

## 6.2.2 (b) MA0006/2014 Modification Application for 47-51 Depot Road, Lot 17 DP 1165148 DA 0200/2013 for a Industrial Workshop Office

REPORT BY THE SENIOR TOWN PLANNER TO 7 AUGUST 2013 COUNCIL MEETING

Variation to Depot Road DA approval

A0100056, P2106361

### RECOMMENDATION

1. That the report by the Director, Development and Community Services on the Variation to Depot Road DA 0200/2013 Consent be received;
2. That pursuant to section 96(1) of the Environmental Planning and Assessment Act, 1979 relating to Modification Application 0006/2014, Lot 17 DP 1165148, 47-51 Depot Road, Mudgee that the following conditions of consent be modified:

#### CONDITION 14

A registered Surveyor's Certificate showing the height of the building frame members upon erection. Wall heights are to be no more than 7.0 metres above the 483.5 AHD and the ridge height is to be no more than 8.4 metres above 483.5 AHD

#### CONDITION 45

All security fencing is to be pre-coloured or powder-coated and transparent in design. The fencing is to be located behind the building line. The fence must not exceed 2.0 metres in height as required by DCP 2013

#### CONDITIONS 46

A 2.1metre high lapped and capped timber fence is to be constructed along the top of the earth bunded acoustic barrier to provide additional noise attenuation and to further screen the development from residential areas. The fence is to be constructed of overlapping timber palings, and is to be erected prior to the commencement of any work on site.

And the following condition be added to the consent:

#### CONDITION 49

That the cut and fill required on site to achieve the finished floor level of 483.5 AHD for the building be limited to 500 mm of cut and 500mm of fill across the building pad area

#### CONDITION 50

All finished surface levels shall be shown on the plans submitted for the Construction Certificate. Where it is proposed to import fill, the material shall be certified as free of hazardous materials and contamination by a suitably qualified geotechnical engineer. Fill placed on the lot shall be compacted in accordance with AS3798-2007 Guidelines on Earthworks for Commercial and Residential Developments.

#### Condition 51

A geotechnical report, certifying that the fill has been compacted in accordance with the Australian Standard is to be submitted to Council prior to the issue of the construction certificate for the building.

3. That the remainder of the conditions of development consent 0200/2013 remain unaltered and apply to the development of an Industrial Workshop and Office
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## Detailed report

### *INTRODUCTION*

Council has received an application under section 96 (1) of The Environmental Planning and Assessment Act, 1979 to modify Development Consent 0200/2013 by varying Conditions 14, 45 and 46. Section 96 (1) requires that the modified development be substantially the same development as that originally approved. The modification requested before Council is for substantially the same development as that previously approved by council being a request to clarify the floor level of the building, and minor amendments to the heights of the security fence and the acoustic fence.

Council has received and publicly notified the request for the variation of conditions 14, 45, and 46 to the Development Consent 0200/2013 for the Erection of an Industrial Workshop and Office located at 47-53 Depot Road, Mudgee being Lot 17 DP1165148 (DA 0200/2013).

The requested variations relate to the clarification of the term "Natural Ground Level" as it relates to the finished floor level of the proposed building and the amendment of the conditions relating to the 1.8 metre high fences, security and acoustic, to be constructed as part of the development.

The applicants are S A Carr and Co Pty Ltd.

The notification of these proposed variations closed for public exhibition last Friday (26 July 2013) and no submissions were received on the proposed modifications.

The application is reported to Council due to the original development application being reported to Council and also because unauthorised fill has been placed on the site.

### *REQUESTED VARIATIONS*

#### *Condition 14*

Condition 14 stated:

- 14. A registered Surveyors Certificate showing height of the building frame members upon erection. Wall heights are to be no more than 7.0m above natural ground level and the ridge height is to be no higher than 8.4m above natural ground level.*

The applicant has requested that this condition be modified to clarify "natural ground level" specifically to state a minimum floor level for the proposed building so that surface (stormwater) runoff may be drained by gravity to the street. The applicant contends that this change will result in a slight increase in the finished height of the building.

The supporting document submitted with the modification application, state that the suggested change will allow both stormwater to drain by gravity to the street and the sewer to drain by gravity to the junction at the rear of the site. The applicant continues, that the detailed survey of the site showed that the site has a fall to the north eastern corner which requires a level to be set as the minimum floor height. The suggest floor height is 483.5

#### *Officers Comments*

Condition 14 required the building to be built so that the wall heights were no greater than 7.0m above natural ground level at the lowest point on the footprint of the building and the ridge height to be no higher than 8.4m above natural ground level. General practice when determining natural ground level is to average the levels across the building pad to determine natural ground level.

From the contour plan submitted to Council prior to the start of works, a cut and fill of the floor slab area, with no greater fill level than 500mm would be required to ensure a level slab without excessive cut at the rear of the site, i.e. requiring the slab to be cut into the rear of the site.

The sewer junction for Lot 17 is located within the south east corner of the allotment at an invert level of 481.54AHD. The facilities are proposed to be located in the north east corner of the proposed building. From the contour plan provided to Council there is inadequate fall to drain waste water to the sewer. The cut and fill of the building pad by 500mm would meet the minimum standard for fall and cover for the internal sewer lines to drain to the sewer junction

From the detailed contour survey submitted to Council there appears to be adequate fall to drain stormwater to the inlet pit in Depot Road. The connection to the stormwater pit for the lot is between 1 and 1.5 m below the level of the top of the pit and there is adequate fall across the site to give the minimum one percent (1%) fall required.

Condition 14 could be modified to allow a 500mm cut and fill across the proposed location of the building and to clarify the floor level of the building.

#### *Condition 45*

Condition 45 states:

45. *All security fencing is to be pre-coloured or powder-coated and transparent in design. The fencing is to be located behind the building line. The fence must not exceed 1.8m in height.*

The applicant has requested that the proposed colorbond security fence be increased in height to 2.0m in line with Council's Development Control Code 2013 (DCP 2013) for Industrial Development. Landscaping is proposed in front of the fence as required by the DCP 2013. The fence height at 2.0m would comply with the standard set out in DCP2013. The applicant also states that the additional 20cm in height will improve security for the rear of the site

#### *Officers Comments*

Council's *Development Control Code 2013*, 4.6 Industrial Development Fencing requires:

- (a) All security fencing is to be pre-coloured or power coated.*
- (b) Open work areas or storage areas visible from a public place or street must be fenced by masonry material or pre-coloured metal cladding of minimum 2m height. This fencing is to be only located behind the front setback.*
- (c) Where perimeter fencing is proposed, any access gates are to be setback from the boundary by the length of the largest vehicle accessing the site.*

While Council at its meeting held 20 March 2013 determined that the security fencing and gates adjacent to the front building line be 1.8m high, the application was prepared prior to the finalisation of DCP 2013 which required security fencing to be 2.0m high.. The fence is proposed to be located along the front building line of Lot 17 from the proposed building to the property boundary with Lot 16.

Provide the adjoining site (Lot 16) has the same height of security fence, that is 2.0m then compliance with the DCP 2013 increasing the fence height from 1.8 to 2.0m will not adversely impact on the streetscape of Depot Road and will bring this development in line with the current Development Control Code.

*Condition 46*

Condition 46 states:

46. A 1.8m high lapped and capped timber fence is to be constructed along the top of the earth bunded acoustic barrier to provide additional noise attenuation and to further screen the development from residential areas. The fence is to be constructed of overlapping timber palings, and is to be erected prior to the commencement of any work on site.

The applicant, in their submission to support the requested modification, has given the reason for the increase in height of the acoustic fence from 1.8 to 2.1 m to largely screen the building (at the increased floor height) from the adjoining area.

*Officers Comments*

It is considered that if the applicant wants to build a higher fence (300mm higher) and that this does not impact on the amenity of the adjoining residents, then Council is able to support this request. No concerns have been raised from adjoining residents about the proposed increase in fence height.

Financial implications

Not applicable.

Strategic or policy implications

Not applicable.

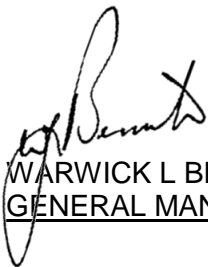


CATHERINE VAN LAEREN  
DIRECTOR, DEVELOPMENT AND COMMUNITY SERVICES

26 July 2013

*Attachments:* 1. Locality Plan  
2. Contour Plan

APPROVED FOR SUBMISSION:



WARWICK L BENNETT  
GENERAL MANAGER



Map Scale: 1:3,206

**MA0006/2014 Lot 17 Depot Road Mudgee**

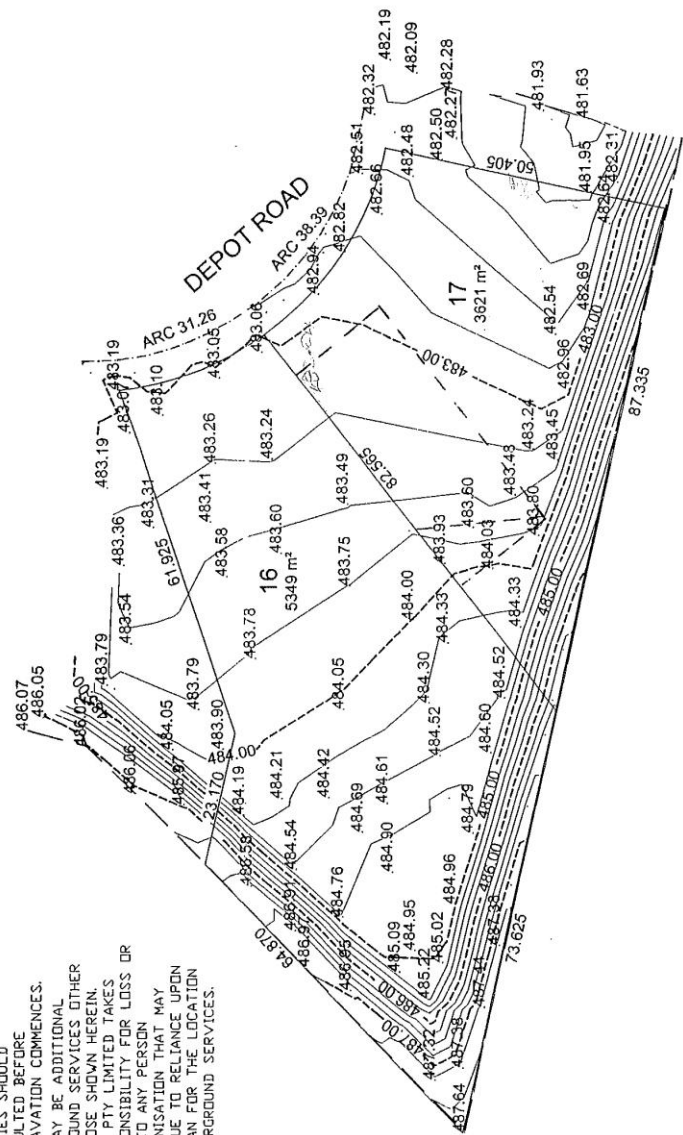
<p><b>Disclaimer</b></p> <p>This map has been created for the purpose of showing basic locality information over Mid-Western Regional Council. Property boundary line network data is supplied by Department of Lands.</p> <p>This map is a representation of the information currently held by Mid-Western Regional Council. While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions.</p>	<p><b>Legend</b></p>		<p style="text-align: center;">NORTH</p>
	<p style="text-align: center;">Printed on Monday, 29 July 2013</p>		



MAJOR CONTOUR - 1.00  
 MINOR CONTOUR - 0.25 INTERVAL  
 TOP OF ROAD  
 FENCE  
 SPOT HEIGHT  
 481.97



NOTE: THE LOCATION  
 OF UNDERGROUND SERVICES  
 IS NOT ASSURED BY BARNSON  
 PTY LIMITED. SERVICE  
 AUTHORITIES SHOULD  
 BE CONSULTED BEFORE  
 ANY EXCAVATION COMMENCES.  
 THERE MAY BE ADDITIONAL  
 UNDERGROUND SERVICES OTHER  
 THAN THOSE SHOWN HEREIN.  
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 OCCUR DUE TO RELIANCE UPON  
 THIS PLAN FOR THE LOCATION  
 OF UNDERGROUND SERVICES.



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**Client:** P&A ENGINEERING, SIMON CARR  
**Project:** NEW INDUSTRIAL SHEDS  
**Title:** LOT 16 & 17 DEPOT ROAD  
**Design:** RB  
**Drawn:** RB  
**Check:** GM  
**QA:** GM

**Drawing Sheet**  
 A1 - Scales as noted  
**Survey Date**  
 13/05/22  
**Sheet of**  
**Drawing Number**  
 18653\_L01  
**Revision**  
 A

This drawing is to be used in conjunction with general building contracts, specifications and other documents prepared by Barnson Pty Ltd or its subsidiaries.  
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