming land use to another *commercial* use, provided Council is satisfied that the property or premises retains 'existing use rights'. Council was able to approve the previous change of use to a retail bakery in Shop 6 on 29 June 2015 under DA 15-1067 as it was satisfied, at the time, that existing use rights had not been abandoned. To Council's knowledge, the premises were not used for baking, only for the retail of baked product. Regardless of the previous land use, a DA is required to change the use of the shop to a Café/Restaurant or to a Takeaway food premise. The onus on proving existing use rights rests with an applicant, though based on our discussion yesterday, you indicated that the retail bakery only ceased operating relatively recently.

- It is understood the fitout of the premises is virtually complete with flooring, coving, floor wastes/grease traps, as well as commercial kitchen equipment already installed. As discussed, (and as acknowledged in your email), please do not allow any further work to be carried out, or start operating until this matter is resolved.
- Given the complexity of lodging DAs through the NSW Planning Portal, it is suggested that you should employ a consultant familiar with existing use legislation, who is capable of drawing plans, can prepare a Statement of Environmental Effects, who is familiar with the Food Act and Council's guidelines, and can also lodge an application via the portal. The time taken to assess an application can vary and is dependent on a large range of factors. A well-presented, thorough DA can certainly help Council's officers assess an application more quickly, though it's not possible to provide you with an accurate timeframe.
- As the fitout works have largely been carried out, a Construction Certificate cannot be issued retrospectively. The DA can, however, be lodged to try and establish, or formalise the land use .
- In terms of car parking, Part C11 of Council's Development Control Plan requires cafes/restaurants to provide more car parking spaces than a retail shop or business premise. As discussed, the established car parking area is very tight, has limited spaces, and no capacity for expansion. Council may be able to take into account that the land used to be zoned 3(a) General Business in an assessment of a DA for a café, however I can't promise that would be the case, as significant variations to Council's adopted DCP guidelines usually require a report to be prepared for the full Council's consideration, with no guarantee of success. If you go down the Takeaway path, Council's policy treats a Takeaway food shop the same as a retail shop which means there would be no additional parking spaces required. To consider a DA for a *takeaway food and drink premises* as defined in the MLEP 2011, Council would have to be satisfied that the premises *are predominantly used for the preparation and retail sale of food or drink (or*

*both) for immediate consumption away from the premises.* In this regard, given the size of the premise, I think that four tables may be too many. It could be hard for you to justify that that number of tables was ancillary and subsidiary to the dominant use. A couple of tables with seating for four to eight people might be more acceptable.

- Where no building works are proposed, the base fee for a Change of Use DA is \$285 plus an archiving fee of \$110. Council may also require an additional \$150 if the DA is notified along with additional fees depending on the nature of proposed signage. DA fees are not paid upfront. Fees are only paid when the DA is initially examined by Council's admin officers after transmission through the portal and deemed acceptable for lodgement.

I trust this summary of our conversation assists.

If further assistance is needed, feel free to encourage your consultant to contact me prior to lodgement of a DA.

Regards

**Greg Clayden**

Senior Town Planner

Planning and Environment | Maitland City Council

t 02 4934 9827

f 02 4934 8469

m +61 474 920 359

[Greg.Clayden@maitland.nsw.gov.au](mailto:Greg.Clayden@maitland.nsw.gov.au)



**From:** krysta heath <krysta\_ily@hotmail.com>

**Sent:** Tuesday, 14 September 2021 6:46 PM

**To:** Greg Clayden <Greg.Clayden@maitland.nsw.gov.au>; Greg Clayden <Greg.Clayden@maitland.nsw.gov.au>

**Subject:** Re: lot 113 INDP 214953 (Metford Shopping Villa)

Hi Greg,

Thanks for taking the time to look into my inquiry and for speaking with me today. Given we covered a lot of information, I am sending this email to confirm what we spoke about as suggested.

In relation to the location:

- The Metford shopping village was re-zoned in 2011 as residential Zone. Which puts into place limitation on what stores can be operated from that area.
- If the new café was essentially going to increase the amount of people that would enter the premises up by 10-20%, this would present big challenges for approval of the application as its no longer Zone as a 'commercial area'



and does not meet the zoning restriction (bit fuzzy on this area).

In relation to looking into the Shops original DA approval and new DA approval need:

- The Bakery store is classes as a 'retail store', not 'food and beverage', as no bread was actually cooked on the premises (was only being sold there). If we wanted to open a café and having people sit down and eat in the café. The class itself would need to change and a environmental and planning consult would be need to submit a application to Maitland council and have the plan approved by DA and the classification changed.
- However, following DA and NSW government legislation this would not be possible as the parking lot requirements will change and the village will not be able to meet the requirements given the area and no ability for more car spots to be added.
- Loop hole- which would still require an application to council/DA approval, is if the Cafe was to be logged as a take away store (with less then 4 tables on premise) and the store stay classes as a retail store. The reason why the application process would still need to be submitted is because we would now be cooking on premise and any changed to the plan (including installation of equipment and what type of equipment) needs to be approved by council/DA to make sure it meets the NSW legislation, construction and environmental requirements. E.g. construction, fittings, grease traps, waste management...

- 

Areas we looked at in the legislation and council that linked in with what we spoke about above is:

Maitland council:

Search bar: DCP

C11 (page 197) car parking

NSE legislation:

Act:

E

4.11 (existing use)

Statuary ..

E

Environmental planning ..

All know information before our chat was essential wrong and construction on the building needs to stop until approval has given. The café can not operate till approved.

Application process if we have a good environmental planning consaluntant can take 4-6 weeks and costing from the DA would be potentially three payments that will come with Submitting the application could be:

- \$285
- \$110

\$150

We may also be able to apply for existing youth rights of the store has not been shut for more then 12 months before we took over the tenancy. As it is long standing, which given all the other store have been active in this time, we could apply for this. Which could help the application process.

The coast of the environmental planning consult is unknow- need to get quote. But overall message, get a really good environmental planning consultant as this will be a complicated matter. If they write a good application on our behalf, it should have no big issues being passed but is dependant on what we apply for. Once we have a consultant, give them your name, the DA's number and ask them to speak with you.

Okay- hopefully I have understood things. If not, I'm so sorry ahah

Kind regards,

Krysta Heath  
PH: 0437314151  
[Krysta\\_ily@hotmail.com](mailto:Krysta_ily@hotmail.com)

Sent from [Mail](#) for Windows

\*\*\*\*\*  
The views expressed in this email are not necessarily those of the Maitland City Council unless otherwise stated. The organisation does not warrant that this message is free of viruses or any other defect or error. This message and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this message in error please contact the author.  
\*\*\*\*\*

021178 SHOP FIT-OUT AND ERECTION OF TWO (2) SIGNS FOR A PROPOSED RETAIL LIQUOR STORE LOT 113 DP 241953 CNR CHELMSFORD DRIVE AND TENNYSON STREET METFORD.  
RECOMMENDATION: APPROVAL (Cont)

**OFFICER'S RECOMMENDATION**

**THAT:**

**DA 021178 for a Shop Fitout (Existing Shops 3 and 4) and two (2) signs for a Retail Liquor Store on Lot 113 DP 241953, Cnr Chelmsford Drive and Tennyson Street Metford be approved subject to conditions of consent set out in the attached schedule.**

**REPORT**

**BACKGROUND/SITE CHARACTERISTICS**

Council, at its meeting on 11 September, 1979 approved Development Application 103/5/91/79 to construct a Neighbourhood Shopping Centre on the subject land and the development was constructed shortly after the granting of consent. The development consists of a retail shopping centre consisting of seven shops of which four are currently occupied by:

- A take-away food shop
  - A convenience shop
  - A hairdresser
  - An office
-

Shop 6/22-24 Chelmsford Drive, Metford, NSW, 2323

## Site Plan



- Watercourses
- Water Bodies
- Site Boundaries
- Road

Version 3.1 (18 August 2021)	
<b>BUILDING PLAN ASSESSMENT</b>	
Clear of Hunter Water Assets	
Reference No: 38109	
<input checked="" type="checkbox"/> Water available for connection	
<input checked="" type="checkbox"/> Sewer available for connection	
<b>Only valid for 38109</b>	
Development Assessment (Section 50) application has been submitted and is being reviewed by Hunter Water. A Hydraulic Design Assessment application is required if development is larger than 2 units or commercial/industrial. Application for Services Connection will be required.	
Date Processed:	18 October 2021
Applicant:	Perception Planning - Ashlee Rutherford
Property Location:	LOT 113, CHELMSFORD DR, METFORD NSW 2323
<b>PLEASE TAKE INTO CONSIDERATION</b>	
This is not a compliance certificate. This stamp indicates that Hunter Water has undertaken a preliminary assessment of the proposed development to identify possible impacts to our infrastructure. Conditions of Hunter Water assessments apply. For more information please refer to our Land Use Assessment website or contact us on 1300 657 657.	



0 10 20 m

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Job No: J002492

Date: 12/10/2021

