



**muswellbrook
shire council**

Muswellbrook Shire Council

**DEVELOPMENT ASSESSMENT
COMMITTEE MEETING**

**BUSINESS PAPER
8 OCTOBER 2018**



DEVELOPMENT ASSESSMENT COMMITTEE MEETING, 8 OCTOBER 2018

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
4 October, 2018

Cr Martin Rush (Chair)
Cr Brett Woodruff
Cr Rod Scholes
Carolyn O'Brien
Sharon Pope
Hamish McTaggart
Gamini Hemachandra
Mark Scandrett

You are hereby requested to attend the Development Assessment Committee Meeting to be held in the COUNCILLORS ROOM, Administration Centre, Muswellbrook on **8 October, 2018** commencing at 4.00pm.

Joshua Brown
ACTING MANAGER - INTEGRATED PLANNING & GOVERNANCE

Order of Business

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	4
2	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	4
3	DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST	8
4	BUSINESS ARISING	8
5	BUSINESS	9
5.1	DA 47/2018 - BOARDING HOUSE	9
5.2	PRELODGE MENT ADVICE AND SEWAGE SERVICING STRATEGY FOR A POTENTIAL LARGE LOT RESIDENTIAL SUBDIVISION OF LOT DP 323945 (YARRAWA ROAD DENMAN)	80
5.3	REVIEW OF RIVERS AND DRAINAGE CHANNELS POLICY - DISCUSSION PAPER	96
5.4	OUTSTANDING DEVELOPMENT APPLICATIONS REPORT	112
6	DATE OF NEXT MEETING 15 October 2018	119
7	CLOSURE	119



**MUSWELLBROOK SHIRE COUNCIL
DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

AGENDA
MONDAY 8 OCTOBER 2018

1 APOLOGIES AND LEAVE OF ABSENCE

Moved: _____ Seconded: _____

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Development Assessment Committee held on **26 September 2018**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ Seconded: _____

PRESENT: Cr M. Rush (Chair), Cr B. Woodruff and Cr R. Scholes.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mrs C. O'Brien (Acting Director – Environment & Community Services), Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development) and Mrs M. Sandell-Hay (PA to the General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

The Minutes of the Development Assessment Committee held on 17 September 2018, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

PUBLIC PARTICIPATION

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Standing Orders be amended as follows:

1. Item 5.1
2. Item 5.3 including public participation by Mr Giulio Cantarella
3. Closed Committee Item 7.1
4. Item 5.4 including public participation by the Mr and Mrs Doyle
5. Item 5.2
6. Item 5.5

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 DEVELOPMENT ASSESSMENT COMMITTEE - SUGGESTED MEETING AGENDA STRUCTURE

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Committee meeting agendas be in accordance with Council's Code of Meeting Practice which includes Public Participation.

5.3 DA 23/2018 - RURAL WORKERS DWELLING

Public Participation – Mr G. Cantarella – in support of Item 5.3 – DA 23/2018

RECOMMENDED on the motion of Crs Rush and Woodruff that:

DA 23/2018 for the construction of a rural workers dwelling be delegated to the General Manager with the inclusion of a condition relating to the rural workers dwelling being occupied in accordance with the LEP.

Members of the public left the meeting at this stage.

6 ADJOURNMENT INTO CLOSED COMMITTEE

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

The Committee adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

7.1 Outcomes of Meeting - S & J Doyle - 14 Lorne Street Muswellbrook, Drainage Channel

Item 7.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and the Committee considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

7 CLOSED COMMITTEE

7.1 OUTCOMES OF MEETING - S & J DOYLE - 14 LORNE STREET MUSWELLBROOK, DRAINAGE CHANNEL

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

The Committee Notes the information contained in this report.

8 RESUMPTION OF OPEN COMMITTEE

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

The meeting return to Open Committee.

Members of the public returned to the meeting.

5.4 DA 52/2018 DWELLING HOUSE LOT 18 DP 663977 14 LORNE STREET MUSWELLBROOK
Public Participation - Mrs S & Mr J Doyle – in support of Item 5.4 - DA 52/2018

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Committee note the report and that it be reconsidered once a VPA has been submitted and approved.

5.2 REVIEW OF RIVERS AND DRAINAGE CHANNELS POLICY - DISCUSSION PAPER

RECOMMENDED on the motion of Crs Rush and Scholes that:

This item be deferred to the next meeting for consideration.

5.5 OUTSTANDING DEVELOPMENT APPLICATIONS REPORT

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

The Committee note the undetermined Development Applications listed in Attachment A and the status of their assessment.

9 DATE OF NEXT MEETING

8 October, 2018

10 CLOSURE

The meeting was declared closed at 5.45pm.

.....

Cr M. Rush

Chairperson

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Section 451 of the Local Government Act requires that if a councillor or member of a council or committee has a pecuniary interest in any matter before the council or committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

4 BUSINESS ARISING

5 BUSINESS

5.1 DA 47/2018 - BOARDING HOUSE

Attachments:	A. DA 47/2018 Section 4.15 Assessment B. DA 47/2018 Recommended Conditions of Consent C. DA 47/2018 Proposed Plans D. DA 47/2018 - Statement of Environmental Effects E. DA 47/2018 Plan of Management F. DA 47/2018 Waste Minimisation Management Plan G. DA 47/2018 Referral Comments Community Partnerships
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning & Community Services
Author:	Hamish McTaggart - Senior Development Planner
Community Plan Issue:	<i>Support initiatives which reduce the community's impact on the environment</i>
Community Plan Goal:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>
Community Plan Strategy:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>

PURPOSE

This report has been prepared to inform the Development Assessment Committee in determining Development Application (DA) 47/2018. This Development Application has been assessed by Council Officers and a copy the Section 4.15 Assessment Report (Attachment A) and recommended conditions of Consent (Attachment B) are attached for Council's information.

At Council's 11 September 2018 Meeting Council resolved to:

...delegate to the Development Assessment Committee the determination of any development applications under the Environmental Planning and Assessment Act 1979 otherwise delegated to the General Manager, which the Development Assessment Committee by resolution elects to determine.

At its 20 August 2018 meeting, the Development Assessment Committee resolved that DA 47/2018 be referred to the Committee for consideration.

This application was reported to the Development Assessment Committee's 17 September 2018 meeting for determination. At this, meeting the following recommendation was put forward and passed by the Committee:

- 1. The Committee request that the matter be referred to Community Partnerships for a Social Impact Assessment Report, and;*
- 2. That the items in this report be taken into consideration by the Committee and Council*

The proposed development was referred to Council's Community Partnerships Team with comments received in relation to the application on the 21 September 2018 (see Attachment G). These comments have been considered by Council Planning Officers and the recommended conditions of consent adjusted to include an additional condition to require the boarding house to be operated in a manner consistent with the particulars submitted in the Statement of Environmental Effects.

The application is now being re-reported to the Development Assessment Committee with the Community Partnership Team Comments for consideration and determination (see Attachment D).

OFFICER'S RECOMMENDATION

That Council approve DA 47/2018 for a boarding house at Lot 495 DP 1175898, 42 Wollombi Road Muswellbrook, subject to the recommended conditions of consent contained in Attachment B.

Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSAL

The proposed development involves the construction and operation of a boarding house at 28 Wollombi Road, Muswellbrook (Lot 495 DP 1175898).

The proposed boarding house is single-storey and contains five (5) bedrooms. Each bedroom will be provided with private bathroom amenities and kitchen utilities, while a common laundry, living and outdoor area will be provided for the benefit of all lodgers. Two enclosed garage car parking spaces will be provided along with external bicycle and motor cycle parking. When originally lodged the development application and accompanying information suggested that the proposed boarding house would accommodate a maximum of ten (10) lodgers, however, the applicant provided correspondence on the 20 August 2018 to clarify that the proposed development is intended to house five (5) lodgers only.

The land subject to this application is identified in the image below.



ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Section 4.15 Assessment is provided in Attachment A. The findings of this Section 4.15 Assessment have

informed the recommendation of Council Officers to the Development Assessment Committee that the proposed development be approved subject to the recommended conditions of consent. The recommended conditions of consent are provided in Attachment B.

Key considerations and findings of the Section 4.15 Assessment include:

- The proposed development is in accordance with all relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The proposed development has been considered against all relevant provisions of the SEPP Affordable Rental Housing (ARH) 2009. The SEPP (ARH) 2009 prevents the refusal of a development application for a boarding house for reasons related to floor space ratios, building height, landscaping, solar access, private open space, vehicle parking and accommodation size where the development meets the SEPP ARH criteria for each of these matters. The proposed development complies with the SEPP ARH requirements for these matters.
- The proposed development was considered against the provisions of other relevant State Environmental Planning Policies (SEPP's). There are no provisions in any other SEPP which would prevent Council from granting development consent to the proposed development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP). The proposal was considered to be generally in accordance with the DCP and conditions of consent have been recommended to ensure compliance with DCP provisions.
- The proposed development was considered unlikely to have a significant environmental impact provided it is carried out in accordance with the proposed plans, plan of management submitted in relation to the boarding house operation and recommended conditions of consent.
- The proposed development was referred to Council's Building Surveyor, the Community Partnerships Team, the Community Infrastructure Department and the Water and Waste Section and externally to the NSW Police Force. Details relating to these referrals are included in the Section 4.15 Assessment. Comments received did not present any reason to refuse development consent to the proposed development and have informed the development assessment and recommended conditions of consent.

COMMUNITY CONSULTATION

The Development Application was notified and advertised in accordance with the provisions of the Muswellbrook DCP. The proposed development was notified to neighbouring properties between *13 June 2018 to 27 June 2018* and a notice of the proposed development appeared in the Hunter Valley news on 13 June 2018.

No submissions were received during the notification period.

INTERNAL CONSULTATION

The proposed development was referred to:

- Council's Building Surveyor, the Community Infrastructure Department and the Water and Waste Section. Comments received did not present any reason to refuse development consent to the proposed development and have informed the development assessment and recommended conditions of consent.
- The NSW Police Force for consideration. The NSW Police raised comments in relation to graffiti removal, entry control, signage installations to deter anti-social behaviour and the proposed location of bicycle stores. These comments were provided to the applicant who amended the proposal to include a plan of management to address the NSW Police requirements and additional Council requirements, and altered the proposal to relocate bicycle store locations to a more secure space.
- Council's Community Partnerships Team for consideration in accordance with the recommendation of the Development Assessment Committee. These comments have been

included as Attachment G to this report for the Committee's information. An additional condition of consent has been included in the recommended conditions of consent following the consideration of the referral comments. The recommended condition is to restrict the operation and occupation of the boarding house in a manner that is consistent with the proposed operation put forward in the Statement of Environmental Effects.

OPTIONS

Council Officers have completed an assessment of the proposed development against the relevant provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. This assessment concludes that the proposed development would be in accordance with the relevant provisions of Section 4.15 and recommends the approval of the development application subject to the conditions contained in Attachment B.

The Development Assessment Committee may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development unconditionally or subject to amended conditions of consent, or
- C) Refuse development consent to the proposed development and nominate reasons for refusal.
- D) Resolve not to determine the development application and defer its determination to the elected Council.

LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application they have an opportunity under the provisions of the *Environmental Planning and Assessment Act 1979* to appeal that determination at the Land and Environment Court.

CONCLUSION

DA 47/2018 has been reported to the Development Assessment Committee as a result of a resolution of the Committee on 20 August 2018.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. Staff recommend that the Development Assessment Committee grant development consent to DA 47/2018 subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT: 495 DP: 1175898 REF: DOH 28 WOLLOMBI ROAD MUSWELLBROOK
APPLICATION No:	47/2018
PROPOSAL:	Boarding House
OWNER:	Orcam Corp Pty Limited
APPLICANT:	Baini Design Po Box 2402 North Parramatta NSW 1750
AUTHOR:	Mr H A McTaggart & Ms L Cumming
DATE LODGED:	31/05/2018
ADD. INFO REC'D:	2 August 2018
DATE OF REPORT:	6 August 2018

SUMMARY

ISSUES: Nil

SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to conditions

1.0 DESCRIPTION OF THE PROPOSAL

A development application has been lodged with Council for the construction and operation of a boarding house at 28 Wollombi Road, Muswellbrook. The land subject to this development application is formally identified as Lot 495 DP 1175898.

The development application proposes the construction of a new single-storey boarding house. The boarding house would include five (5) bedrooms to house a maximum of five (5) lodgers. It is relevant to note that the information accompanying the development application references a maximum of ten (10) lodgers, however correspondence from the applicant dated 20 August 2018 advised that the proposed development is intended to house only five (5) lodgers. Each bedroom would be provided with private bathroom amenities and kitchen utilities, while common laundry facilities, living and outdoor area would also be provided for the benefit of all lodgers. Two enclosed (2) garage car parking spaces would be provided along with external bicycle and motor cycle parking.

A plan of management has also been provided to Council to outline how the site would be operated and managed.

2.0 SITE AND LOCALITY DESCRIPTION

The site subject to this development application is 28 Wollombi Road, Muswellbrook. The property is formally identified as Lot 495 DP 1175898.

The land is zoned R1 General Residential under the Muswellbrook Local Environmental Plan 2009.

A site inspection was undertaken on 14 August 2018 which raised no issues that could not be dealt with by way of appropriate conditioning.

3.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, the plans and other documentation submitted with the Application, the applicant *has* provided adequate information to enable an assessment of the Application.

4.0 SPECIALIST COMMENTS

4.1 Internal Referrals

The application was referred to Council's Building Section, Technical Services, Water and Waste and Community Partnerships.

Water & Waste Officer

- Water and sewer service is available to the development.
- S64 Developer Charge of \$45,575.85 is applicable to the development (Sewer = \$29,860.00 and Water = \$15,715.85). Following further discussions with water and waste the applicable Section 64 contributions were revised on the understanding that the proposed development would be comprised of five (5) tenancies. The most up to date Section 64 contributions will be referenced in the recommended conditions of consent.
- A Notice of Requirements under the Water Management Act 2000 will be issued outlining these requirements.

Community Infrastructure Officer

- Layback in the kerb is existing to the site.
- A standard condition regarding a concrete vehicular access is required.

- Prior to any construction within the road reserve such as the construction of a driveway the applicant must apply for a S138 permit from Council.
- Where a driveway is to enter existing kerb and gutter and/ or no layback of the kerb exists, the kerb and gutter shall be broken out neatly between two saw cuts. The layback shall be constructed in accordance with details on MSC standard Drawing No. 4. Any driveway made redundant shall be broken out and replaced with standard kerb and gutter.

Building Surveyor

- To comply with the provisions of the National Construction Code the proposed development would require a room and associated amenity to be constructed as an accessible accommodation unit and for the building to be designed with an accessible path of travel to that room from the on-site parking and principle entrance to the premises.
- A request for further information (and alterations to the building's design as necessary/appropriate) to demonstrate that the premises would comply with the accessibility requirements of the National Construction Code Series was made resulting in a minor alteration of the plan. (Project 18133 Drawings 01-05 Revision A dated 16/07/18)

Community Partnerships

The comments provided from Council's Community Partnerships Team are as follows:

The Statement of Environmental Effects attached to DA47/2018, states that the "students are to be the key target market for future residents considering the site's proximity to the Muswellbrook TAFE" (p.3). The following observations reflect the primary use as 'student accommodation'.

Public transport in the Wollombi Rd area is provided by Osborn's Bus Service and the area is serviced Monday to Friday between 9:13am and 1:52pm by four services and on Saturdays between 9:13am and 12:11pm by three services (excluding public holidays). It is not serviced on Sundays. Students who rely on public transport will be disadvantaged by the dearth of practical public transport, both in travelling within the Muswellbrook township and beyond its environs. For example, a student attending TAFE catching the 9:13am bus from Wollombi Road will arrive at the Maitland & Sydney Street bus stop at 10:45am. As bus services are only provided during school hours, there is no capacity for a student to catch public transport back to Wollombi Road in the afternoon. Likewise, connectivity between local public transport and trains and/or buses beyond is negligible, with no connections to regional buses (Sid Fogg) in the Newcastle direction; and only one unbooked train option from Muswellbrook to Maitland requiring a wait of 30 minutes. Should a student be required to attend classes, internships, or similar in a metropolitan region, public transport is not a practicable option. Additionally, although Osborn's has accessible buses, it is unclear whether the Sydney Street Loop (which services Wollombi Road) is serviced by an accessible bus, meaning students with mobility issues potentially have zero public transport opportunities.

Access to other public transport options, such as taxis, which are likely to be a prohibitive cost to the proposed tenants of this DA, are extremely limited in Muswellbrook.

Walking or cycling as an option is feasible, however, both TAFE and the nearest services (Muswellbrook Fair), are approximately 2 kilometres from Wollombi Road. If a student has mobility issues or is acutely or chronically ill and does not have access

to a private motor vehicle, these distances may be a disincentive to them being able to tenant the proposed premises although they may be fit for purpose otherwise. This potentially disadvantages students who most need affordable housing.

Noting the poor access to suitable public transport, it is likely that any student lodger will require access to a private vehicle. At the time of application, the SEPP provided for 0.4 parking spaces per room which is a higher ratio intended to acknowledge that this area is poorly serviced by public transport. As indicated by in the DA47/2018 – Boarding House report to the Development Assessment Committee, the DA meets this parking/room ratio requirement. This ratio is logical in a metropolitan area where parking is at a premium and an adequate public transport system exists. It may not be as applicable in regional areas where private vehicle transport is imperative.

Students are typically categorised as having low socio economic status, as they are often studying full-time and working part-time to cover the cost of living. The Wollombi Road area is one that has an historically low SEIFA result. In providing additional low cost housing in the area, there is a potential risk of further entrenching the adverse perceptions some members of the community have of the area. Alternatively, a new, modern and amenable building in the area could be perceived as a starting point in improving the amenity of the area.

*Although the target group of this application is students, there is no way of determining how students will be targeted as the key audience; who else may be targeted; and what strategies will be used to ensure that priority is given to students. **Recommendation** - if student accommodation is the only priority, potentially this should be made explicit and a condition placed on the development that specifies that occupants will be enrolled in an accredited educational facility.*

Planning comments: these comments have been reviewed by Council's Senior Development Planner and a condition has been drafted to limit the scope of the boarding houses occupation in a manner that would be consistent with the targeted tenant groups and particulars put forward by the Statement of Environmental Effects submitted alongside the development application. This recommended condition has been put forward in view of the comments provided by Community Partnerships. These comments suggest that a review of the social impacts of the proposed development has been carried out based on the scope of its intended use put forward by the Statement of Environmental Effects and therefore should be restricted along those terms. The Social impact assessment suggests a condition to make explicit that the use of the premises be only for students, however it was considered that it may not be reasonable to impose a condition restricting the occupation of the development to only students where the Statement of Environmental Effects suggests a wider audience inclusive of single retirees and working singles, and the comments provided by Community Partnerships do not contain any information which suggests that the occupation of the premises by these groups would have significant adverse social outcomes. Therefore, a condition has been drafted to limit the scope of the premises occupation to the parameters put forward in the Statement of Environmental Effects.

The comments of each section have been reviewed and have informed the recommended conditions of consent.

4.2 External Referrals

4.2.1 NSW Police

A Crime Prevention Through Environmental Design assessment was undertaken with the following issues being raised.

- To consider the environmental and safety and security implications of the proposed development, Council requires the submission of a plan of management for the operation of the proposed development. The plan of management should detail the following:
 - Information outlining how the operations of the proposed boarding house are to be managed. It is observed that the proposed development does not suggest that a site management would be present at the site. Council is therefore requires information regarding the proposed lodging arrangement of the premises and how accommodation bookings are proposed to be managed. regarding how accommodation bookings and customer stays are to be managed.
 - Proposed staffing arrangements including contact information for the person responsible for managing and maintaining the premises.
 - Measures to ensure guest numbers do not exceed those proposed.
 - Details of professional cleaning controls to ensure the premises is maintained in a tidy manner free of vermin.
 - Details of rules/Code of Conduct to be followed by guests. Details of how code of conduct is to be made available to all guests.
 - Details of proposed safety and security measures which consider and address matters raised by the NSW Police in their correspondence dated 9 July 2018. Including;
 - Graffiti removal
 - Entry control systems for external doors
 - Installation of viewing holes for external doors
 - Details of any signage to deter anti-social behaviour

Their response was provided to the applicant who provide a Plan of Management for the Operation of the Boarding House, which adequately addresses these matters.

- The location of the bicycle stores should also be reviewed with a view of bicycles/bikes being stored at a more secure location on the premises where they are not highly visible from the road and may be passively observed by the site occupants.

The proposed location of the motorbike and bike storage/parking areas were altered and shown on the modified plans.

5 ASSESSMENT

This report provides an assessment of the material presented in the Application against the relevant State and local planning legislation and policy.

Section 4.15 Matters for Consideration

Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)

The following EPIs, DCPs, Codes and Policies are relevant to this Application:

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned R1 General Residential pursuant to MLEP 2009. The proposal is best defined as

boarding house means a building that:

- a) is wholly or partly let in lodgings, and*
- b) provides lodgers with a principal place of residence for 3 months or more, and*
- c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and*
- d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,*

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note: Boarding houses are a type of residential accommodation.

which is permitted with consent in the subject Zone.

Objectives of the R1 General Residential Zone

- 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.*
- To enable sensitive infill development of other housing types.*
- To allow people to carry out a reasonable range of activities from their homes, where such activities do not adversely affect the living environment of neighbours.*
- To promote the principles of ecological sustainable development including energy and water efficient subdivision and housing design.*
- To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.*
- To ensure that development is carried out in a way that is compatible with the flood risk of the area.*

It is considered that the development proposal is not contrary to the objectives of the Zone.

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>1.1 Name of Plan</i>	Muswellbrook Local Environmental Plan 2009
<i>1.1AA Commencement</i>	The MLEP 2009 was gazette 17 April 2009.
<i>1.2 Aims of Plan</i>	Noted
<i>1.3 Land to which Plan applies</i>	The MLEP 2009 applies to the whole of Muswellbrook Local Government Area.
<i>1.4 Definitions</i>	Noted
<i>1.5 Notes</i>	Noted
<i>1.6 Consent authority</i>	The consent authority for this development is Muswellbrook Shire Council.
<i>1.7 Maps</i>	Noted.
<i>1.8 Repeal of planning instruments applying to land</i>	Noted.
<i>1.8A Savings provision relating to pending development applications</i>	Noted
<i>1.9 Application of SEPPs</i>	Noted
<i>1.9A Suspension of covenants, agreements and</i>	Noted

Item 5.1 - Attachment A DA 47/2018 Section 4.15 Assessment

<i>instruments</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.1 Land use zones</i>	Noted
<i>2.2 Zoning of land to which Plan applies</i>	See above
<i>2.3 Zone objectives and Land Use Table</i>	See above
<i>2.4 Unzoned land</i>	Not applicable
<i>2.5 Additional permitted uses for particular land</i>	Not applicable
<i>2.6 Subdivision—consent requirements</i>	Not applicable
<i>2.7 Demolition requires development consent</i>	Not applicable
<i>2.8 Temporary use of land</i>	Not applicable
<i>Part 3 Exempt and complying development</i>	
<i>3.1 Exempt development</i>	Not applicable
<i>3.2 Complying development</i>	Not applicable
<i>3.3 Environmentally sensitive areas excluded</i>	Not applicable
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	Not applicable – MLS 600m2
<i>4.1AA Minimum subdivision lot size for community title schemes</i>	Not applicable
<i>4.2 Rural subdivision</i>	Not applicable
<i>4.3 Height of buildings</i>	MLEP 2009 specifies a maximum building height of 8.5 m in relation to the land. The proposal does not involve building works over 8.5.
<i>4.4 Floor space ratio</i>	MLEP 2009 specifies a floor space ratio of 0.5 in relation to the land. The proposal does not involve building works that would result in floor space greater than 0.5 of the site.
<i>4.5 Calculation of floor space ratio and site area</i>	Not applicable
<i>4.6 Exceptions to development standards</i>	Not applicable
<i>Part 5 Miscellaneous provisions</i>	
<i>5.1 Relevant acquisition authority</i>	Not applicable
<i>5.2 Classification and reclassification of public land</i>	Not applicable
<i>5.3 Development near zone boundaries</i>	Not applicable
<i>5.4 Controls relating to miscellaneous permissible uses</i>	Not applicable
<i>5.5 Development within the coastal zone</i>	Not applicable
<i>5.6 Architectural roof features</i>	Not applicable
<i>5.7 Development below mean high water mark</i>	Not applicable
<i>5.8 Conversion of fire alarms</i>	Not applicable
<i>5.9 Preservation of trees or vegetation</i>	Not applicable
<i>5.9AA Trees or vegetation not prescribed by development control plan</i>	Not applicable
<i>5.10 Heritage conservation</i>	Not applicable
<i>5.11 Bush fire hazard reduction</i>	Not applicable
<i>5.12 Infrastructure development and use of existing buildings of the Crown</i>	Not applicable

5.13 Eco-tourist facilities	Not applicable
Part 6 Urban release areas	
6.1 Arrangements for designated State public infrastructure	Not applicable
6.2 Public utility infrastructure	Not applicable
6.3 Development control plan	Not applicable
6.4 Relationship between Part and remainder of Plan	Not applicable
Part 7 Additional local provisions	
7.1 Terrestrial biodiversity	Not applicable
7.2 Subdivision in Zone RU1 Primary Production and Zone E3 Environmental Management	Not applicable
7.3 Controls relating to rural worker's dwellings	Not applicable
7.4 Subdivision in Zone R1 General Residential and Zone RU5 Village	Not applicable
7.5 Erection of dwelling houses on land in certain rural and environmental protection zones	Not applicable
7.6 Earthworks	The earthworks involved are considered appropriate for this development. They are considered to be minimal.
7.7 Development at Muswellbrook Showground	Not applicable
7.8 Events permitted on public reserves and public roads without development consent.	Not applicable

2. State Environmental Planning Policy

The following State Environmental Planning Policy applies to the Muswellbrook Local Government Area and was considered applicable to the proposed development.

- SEPP (Affordable Rental Housing) 2009

Part 2 Division 3 of the SEPP is relevant for development for the purposes of boarding houses and Clause 29 and Clause 30 of the SEPP outlines development standards that cannot be used to refuse consent to a boarding house where a proposed development would achieve or exceed these minimum requirements.

The standards have been referenced in the table below and assessed against relevant attributes of the proposed development.

Note: the standards considered in both tables below are the standards contained in the SEPP at the time the application was lodged. The SEPP was amended on the 1 June 2018. The only changes to the SEPP resulting from that amendment relating to applications involving boarding houses were related to the rate of applicable vehicle parking. This change would have imposed a rate of vehicle parking relevant to the development of 0.5 rather than the existing relevant criteria of 0.4. The changes made to the SEPP have been considered under the Draft Environmental Planning Instrument heading of this Section 4.15 Assessment.

SEPP (ARH) 2009 CI29 Standard	Proposed Development	Complies
Floor Space Ratio – 0.5:1	The proposed development would not exceed the maximum FSR of 0.5:1. This FSR is also applicable to the land under the Muswellbrook LEP 2009 and the proposed development has been considered against this requirement under the Muswellbrook	Yes

	LEP 2009 heading of this assessment.	
Building height – 8.5m	The height of the proposed development would not exceed 8.5m.	Yes
Landscaping to be compatible with the streetscape	The land subject to this development application is situated in an established residential area. There is no established theme for landscaping in the area and the landscaped proposed at each street frontage of the site is considered to be appropriate for the site.	Yes
Solar Access 3 hours of direct sunlight to living rooms in mid-winter	The Site analysis plan illustrates the solar access for the proposed development. It is clear from this plan that the living room area would maintain good solar access throughout winter periods.	Yes
Private Open Space – 20m ²	A verandah with an area of 27m ² in the rear yard of the proposed development would provide occupants with private open space in excess of the 20m ² minimum.	Yes
Parking – at a rate of 0.4 spaces per boarding room.	<p>At the time the application was lodged the SEPP provisions specified that development for the purpose of a boarding house could not be refused where parking spaces are provided at a rate of at least 0.4 parking spaces per boarding room. The SEPP also provides a definition of the term ‘accessible area’ and the land subject to this application does not achieve the criteria for it to be considered an ‘accessible area’ which would be subject to a more relaxed rate of parking.</p> <p>It is also relevant to observe that the Standard Instrument Order defines the term parking space as follows:</p> <p><i>“parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.”</i></p> <p>This definition is inclusive of a parking space used by any ‘motor vehicle’ and thereby it is relevant to calculate the two (2) car parking spaces proposed and one (1) motor cycle vehicle parking space in the overall number of parking spaces at the site.</p> <p>In view of the above the total available parking spaces proposed has been calculated as three (3) which must be measured against the five (5) boarding rooms propose to identify the car parking ratio provided. The 3:5 ratio of parking spaces to boarding rooms equates to car parking being provided at a rate of 0.6 parking spaces per boarding room. A rate which exceeds criteria of 0.4 parking spaces per bedroom which when achieved the SEPP specifies that a development</p>	Yes

Item 5.1 - Attachment A DA 47/2018 Section 4.15 Assessment

	application may not be refused due to a lack of vehicle parking.	
Accommodation Size <ul style="list-style-type: none"> - 12m² – room intended to be used by a single lodger - 16m² in any other case 	<p>Each bedroom would have an area greater than 12m² (excluding bathroom spaces) the minimum standard for a bedroom to be used by a single person is 12m² and the proposed development would be compatible with this requirement.</p> <p>The applicant has expressed that the proposed development would accommodate a five (5) occupants and would include five (5) separate bedrooms. As discussed above the SEPP prohibits the refusal of an application where the minimum bedroom size for a room intended to be used by a single person would exceed 12m². All proposed rooms would be in accordance with this requirement and therefore the application may not be refused based on the size of the proposed accommodation.</p>	Yes

Clause 30 provides for development standards which must be addressed by any development for the purpose of a boarding house, and requires a consent authority to refuse to grant development consent to a proposed development where they are not adequately addressed. The relevant provisions of Clause 30 are considered in the following table:

SEPP (ARH) 2009 C130 Standard	Proposed development	Complies
Boarding house of 5 or more rooms to have communal living areas	Proposed development would have 5 bedrooms and includes a proposed communal living area	Yes
No boarding room will have a Gross Floor area (excluding bathrooms and kitchens) of more than 25m ²	All boarding rooms would have total floor areas less than 25m ² . The areas of boarding rooms would range between 12 and 13m ²	Yes
No boarding room would be occupied by more than 2 adult lodgers	No boarding room is proposed to have more than 2 adult lodgers.	Yes
Adequate bathroom and kitchen facilities will be available at the boarding house for use by each lodger	Each boarding room would be provided with kitchen and bathroom facilities	Yes
If boarding house has a capacity for more than 20 lodgers a boarding room or on-site dwelling is to be provided for a boarding house manager	The proposed development would not have a capacity for more than 5 boarders therefore the provisions of this requirement are not relevant to the proposal.	Not Relevant
If the boarding house is located on land zoned primarily for commercial purposes no part of the boarding house adjoining the streetscape is to be used for residential purposes	The proposed development is located in a primarily residential zone, therefore this provision is not relevant to the proposal.	Not Relevant
At least one parking space will be provided for a motor cycle and one parking space for a bicycle for every 5 borders	A parking space for 2 bicycles and a motor cycle are proposed for the development.	Yes

SEPP (ARH) 2009 Conclusion

Noting the above it is observed that the proposed development would be in accordance with the SEPP requirements for FSR, building height, landscaping, solar access, private open space, vehicle parking and accommodation size. Therefore, the application cannot be refused using reasoning that the proposal would be inadequate in any of these areas.

It is also observed that the proposed development would comply with all the provisions of Clause 30 of the SEPP, which require Council not to grant consent to an application that does not meet a requirement imposed by this Clause.

In view of the above the proposed development is considered to be in accordance with all relevant provisions of the SEPP (ARH) 2009.

Other SEPP's

The following State Environmental Planning Policies apply to the Muswellbrook Local Government Area and were considered and found not to be applicable to the proposed development.

- SEPP No. 21 Caravan Parks
- SEPP No. 30 Intensive Agriculture
- SEPP No. 33 Hazardous and Offensive Development
- SEPP No. 36 Manufactured Home Estates
- SEPP No. 44 Koala Habitat Protection
- SEPP No. 55 Remediation of Land
- SEPP No. 62 Sustainable Aquaculture
- SEPP No. 64 Advertising and Signage
- SEPP No. 65 Design Quality of Residential Flat Development
- SEPP (Housing for Seniors or People with Disability) 2004
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (infrastructure) 2007
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (miscellaneous Consent Provisions) 2007
- SEPP (Rural Lands) 2008
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (State and Regional Development) 2011
- SEPP (Vegetation in Non-Rural Areas) 2017
- SEPP (Educational Establishments and Child Care Facilities) 2017

Section 4.15(1)(a)(ii) the provisions of any draft Environmental Planning Instrument

The following State Environmental Planning Policies apply to the Muswellbrook Local Government Area and are either currently being reviewed by NSW Planning & Environment or are under public consultation as a draft. Each was considered and found not to be applicable to the proposed development.

- SEPP No. 30 Intensive Agriculture
- SEPP No. 44 Koala Habitat Protection
- SEPP No. 62 Sustainable Aquaculture
- SEPP (Housing for Seniors or People with Disability) 2004
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (Rural Lands) 2008
- SEPP (Exempt and Complying Development Codes) 2008

SEPP (Affordable Rental Housing) Amendment (Parking for Boarding Houses) 2018

At the time this application was lodged an amendment to the SEPP (ARH) 2009 had been subject to public consultation. The SEPP was formally amended on the 1 June 2018, however at the time the development application was lodged the SEPP had not been amended and it is relevant to consider the provisions of the Amendment as a Draft Environmental Planning Instrument only.

This Draft Environmental Planning Instrument sought to amend the provisions of the SEPP (ARH) in relation to the provision of parking spaces for boarding houses by imposing different rates for the provision of parking spaces for development carried out by a social housing provider and development not carried out by a social housing provider.

Under the provisions of the Draft Environmental Planning Instrument where car parking was provided to a development at a minimum rate of 0.5 spaces for each boarding room the development could not be refused on the grounds of insufficient parking. Under this proposed development car parking would be provided at a rate of 0.6 parking spaces per boarding room and would exceed the amended parking requirement put forward by this Draft Environmental Planning Instrument as well as the 0.4 rate stipulated by the SEPP as in force at the time the application was lodged. Accordingly, this Draft Environmental Planning Instrument presents no further issue for the proposed development.

Section 4.15(1)(a)(iii) the provisions of any development control plan

Muswellbrook DCP

Section 4 Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from *13 June 2018* to *27 June 2018*. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received during the notification period.

Section 6 Residential Accommodation

It is relevant to observe that provisions of this part are relevant to residential accommodation and that boarding houses are identified as a type of residential accommodation under the Standard instrument LEP. It is also relevant to observe that the legislation surrounding the assessment of development applications establishes DCP's to be subordinate to Environmental Planning Instruments in importance. Accordingly, where there is a discrepancy between the provisions of the DCP and an Environmental Planning Instrument such as the MLEP 2009 or SEPP (ARH) 2009 the provisions of the later would prevail.

The Statement of Environmental Effects submitted with the development application considered the proposed development against the requirements of the DCP. This Statement of Environmental Effects concluded that the proposed development was in accordance with the provisions of this Section of the DCP. The review of the proposed development against the provisions of this Section of the DCP by Council Officers identified no issues with this finding and it is therefore submitted that the provisions of Section 6 of the DCP do not present any issues that would prevent Council granting development consent to the proposed development.

Section 16

As discussed above the provisions of the DCP are overridden by the SEPP (ARH) 2009 where ever there is an inconsistency between the documents. However, based on the Council Officers interpretation of the SEPP's use of the word 'parking' the proposed development is considered to comply with the SEPP requirements and therefore may not be refused on the basis of any inconsistencies with the DCP's parking requirements. A review of the DCP suggests a minimum of three (3) car parking spaces would need to be provided to service the development, and two (2) car parking and one (1) motor cycle parking spaces have been proposed.

Section 20 Erosion and Sediment Controls

Erosion and Sediment Control (Section 20) will be conditioned with standard conditions for provision and maintenance during construction.

Section 21 Contaminated Land

There is no reason or past historical use to identify this land as being contaminated.

Section 24 Waste Minimisation and Management

Waste Management has been submitted in relation to the construction and operation of the premises.

The plan is considered to be in accordance with the requirements of this Section of the DCP.

Section 25 Stormwater

Not Stormwater Management issues have been identified that cannot be dealt with by way of imposing standard conditioning.

Section 94 Contributions Plan 2001

This development is not application to the Section 94 Contribution Plan.

Section 94A Contributions Plan 2009

A developer contribution of \$2,980.00 will apply to the proposed development should the Application be approved.

This is based on an estimated development cost of \$2000/m² gross floor area = \$298,000. Policy D7 – 1 identifies that the estimate cost/m² has not been identified within its policy for boarding houses and based on research on the industry accepted estimated building cost provider, Cordells, that a cost of \$2,000/m² is appropriate for the nature of the construction for this development.

The following sections of the Muswellbrook Development Control Plan 2009 were considered and found not to be applicable to the proposed development:

Section 1 - Introduction	Section 2 – Submitting an application
Section - Notification	Section 6 – Residential Development
Section 16 – Carparking and Access	Section 20 – Erosion and Sediment Control
Section 21 – Contaminated Land	Section 24 – Waste Management
Section 25 – Stormwater Management	

Section 4.15(1)(a)(iia) the provisions of any planning agreement

There are no planning agreements relevant to the subject Application.

Section 4.15(1)(a)(iv) the provisions of the regulations

Division 8A of the Environmental Planning and Assessment Regulation 2000 applies to the development.

Section 4.15(1)(a)(v) the provisions of any coastal zone management plan

This item is not relevant to the subject Application. The Application does not relate to a coastal area.

Section 4.15(1)(b) the likely impacts of that development

Expand on Significant Matters listed in the table below.

The following additional matters were considered and, where applicable, have been addressed elsewhere in this report:

Context & Setting	Waste
Built Form	Energy
Potential Impact on Adjacent Properties	Noise and Vibration
Access, Traffic and Transport	Natural hazards
Public Domain	Technological hazards
Utilities	Safety, Security, and Crime Prevention
Heritage	Social Impact on Locality
Other land resources	Economic Impact on the Locality
Water	Site Design and Internal Design
Soils	Construction
Air & microclimate	Cumulative Impacts
Flora & fauna	

Section 4.15(1)(c) the suitability of the site for the development

It is considered that the development is compatible with surrounding land uses and site characteristics, subject to consent conditions.

Section 4.15(1)(d) any submissions made

A total of 0 submissions were received during the notification period:

Section 4.15(1)(e) the public interest.

It is considered that the proposal is not contrary to the public interest .

NSW Legislation

There is a number of applicable legislation that needs to be considered and referred to in the assessment of this application. The applicable legislation has been listed at the start of the report. The assessment has considered these pieces of legislation throughout the report in their relevant sections, however, the following legislation has not been discussed in detail elsewhere in the report.

In addition to the provisions of the Environmental Planning and Assessment Act 1979 which governs the assessment procedures for the this development application it is also relevant to observe that there is specific legislation which relates to the operation and occupation of a Boarding House being the *Boarding Houses Act 2012* and *Boarding Houses Regulation 2013*. This legislation prescribes requirements for the operation of boarding houses including in relation to health and hygiene, record keeping and reporting requirements. It would be necessary for all future operation of the boarding house to comply with these NSW State Government requirements.

Council Adopted and Draft Policies

The following policies have been adopted by Council and are required to be considered in the assessment of the application.

At the Development Assessment Committee Meeting where this item was previously considered Council Officers were advised that Council had previously prepared a confidential Wollombi Road Residential Precinct Masterplan. The Assessing Officers have been given access to this plan and have reviewed the proposed development against its provisions. The land subject to this development application is not identified as a property for acquisition or development as part of improved connectivity or infrastructure development

associated with this strategy.

D7/1 Development Cost Estimating

As the costing schedule to this policy does not relate specifically to boarding houses, a cost of \$300,000 has been applied to this development. This is based on the number of bathrooms within the dwelling.

5 CONCLUSION

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been placed on public exhibition for a minimum of fourteen days with no submissions being received.

It is recommended the application be approved subject to conditions of consent.

Signed by:

Libby Cumming
Contract Strategic Planner
Date: 14 August 2018

Hamish McTaggart
Senior Development Planner

IDENTIFICATION OF APPROVED PLANS & DEVELOPMENT

1. Development in Accordance with Plans

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Revision	Drawn by	Drawing Date	Received
18133-01	A	Baini Design	16.7.2018	2.8.2018
18133-02	B	Baini Design	16.7.2018	2.8.2018
18133-03	C	Baini Design	16.7.2018	2.8.2018
18133-04	D	Baini Design	16.7.2018	2.8.2018
18133-05	E	Baini Design	16.7.2018	2.8.2018

3. Development in Accordance with Documentation

The development is to be carried out generally in accordance with the following documents except where amended by the following conditions:

Title	Written by	Date
Statement of Environmental Effects	Think Planners	16.5.2018
Waste Management Plan	Baini Design	16.5.2018
Plan of Management	Think Planners	23.7.2018

Note: the plan of management is to be amended to reference that the premises will be limited to a maximum of 5 lodgers in accordance with the requirements of this consent.

3. Limitations to the number of lodgers

Despite any reference to the contrary in the Statement of Environmental Effects, Plan of Management or other documentation accompanying this development application, the premises is approved to house no more than a maximum of five (5) individual lodgers at any time.

4. Limitation for the occupation of the boarding house

In accordance with the Statement of Environmental Effects and particulars submitted with this development application the Boarding House shall provide low cost flexible rental accommodation for tenants principally comprising students, single retirees and working singles.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

5. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

6. Home Building Act

(1) Building work that means residential building works (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development which the work relates:

- (a) In the case of work being carried out by a licensed builder :
 - (i) Has been informed in writing of the licensee's name and license number, and;

- (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
 - (b) In the case of an Owner Builder:
 - (i) Has been informed in writing of the persons name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
 - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.
 - (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
 - (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.
- Note: (1) The amounts referred to in point 1 may be subject to change as regulations are amended.
- (2) An owner that engages multiple licensees/contracts or contracts for part of the work and completes work themselves is considered an Owner Builder under the *Home Building Act 1989*.

CONSTRUCTION CERTIFICATE REQUIREMENTS

7. Construction Certificate Requirement

No works shall commence on-site until such time as a Construction Certificate has been issued for either part or all of the works to be undertaken. If a Construction Certificate is issued for part of the approved works it must relate to all works being undertaken.

Note: a construction certificate issued by an Accredited Certifying Authority must be deposited with Council at least 48 hours prior to the commencement of any earthworks, engineering or building work at the site.

8. Muswellbrook Shire Water and Waste Division

A 'Notice of Requirements' under the Water Management Act 2000 must be obtained, prior to any Construction Certificate application, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' are to be paid prior to release of a Construction Certificate.

Details demonstrating compliance with any requirements for works by Muswellbrook Shire Council Water & Waste Department are to be provided to the Principal Certifying Authority with any Construction Certificate application.

Note: Any Notice of requirements for the proposed development will require the payment of 'headworks contributions' under the provisions of Section 64 of the Water Management Act 2000. Calculations of the applicable 'headworks contributions' for the proposed development have been prepared using Council's current contributions plans and its 2018/2019 fees and charges. These calculations identified a contribution of \$4,384.25 to be applicable for Water Service Headwork's and \$11,197.50 for Sewer Service Headwork's. Council's 'headworks contributions' are adjusted annually on the basis of CPI and the

contribution payable is to be in accordance with Council's fees and charges at the any payment is made.

9. Vehicular Access way Design – Commercial and Industrial

Prior to the issue of a Construction Certificate the person acting with this consent shall obtain approval under Section 138 of the Roads Act 1993 for the installation of a driveway and the carrying out of works in the road reserve. Any vehicle access designed for the premises should be in accordance with Council's standard design requirements as follows:

- a) the sealed vehicular access way shall be designed to comply with Muswellbrook Shire Council footpath, kerb and guttering policy to ensure that vehicles entering the premises will not scrape/strike the surface of the carriageway, layback, vehicular crossing or garage floor;
- b) the width of the vehicular layback shall be 4.8 metres (including the wings);
- c) the crossing (between the layback and the property boundary) shall be placed on a single straight grade of 5%, falling to the back of the layback;
- d) any twisting of the driveway access shall occur entirely within the subject property;
- e) a Cross section along the centre-line of each access way to the building at a scale of 1:50 to be taken from the centre of the road and shall include all changes of grade both existing and proposed; and
- f) a certificate prepared by an appropriately qualified and practising Civil Engineer shall be provided to the Certifying Authority to certify compliance with these requirements and the suitability of the construction and the intended use of the access way prior to the issue of any Construction Certificate.

10. Section 68 Local Government Act Approval

Prior to the issue of any Construction Certificate the person acting with this consent shall obtain approval from Council under Section 68 Local Government Act 1993 for the carrying out of water supply sewer drainage and stormwater works.

11. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Muswellbrook Shire Council's Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) all details to protect and drain the site during the construction processes;
- (b) all sediment control devices, barriers and the like;
- (c) sedimentation tanks, ponds or the like;
- (d) covering materials and methods;
- (e) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved in writing by the Certifying Authority prior to issuing of the Construction Certificate.

12. Roofing & External Cladding Materials – Reflectivity

Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The Certifying Authority shall undertake an assessment in relation to the proposed roofing material to determine the potential for glare nuisance or excessive reflectivity to adjoining or nearby properties, relative to the chosen roofing material. The Certifying Authority shall be provided with certification accompanying the

Construction Certificate that the selected roofing material will not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties.

13. Section 7.12 Contributions

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$2,980 shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Construction Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

14. Sediment and Erosion Control

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

15. Site Sign

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

This condition does not apply to building works being carried out inside an existing building.

16. Stabilised access (Residential)

Unless existing site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size and a minimum of 3m in width must be provided from the road edge to the front of the building being constructed prior to the commencement of work. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

17. Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.

- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
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18. Construction Hours

- (a) Subject to this clause, building construction is to be carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 6.00pm
 - ii. on a Saturday—8.00am to 1.00pm
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

19. Dust Emission and Air Quality

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

20. Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

21. Erosion and Sediment Controls

The approved Sediment & Erosion controls shall be reinstated daily prior to workers leaving the site where modified at any time. Any sediment that escapes from the allotment shall be cleaned, collected and disposed of to Council's waste management facility or the sediment shall be returned to the subject allotment on a daily basis.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE
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22. Occupation

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

23. Connection to Sewer

Prior to the issue of any Occupation Certificate the premises shall be connected to the sewer system in accordance with the Australian Standard 3500.

In accordance with the relevant Section 68 Approval a works as executed plan must be submitted to Council. This drainage diagram should be prepared on Council's approved form and submitted seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

24. Approved Landscaping Plan

Prior to the issue of any Occupation Certificate landscaping works on the site are to be completed generally in accordance with the landscaping plan submitted with this development application and approved by Council.

25. Installation of Driveways

Prior to the issue of any Occupation Certificate, a sealed vehicular crossover shall be constructed between the property boundary and the proposed garage in accordance with the approved plans, this development consent and any approval under Section 138 of the Roads Act 1993.

26. Final Compliance Certificate for Water Supply and Sewerage Works

A final compliance certificate for water supply and sewerage works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

27. Street Numbering

Prior to the issue of any Occupation Certificate the relevant street number is to be displayed at the site in a manner so to make it visible from the front property boundary.

28. Replacement of kerb and gutter

Prior to the issue of any Occupation Certificate any redundant vehicle laybacks shall be broken out and replaced with standard kerb and gutter.

29. Boarding House Legislation

At all times the Boarding House is to be operated in accordance with the provisions of the Boarding Houses Act 2012 and the Boarding Houses Regulation 2013.

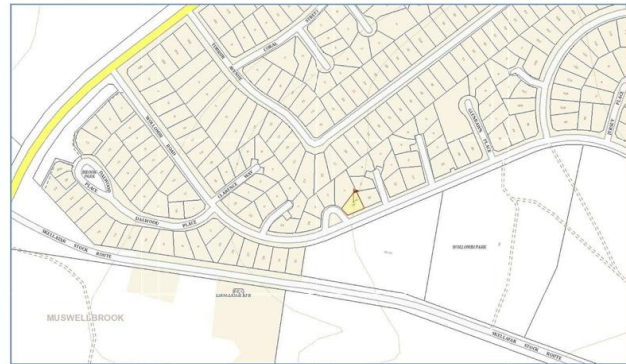
PROPOSED BOARDING HOUSE

18133

28 WOLLOMBI ROAD, MUSWELLBROOK NSW 2333

COMPLIANCE TABLE

ITEM	PROPOSED	STANDARD	COMPLIANT
SITE AREA	442.3 m ²	-	
NUMBER OF ROOMS	5	-	
SETBACKS			
FRONT	4.5 M	4.5 M	YES
REAR GROUND FLOOR	1.5 M	0.9 M for walls up to 3m in height;	YES
TAMAR WAY	2 M	Secondary frontage: 2 metres for lots 450m2 - 600m2	YES
SIDE	1 M min.	0.9 M for walls up to 3m in height;	YES
GFA			
GROUND FLOOR	140 m ²	-	
TOTAL GFA	140 m ²	-	
GARAGE	31 m ²	-	YES
FSR	140m ² (33%)	221.15m ² (50%)	YES
HEIGHT	5.3 M	8.5 M	YES
LANDSCAPE AREA	155m ² (35%)	154.7m ² (35%)	YES
CARPARKING			
BEDROOMS	2	0.4 per room	YES
WASTE	2 x 240L WASTE 1 x 240L RECYCLE	WASTE 60L PER OCCUPANT, RECYCLE 20L PER OCCUPANT	



LOCALITY PLAN

BUILDING NOTES

1) Interior Lighting Systems

Interior lighting systems throughout is to comply with AS 1600 (As required by BCA CL 3.6.4.3 class 1 & 10 buildings and CL 3.6.4.3, F4.1, F4.2, F4.4 for class 2 to 9 buildings).

2) Sanitary Compartments

All sanitary compartments are to be constructed to comply with BCA Part 3 CL 3.5.2.3 for class 1 & 10 buildings and CL 3.5.2.3 for class 2 to 9 buildings.

3) Smoke Detectors

Smoke detectors shall be installed within the building in accordance with AS 3786 (As required by BCA Part 3.7.2).

4) Balustrades

All balustrades (if required) heights and design shall be in accordance with AS 1170 P1.1 (As required by BCA Part 3 CL 3.9.2.3 for class 1 & 10 buildings and BCA Part 3 CL 3.9.2.3 for class 2 to 9 buildings).

5) All aluminium framed glazing is to comply with AS 1288 AS 2208.

6) Termite Control KOCORON TERMITE BARRIER is to be used as a Building Penetration and Service Penetration termite protection system (AS 3660.1 - 2000). It is to be installed by a Manufacturer's Accredited Installer, as per the Manufacturer's installation instructions. The installer is to provide all relevant slab or construction details to the Accredited Installer for pricing etc. The Installer is to treat the building's termite protection as a part of the building process and therefore include in the construction program.

★ Smoke alarm to BCA requirements

BASIX COMMITMENTS

Certificate number: 9318955

Climate

The applicant must install roofwaterheads with a minimum rating of 3 star (≥ 6 but ≤ 7.5 litres) in all showers in the development.

The applicant must install a toilet flushing system with a minimum rating of 4 star in each toilet in the development.

The applicant must install taps with a minimum rating of 4 star in each bathroom in the development.

Alternative water

The applicant must install a rainwater tank of at least 2500 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.

The applicant must configure the rainwater tank to collect rain runoff from at least 153 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).

The applicant must connect the rainwater tank to:

- all toilets in the development;
- at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply).

Thermal Comfort Commitments

The applicant must attach the certificate referred to under "Assessor Details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a construction certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for an occupation certificate for the proposed development.

The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.

The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX certificate, including the Cooling and Heating loads shown on the front page of this certificate.

The applicant must show on the plans accompanying the development application for the proposed development, all measures which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to verify that this is the case. The applicant must show on the plans

all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.

The applicant must construct the floors and walls of the dwelling in accordance with the specifications listed in the table below.

The applicant must construct the floors and walls of the dwelling in accordance with the specifications listed in the table below.

The applicant must install the following hot water system in the development, or a system with a higher energy rating, gas instantaneous with a performance of 5.5 stars.

The living areas must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.

The bedrooms must not incorporate any cooling system, or any ducting which is designed to accommodate a cooling system.

The living areas must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.

The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.

The living areas must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.

The bedrooms must not incorporate any heating system, or any ducting which is designed to accommodate a heating system.

Ventilation

The applicant must install the following exhaust systems in the development:

At least 1 Bathroom: individual fan, ducted to facade or roof. Operation control: interlocked to light. Kitchen: individual fan, ducted to facade or roof. Operation control: manual switch control. Laundry: natural ventilation only, or no laundry. Operation control: none.

Natural lighting

The applicant must install a window and/or skylight in the vicinity of the dwelling for natural lighting.

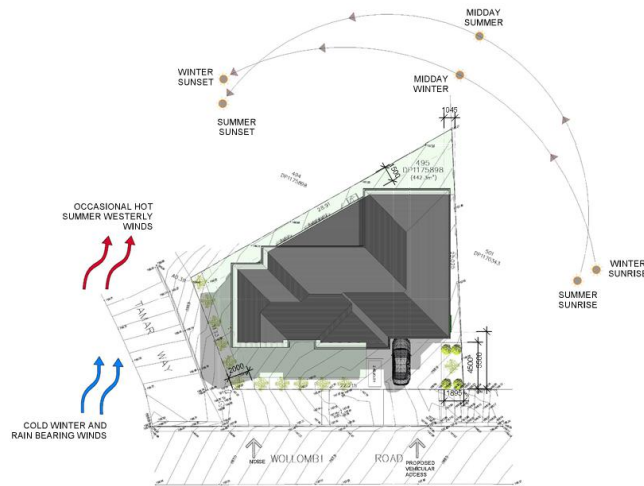
The applicant must install a window and/or skylight in 5 bathroom(s)/toilet(s) in the development for natural lighting.

Ovens

The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.

The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.

The applicant must install a fixed outdoor clothes drying line as part of the development.



1 Site / Analysis Plan
1 : 200



FOR DA APPROVAL

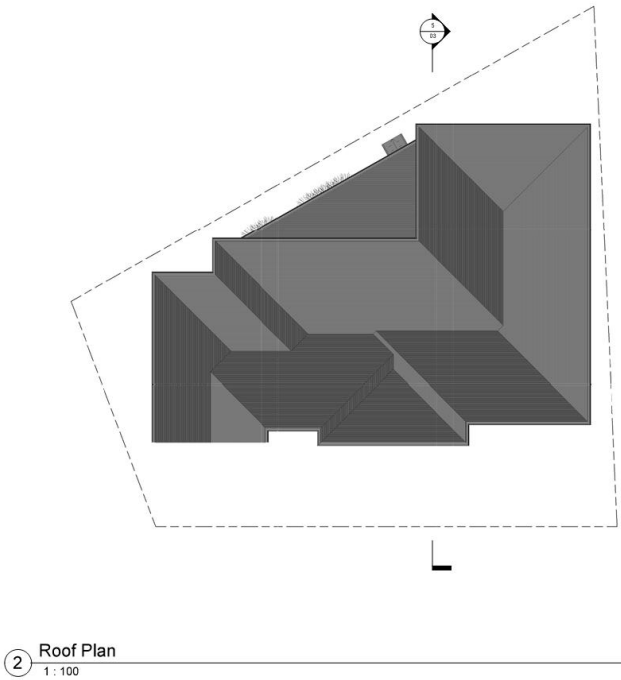
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PROJECT TITLE	PROPOSED BOARDING HOUSE 28 WOLLOMBI ROAD, MUSWELLBROOK, 2333
CLIENT	
DRAWN BY	JB
CHECKED BY	JB

PROJECT NUMBER	18133
DRAWING NUMBER	01
DATE	16/07/18
REVISION	A
PROJECT MANAGER	JB
PROJECT ENGINEER	JB
PROJECT DESIGNER	JB
PROJECT CHECKER	JB





MAIN DESIGN AKN 51 668 732 393 18 Villiers Street Parramatta NSW 2150	Phone + 61 2 9 188 8200 info@bdesign.com.au www.bdesign.com.au Sydney, Australia	REV	DESCRIPTION	DATE	BY
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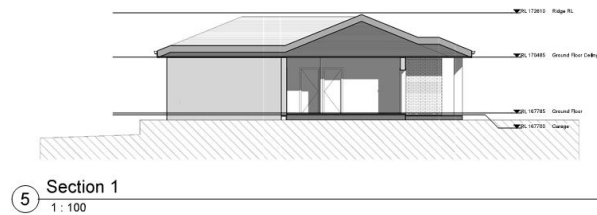
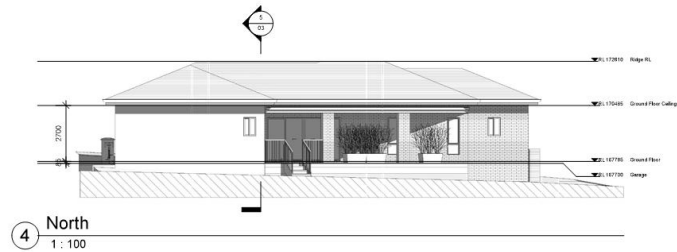
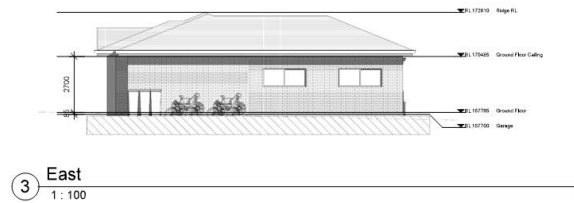
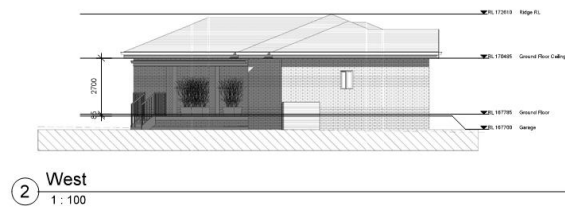
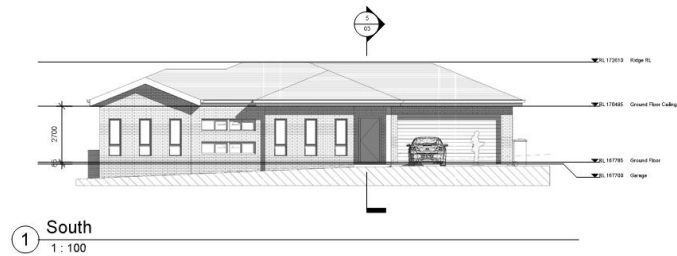
PROJECT INFO PROPOSED BOARDING HOUSE 28 WILLOMME ROAD, MUSWELLBROOK, 2333		
CLIENT	DESIGNED BY JB	CHECKED BY CB

DRAWING INFO FLOOR PLAN / ROOF PLAN / LANDSCAPE PLAN			
PROJECT NUMBER 18133	DRAWING NUMBER 02	DATE 16/07/18	REVISION A
	SCALE 1 : 100	DESIGNED BY JB	CHECKED BY CB



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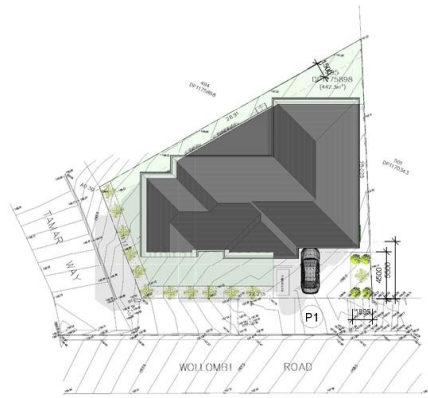




FOR DA APPROVAL

MAIN DESIGN Phone + 61 2 9 188 0200 AN 51 568 732 393 info@bdesign.com.au www.bdesign.com.au 18 Villiers Street Parramatta, NSW 2150	REV	DESCRIPTION	DATE	BY	<div>NORTH</div> 	PROJECT TITLE PROPOSED BOARDING HOUSE 28 WILLOM ROAD, MUSWELLBROOK, 2333	DRAWING TITLE ELEVATIONS / SECTION					
	1	COLLECT ASSESSMENTS	16/07/18									
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						1 : 100		JB		CHECKED BY		





GENERAL NOTES

1.0 DRAWING
These drawings must be read in conjunction with the drawing package from the consultant team including all engineering and architecture drawings.

2.0 SCALING
Do not scale from these drawings - use figure dimensions.

3.0 SERVICES
Verify the 'as built' location of all existing services before excavation works are started. Services shown are indicative only.

4.0 MATERIALS & FINISHES
Refer Materials & Finishes Schedule for all landscape elements contained within these drawings.

5.0 WALLS
All pavement, planting & turf areas to be graded evenly. Ponding is unacceptable.

6.0 SURFACE LEVELS
Final surface levels to be verified on site after Civil Contractor spot spray. All adjacent surfaces are to be level and flush unless stated or documented otherwise.

7.0 TURFING AREA
Remove existing grass. Cultivate subgrade to depth of 150mm and place alla topsoil to areas to be turfed to a depth of 100mm. Landscape Contractor is to prepare the turfs, removing rocks and clods etc., and make good for the placing of turf. Place 25mm turf as specified.

8.0 PLANTING AREAS
Remove existing grass. Cultivate to a depth of 150mm, place 300mm imported topsoil and 100mm of mulch as specified. Mow all planting areas min. 200mm above adjacent finished surfaces to allow positive drainage. Turf blends to comply with AS 4475.

9.0 MAINTENANCE & ESTABLISHMENT
All landscape works are to be maintained for a period of three months from the date of practical completion. This includes all watering, weeding, spraying and re-mulching necessary to achieve vigorous growth. Any defects which arise during this period are to be rectified immediately. Any plants or areas of turf which fail during this period are to be replaced at no additional cost.

10. GARDEN EDGES
Concrete Edge where noted on drawings and as specified between turf and garden areas.

11. FENCING & RETAINING WALLS
Refer to project architect and engineering plans for fencing and retaining wall details.

12. IRRIGATION
All irrigation installation to landscape areas are to satisfy the Sydney water code and AS3000.

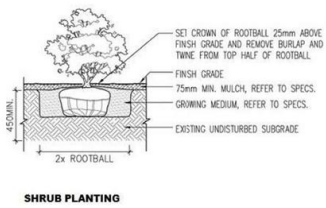
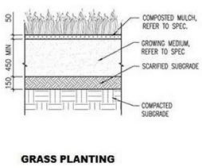
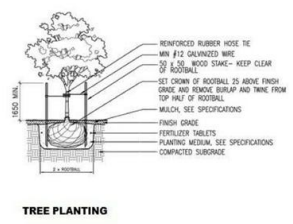
LEGEND

- Planting Area
- Screening Shrub
200mm at time of planting
- Ground Cover
140mm at time of planting
- Pot Plant
- P1 Exposed Concrete

PLANTING SCHEDULE

GROUND COVERS			
Code	Botanical Name	Common Name	size
AGA ori	Agapanthus Orientalis	African Lily	140mm
DIA bre	Dianella Brevicaulis	Coast Flax Lily	140mm
PHI xan	Philodendron Xanadu	Xanadu	140mm
LIR SW	Liriope Striely White	Striely White	140mm

SHRUBS			
Code	Botanical Name	Common Name	size
COR RS	Cordyline Red Sensation	Red Sensation Cordyline	200 mm
GRE ML	Grevillea coastal Prestige	Coastal Prestige Grevillea	200 mm
SYZ cas	Syzygium "Cascade"	Cascade Lilly Pilly	200 mm
SYZ res	Syzygium "Resilience"	Resilience Lilly Pilly	200 mm



1 Landscape Plan
1 : 200

MAIN DESIGN
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info@bdsdesign.com.au
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Sydney, Australia

REV	DESCRIPTION	DATE	BY
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PROJECT TITLE
PROPOSED BOARDING HOUSE
28 WOLLOMBI ROAD, MUSWELLBROOK, 2333

CLIENT
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DESIGNED BY
JB

CHECKED BY
CB

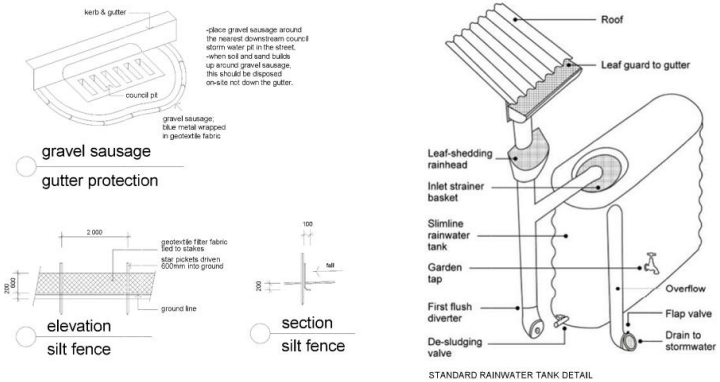
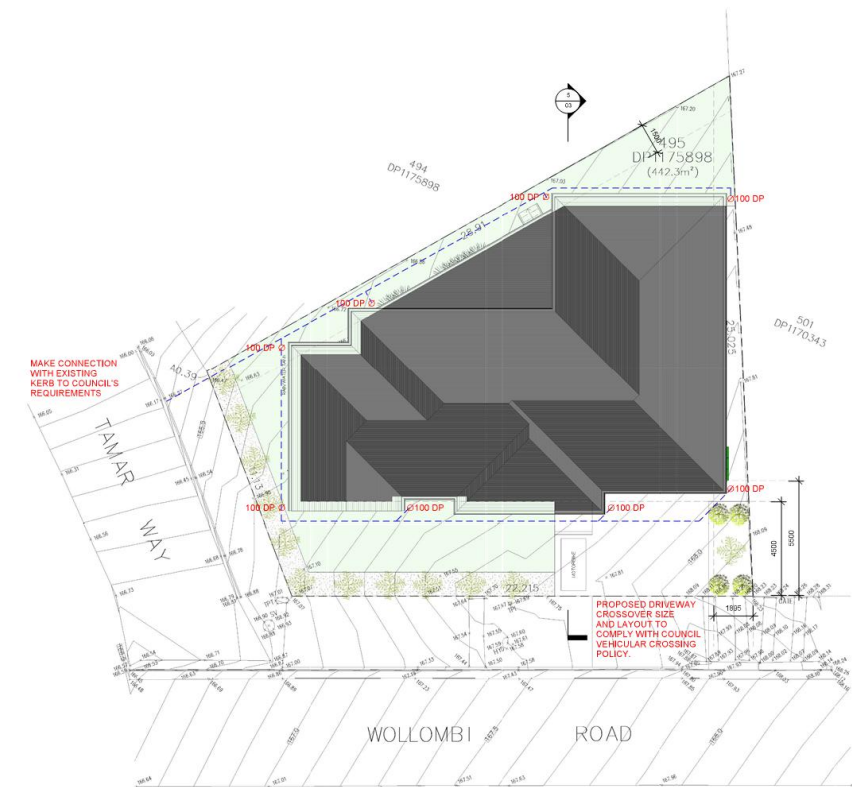
DRAWING TITLE
LANDSCAPE PLAN

PROJECT NUMBER	DRAWING NUMBER	DATE	REVISION
18133	04	16/07/18	A



FOR DA APPROVAL





- NOTES:
1. ALL DOWNPIPES MARKED DP TO BE 100mm DIA UPVC
 2. ALL UNDERGROUND STORMWATER LINES TO BE AT 1% MINIMUM FALL
 3. RAINWATER TANK TO BE CONNECTED TO NEW ROOF AS SHOWN
 4. ALL EXISTING PIPES TO BE CHECKED, PIPES NOT FUNCTIONING TO BE REPLACED
 5. ALL CHARGED PIPE TO BE SEWER GRADE
 6. NEW STORMWATER PIPES MAY BE CONNECTED TO THE EXISTING SYSTEM IF IT DRAINS NATURALLY TO THE STREET AND IS FOUND TO BE FUNCTIONING ADEQUATELY WITH A MINIMUM PIPE DIAMETER OF 90mm.
 7. ALL EXISTING LEVELS TO BE CONFIRMED BY BUILDER PRIOR TO CONSTRUCTION
- NOTES:
1. RAINWATER TANK CAPACITY AS PER BASIX.
 2. THE SYSTEM TO BE DESIGNED WITH THE FOLLOWING GUIDELINES
 - A FIRST FLUSH DIVERSION TO REMOVE ROOF CONTAMINANTS
 - ADEQUATE SCREENING TO PREVENT MOSQUITO BREEDING AND ENTRY OF ANIMALS OR FOREIGN MATTER
 3. TANKS TO BE PLUMBED TO TOP-UP FROM THE POTABLE WATER SUPPLY DURING DRY PERIODS WHEN THE TANKS ARE 80% EMPTY.
 4. NO DIRECT CROSS-CONNECTION WITH THE SYDNEY WATER POTABLE SUPPLY AND AN AIR GAP MAINTAINED ABOVE THE OVERFLOW IN THE TANK.
 5. "NOT FOR HUMAN CONSUMPTION" SIGNED INSTALLED.
 6. RAINWATER TANK TO BE CONNECTED AS PER BASIX REQUIREMENTS
 7. OVERFLOW FROM THE TANK SHALL BE PIPED TO THE DRAINAGE SYSTEM.

DANGER

WHEN EXCAVATING WITHIN THE SITE THE FOOTPATH AND ROADWAY, ALL SERVICES SHALL BE LOCATED PRIOR TO COMMENCEMENT OF EXCAVATION WORKS. CONTACT "DIAL BEFORE YOU DIG" ON PHONE No. 1100 OR GO TO THE WEB SITE "www.dialbeforeyoudig.com.au"

1 Stormwater Plan
1 : 100

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PROJECT INFO PROPOSED BOARDING HOUSE 28 WOLLOMBI ROAD, MUSWELLBROOK, 2333		DRAWING INFO STORMWATER PLAN	
CLIENT	DESIGNED BY JB	CHECKED BY CB	PROJECT NUMBER 18133
	DRAWING NUMBER OS	DATE 16/07/18	REVISION A
	SCALE 1:100	DRAWN BY JB	CHECKED BY CB

ABSAC

Professional Engineer
Civil Engineering
No. 123456789
Exp. 31/12/2020
Sydney, Australia

FOR DA APPROVAL

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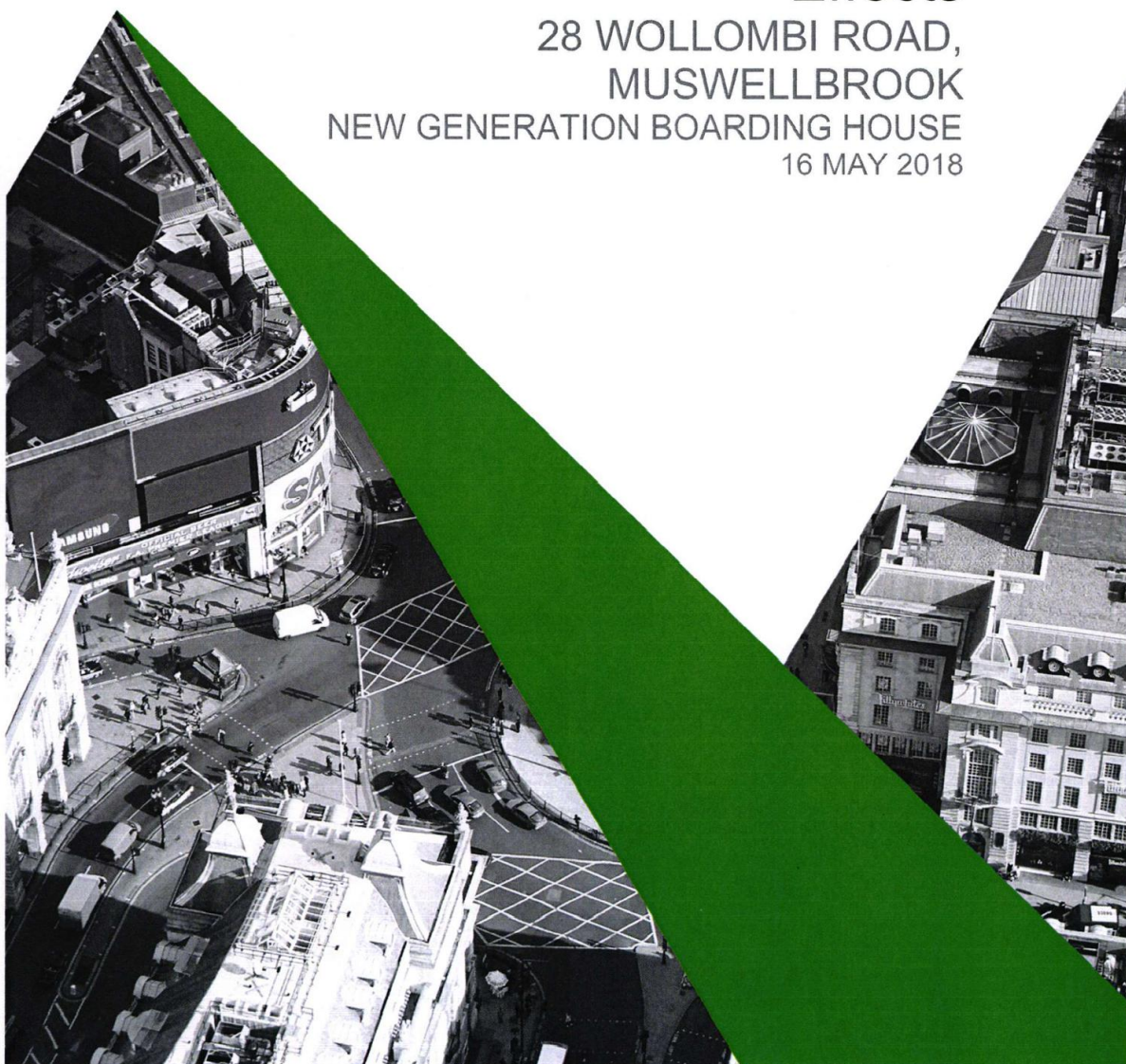


Statement of Environmental Effects

28 WOLLOMBI ROAD,
MUSWELLBROOK

NEW GENERATION BOARDING HOUSE

16 MAY 2018





CONTENTS

EXECUTIVE SUMMARY	3
2. SITE AND LOCALITY DESCRIPTION	4
SITE DESCRIPTION	4
ZONING CONTROLS	8
DESCRIPTION OF PROPOSAL	9
PLANNING CONTROLS	10
STATUTORY CONTROLS	10
POLICY CONTROLS	10
CONSIDERATION OF PLANNING CONTROLS	11
STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004	11
STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDICATION OF LAND	11
STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007	11
MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009	12
MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009	16
MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009: SECTION 3 – SITE ANALYSIS	16
MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009: SECTION 6 – RESIDENTIAL DEVELOPMENT	16
CONCLUSION	19



EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application to construct a single storey Boarding House at 28 Wollombi Road, Muswellbrook.

The boarding house is to accommodate a total of 5 rooms/suites, each with full bathroom, kitchenette and living area. The boarding house will accommodate a total of up to 10 lodgers based on the room size. The development proposal also includes a communal living room, a laundry room, outdoor communal open space and 2 parking spaces.

Legally known as Lot 495 DP 1175898, the site can be best described as an irregular shaped land parcel located on the corner of Wollombi Road and Tamar Way with a frontage of 22m to Wollombi Road, a frontage of 11.5m to Tamar Way and a total site area of 442.3m².

The development is located opposite Wollombi Park and is located close proximity of TAFE NSW Muswellbrook. The site is within a short driving distance to Muswellbrook Train Station which is 2.5km away and is also walking distance to the Muswellbrook shopping centre. The site is also located within a 550m walking distance of bus stops with services to Muswellbrook train station and hospital.

The site and the broader locality is zoned R1 General Residential under the Muswellbrook Local Environmental Plan 2009. The R1 zone permits boarding houses with consent. The maximum floor space ratio for this land is 0.5:1 and the maximum building height is 8.5m. The development has been designed to comply with the relevant development standards within the Muswellbrook Local Environmental Plan 2009 and to appear as a contemporary single storey form residential building designed to complement the established residential character in this location. 'Boarding Houses' are permissible with consent within the R1 General Residential zone.

The development proposes to provide affordable rental housing, noting that students are to be a key target market for future residents considering the site's proximity to the Muswellbrook TAFE.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant and appropriate conditions of consent.



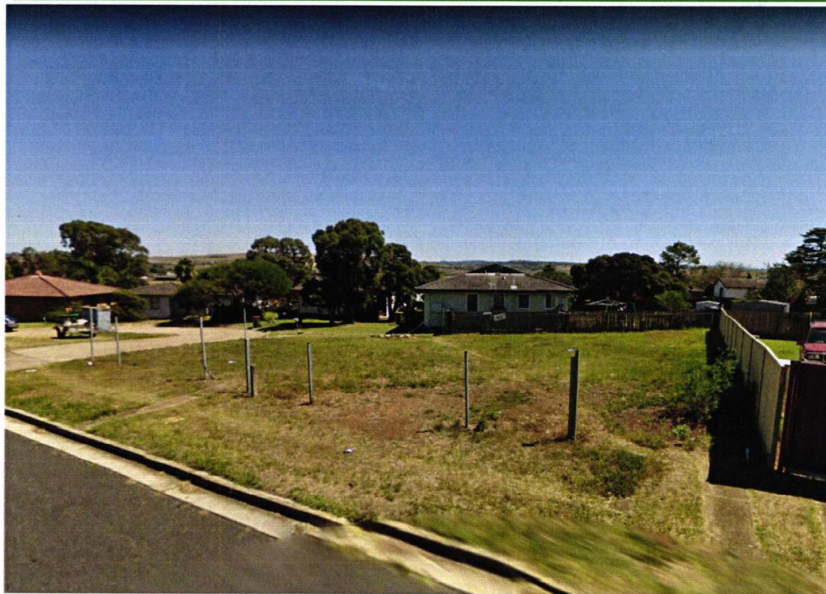
2. SITE AND LOCALITY DESCRIPTION

SITE DESCRIPTION

The site is legally described as Lot 495 in DP 1175898, and is more commonly known as 28 Wollombi Road, Muswellbrook. The subject site is located on the intersection of Wollombi Road and Tamar Way. The site is an irregular shaped land parcel, with a frontage of 22m to Wollombi Road, a frontage to Tamar Way of 11.5m and a site area of 442.3m².

The development is located opposite Wollombi Park and is located close proximity of TAFE NSW Muswellbrook. The site is within a short driving distance to Muswellbrook Train Station which is 2.5km away and is also walking distance to the Muswellbrook shopping centre. The site is also located within a 550m walking distance of bus stops with services to Muswellbrook train station and hospital. Located within an established residential area, the subject site is currently vacant.

Photograph 1: Shows the subject site as viewed from Wollombi Road.



The subject site is bounded by single storey residential dwellings to its northern, eastern and western boundaries and is separated by Wollombi Road from Wollombi Park.



An aerial extract showing the site and its surrounding amenities is provided below.

Figure 1: Aerial Map Extract of Subject Site (Google Map).





In addition a series of photographs is provided below showing the context of the site.

Photograph 2: Shows the subject site as viewed from Tamar Way, showing th.



Photograph 3: Shows TAFE NSW Muswellbrook, under redevelopment in the extract provided.



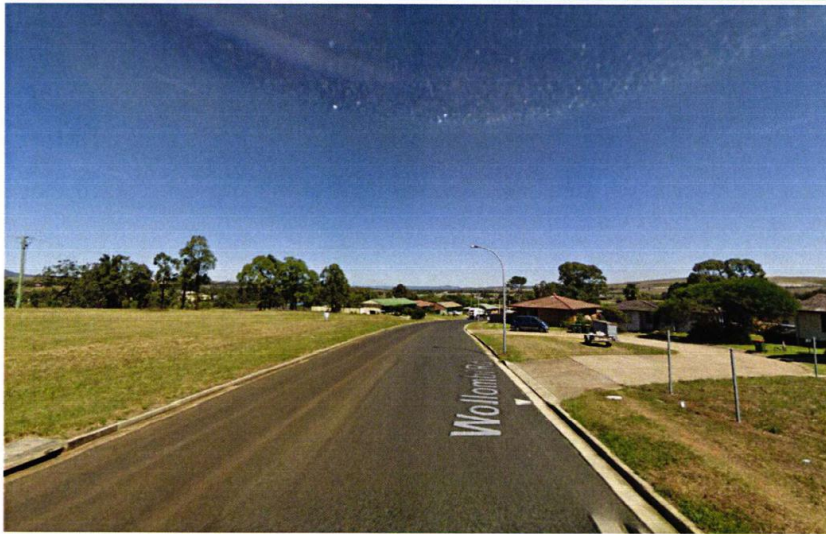
Statement of Environmental Effects: Boarding House
28 Wollombi Road, Muswellbrook
PAGE 6



Photograph 4: Shows the existing streetscape of Wollombi Road, viewing north eastwards.



Photograph 5: Shows the existing streetscape of Wollombi Road, viewing south eastwards.



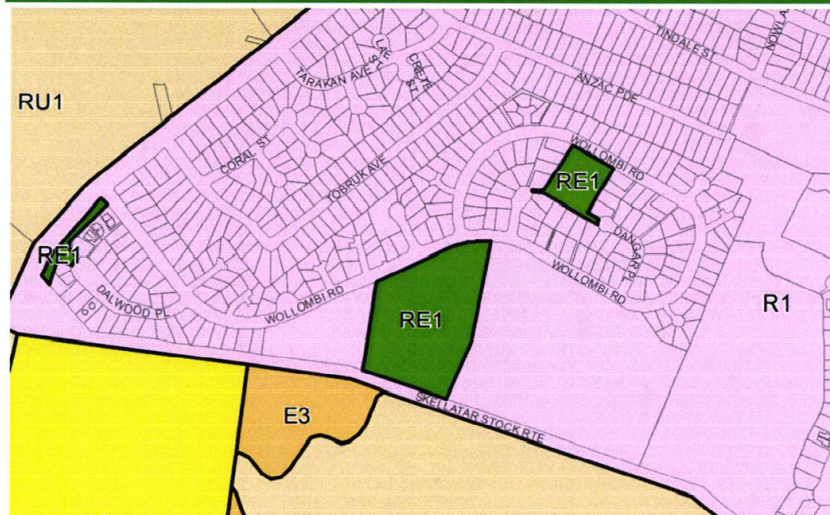
Statement of Environmental Effects: Boarding House
28 Wollombi Road, Muswellbrook
PAGE 7



ZONING CONTROLS

The development site is zoned R1 General Residential under the provisions of the Muswellbrook Local Environmental Plan 2009 and is attributed with a maximum permitted building height limit of 8.5m and a maximum FSR of 0.5:1. Council's zoning map extract is provided below.

Figure 2: Zoning Map Sheet LZN_008A Extract (Source: Muswellbrook LEP 2009)





DESCRIPTION OF PROPOSAL

The Development Application proposes the construction of a single storey boarding house development consisting of 5 boarding rooms. The boarding house is to incorporate 10 lodgers. The ground floor also comprises of a communal living room, communal laundry and public open space which is accessed directly off the common living room. The proposal provides 2 car parking spaces within a double garage. There are a total of 2 bike parking spaces and 1 motorcycle parking spaces provided to align with Councils DCP.

The proposal is purpose built to provide low cost flexible rental accommodation to suit a range of potential tenants, with an aim of targeting students that might be attending Muswellbrook TAFE or accessing Muswellbrook Train Station.

The development also incorporates contemporary architectural aesthetics that relate to existing development in proximity to the site and are sympathetic to the nature and character of the area.

The development is designed to provide good amenity to residents more aligned with a studio apartment as opposed to a traditional boarding house. Design consideration has been given to the scale, size and form of the proposal in relation to the unique characteristics of the site, adjoining residences and existing character of the area. Design consideration has also been given to residential amenity including aspects such as privacy and solar access for both future residents of the proposal and those of surrounding properties.

The proposal also incorporates several ancillary elements, including detailed landscape embellishment works and relevant drainage elements as shown on the submitted plans.

The relevant architectural plans for the proposal have been prepared by Baini Design, while supporting reports have been prepared by relevant consultants. The design of the proposal development incorporates contemporary architectural aesthetics that aims to be consistent with the evolving character in the locality and the broader Local Government Area.



PLANNING CONTROLS

STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy BASIX
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Infrastructure) 2007
- Muswellbrook Local Environmental Plan 2009.

POLICY CONTROLS

The applicable policy control documents include:

- Muswellbrook Development Control Plan 2009.



CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The building is a Class 3 building under the BCA/NCC and therefore BASIX does not apply to the proposal.

STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Given the historical use of the locality for residential purposes, land contamination is not likely. Further investigation and reporting under SEPP 55 is not considered necessary as there is no underlying change of use of the land and as such Clause 7 of the SEPP is satisfied.

If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The development site is not located on a classified road and thus it is not necessary to consider the provisions of Clause 102, and 104 of the SEPP. Clause 104 identifies several types of development that require concurrence from Roads and Maritime Services where development is identified as 'traffic generating development'.

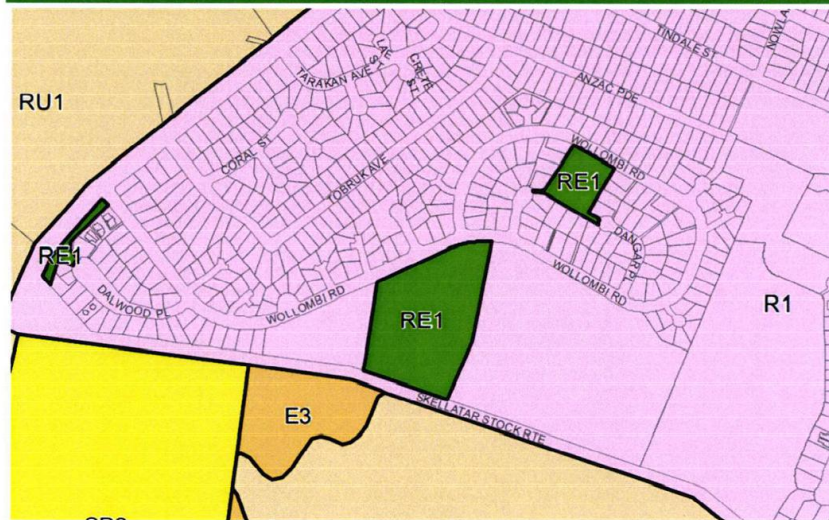
The current proposal is not identified as traffic generating development as the site does not trigger the threshold requirements. Therefore, concurrence from the RMS is not required.



MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009

The subject site is zoned R1 – General Residential under the provisions of the MLEP 2009 and as evident in the extract below.

Figure 2: Zoning Map Sheet LZN_008A Extract (Source: Muswellbrook LEP 2009)



Boarding Houses are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

Boarding House means a building that:

- a. is wholly or partly let in lodging, and
- b. provides lodgers with a principal place of residence for 3 months or more, and
- c. may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- d. has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.



The development proposal is also consistent with the prescribed zone objectives that are stipulated as:

- *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.*
- *To enable sensitive infill development of other housing types.*
- *To allow people to carry out a reasonable range of activities from their homes, where such activities do not adversely affect the living environment of neighbours.*
- *To promote the principles of ecological sustainable development including energy and water efficient subdivision and housing design.*
- *To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.*
- *To ensure that development is carried out in a way that is compatible with the flood risk of the area.*

The proposal development provides a new generation boarding house that is not only located within a suitable location but will make available a variety of housing types within the and contribute towards providing low cost flexible rental accommodation for tenants such as single retirees, working singles and students.

The proposal is consistent with other key planning controls contained within the LEP. The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Muswellbrook Local Environmental Plan 2009 – Compliance Table			
Clause	Control	Comment	Complies
Zoning	R1 – General Residential	Boarding houses are permissible with Yes Council consent in the R1 – General Residential zone.	



Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the R1 – General Residential zone and will appropriately fulfil the subject site's zoning potential and will provide additional housing in the catchment of public transport and services while contributing to range of housing types to suit the needs of residents within a low density context.	Yes
2.6	Subdivision – Consent Requirements.	No subdivision is sought as part of this application. Not applicable.	N/A
2.7	Demolition Requires Consent	Site is currently vacant. No demolition sought.	N/A
Part 4 Principal Development Standards			
4.3	Height of Buildings: 8.5m	The Muswellbrook Local Environmental Plan 2009 Height of Buildings Map Sheet HOB_008A indicates that the maximum building height within the subject site is 8.5m. No part of the proposal exceeds 8.5m in height. Complies.	Yes
4.4	Floor Space Ratio	The Muswellbrook Local Environmental Plan 2009 Floor Space Ratio Map Sheet FSR_008A indicates that the maximum Floor Space Ratio within the subject site is 0.5:1. The development proposes an FSR of 0.33:1 (149m ²) and is therefore compliant.	YES
Part 5 Miscellaneous Provision			
5.10	Heritage Conservation	The site is not identified as a heritage item, and it is not located within a heritage conservation area and will not cause an impact on any surrounding heritage listed items. As a result, the subject site will not have any associated heritage restrictions.	YES

Statement of Environmental Effects: Boarding House
28 Wollombi Road, Muswellbrook
PAGE 14



Part 7 Local Provision – General			
7.1	Terrestrial Biodiversity	The site is not identified as being located within a natural resource sensitive land. Not applicable.	N/A
7.6	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed minimal excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p> <p>It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.</p>	Yes



MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009

MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009: SECTION 3 – SITE ANALYSIS

All relevant Council controls have been considered in the following compliance table.

Clause	Controls	Comment	Complies
Section 3 - Site Analysis			
		A detailed Site and Context Analysis has been prepared and is attached as part of this application. The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.	Yes

MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009: SECTION 6 – RESIDENTIAL DEVELOPMENT

All relevant Council controls have been considered in the following compliance table.

Clause	Controls	Comment	Complies
Section 6 – Residential Development			
6.1 – Built Form			
6.1.1	Context	Site analysis provided.	YES
6.1.2	Front Setbacks	Boarding houses are to comply with the setback controls of Section 6 – Residential Development.	
	Front Setbacks – Primary – 4.5m Secondary – 2m	The Muswellbrook DCP requires corner allotments to provide a primary setback of 4.5m and a secondary setback of 2m. The development provides a setback of 4.5m to Wollombi Road, and a secondary setback of 2m to Tamar Way, and is therefore compliant. It is noted that the garage provides an additional setback of 1m behind the front building line.	YES
	Side and Rear Setbacks	The Muswellbrook requires a rear and side setback of 0.9m for walls up to 3m in height.	YES



		The development has wall heights of less than 3m and provides side setbacks that exceed 0.9m to its side boundaries. Note that the development is located on a corner lot and therefore does not have a rear setback.	
6.1.4	Building Height and Scale	The development proposes a single storey 5 room boarding house that is of a similar scale to a single storey residential dwelling and is consistent with the locality.	YES
6.1.6	Garages, carports and sheds	The development proposes a double garage that is setback 1m behind the front building line and is consistent with the colour, materials and roof form of the building.	YES
6.1.7	Dwelling Entry	The boarding house proposes a clearly identifiable entry that fronts Wollombi Road.	YES
6.1.8	Accessibility and Adaptability	The proposed boarding house is single storey and has ramp access from Wollombi Road. Room 5 is provided with wide doorways and corridors in accordance with the provisions of AS4299.	YES
6.1.9	Reflective Materials	The development uses colours and materials that are consistent with the locality.	YES
6.2 – Urban Landscape			
6.2.1	Open Space	There are no controls regarding open space for boarding houses within the Muswellbrook DCP. However, the development has provided 33.5m ² of internal open space and 27m ² of outdoor open space, which exceeds the minimum required open space within the Affordable Rental Housing SEPP of 20m ² . It is noted the SEPP does not technically apply however provides a good guide to assessing the suitability of the open space.	YES – ARH SEPP as Guide
6.2.2	Carparking	The development is zoned R1 – General Residential and therefore has provided car parking spaces in conjunction with the ARH SEPP for a non-accessible area, which requires 0.4 spaces per room. It is noted the SEPP does not technically apply however provides a good guide to assessing the suitability of the parking areas. There is also provide for 2 x stacked spaces in front of the garage – for a total of 4 spaces.	YES – ARH SEPP as Guide

Statement of Environmental Effects: Boarding House
 28 Wollombi Road, Muswellbrook
 PAGE 17



		The development proposes 5 rooms (5 x 0.4 = 2) and has provided 2 car parking spaces.	
6.2.3	Landscaped area	Land zoned R1 – general residential is required to provide a landscaped area of 35% of the site area. The development proposes a landscaped area of 155m ² or 35% and is therefore compliant.	YES
6.3 - Environmental			
6.3.1	Topography	The subject site is flat and therefore no cut / fill has been required.	YES
6.3.2	Solar Access	The open space and majority of windows are oriented to the north providing the development with an adequate level of solar access.	YES
6.3.3	Visual Privacy	The development proposes a single storey boarding house that is compliant with the required setbacks and has oriented majority of windows to habitable rooms towards the street to prevent overlooking of neighbouring properties.	YES
6.3.4	Acoustic Privacy	Appropriate design/measures have been undertaken including appropriate setbacks, use of landscaping and acoustic fencing to minimise acoustic impacts to neighbouring properties.	YES
6.4 – Site Operation			
6.4.1	Energy Conservation	A BASIX certificate is to be provided in the DA lodgement.	YES
6.4.2	Stormwater Management	A Stormwater Management Plan is to be provided in the DA lodgement.	YES
6.4.4	Security, Site facilities and Services	The boarding house is to be provided with adequate amenities	YES



CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls applying to the site with the minor variations acceptable based on the discussion contained previously in this statement.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social or economic impacts, the application is submitted to Council for consideration and the granting of consent.

Plan of Management

NEW GENERATION BOARDING HOUSE: 28 WOLLOMBI ROAD, MUSWELLBROOK



Prepared by Think Planners Pty Ltd

Date: 23 July 2018



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

Contents

Plan of Management Overview	3
Legislative Framework.....	4
Key Requirements	4
Management of the Boarding House	8
Maintenance of Common Areas and Responsibilities.....	9
Maintenance of Individual Areas and Responsibilities.....	9
Pest Control Arrangements	9
Waste Management and Collection.....	9
Fire Safety	9
Emergency Contacts and Procedures.....	10
Conflict Resolution	10
Complaints Mechanism: External	10
Complaints Mechanism: Between Lodgers	11
House Rules - Amenity of the Neighbourhood and Control of Noise	11

Attachments

Draft House Rules



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

Plan of Management Overview

This Plan of Management has been prepared for the operation and management of a Boarding House at 28 Wollombi Road, Muswellbrook.

The Boarding House comprises 5 rooms, with each room accommodating an ensuite, kitchen, living area and laundry facilities; plus a common recreation room and communal open space areas. There is a total accommodation limit of 10 lodgers given the room sizes and configurations noting that no on-site manager is required (<20 lodgers) and no on-site manager is proposed.

This Plan of Management identifies appropriate strategies and procedures to address potential social or environmental impacts associated with Boarding Houses. The Plan of Management embraces current best practice methodologies such as casual surveillance, clear contact points and procedures, complaint handling processes, articulation of responsibilities, and agreed house rules.

A plan of management is an accepted concept in environmental law and can be used in a range of circumstances. This plan of management assists in addressing the amenity impacts on the neighbours and integrating the proposed development with the existing development in the street.

The plan of management assists in addressing any adverse impacts on the amenity and characteristics of the established residential area. It provides a procedure to receive and resolve complaints and requires the appointment of a management agent who will be contactable 24 hours a day, 7 days per week (as far as practicable).

The measures outlined in this plan of management will be of assistance in maintaining the amenity and characteristics of the area.



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

Legislative Framework

The Boarding House is regulated by the Boarding Houses Act 2012 and the associated Boarding Houses Regulation 2013. The provisions of the Act and Regulations are to be complied with at all times.

Objects of the Act

The objects of the Act are to: *establish an appropriate regulatory framework for the delivery of quality services to residents of registrable boarding houses, and for the promotion and protection of the wellbeing of such residents, by:*

- (a) providing for a registration system for registrable boarding houses, and*
- (b) providing for certain occupancy principles to be observed with respect to the provision of accommodation to residents of registrable boarding houses and for appropriate mechanisms for the enforcement of those principles, and*
- (c) providing for the licensing and regulation of assisted boarding houses and their staff (including providing for service and accommodation standards at such boarding houses), and*
- (d) promoting the sustainability of, and continuous improvements in, the provision of services at registrable boarding houses.*

Definition

The proposal is defined as a 'general boarding house' under the Act:

- (2) Boarding premises are a **general boarding house** if the premises provide beds, for a fee or reward, for use by 5 or more residents (not counting any residents who are proprietors or managers of the premises or relatives of the proprietors or managers).*

Key Requirements

Registration of Boarding Houses

The boarding house is required to Notify the Commissioner the following according to Section 9:

9 Notification of particulars about registrable boarding house

(1) A proprietor of boarding premises that are used as a registrable boarding house must notify the Commissioner, in accordance with this section, of the following particulars so as to enable the Commissioner to include information about the boarding house in the Register:

- (a) the name, and the residential or business address, of each proprietor of the boarding house,*
- (b) the name (if any) and the address of the registrable boarding house,*
- (c) whether the boarding house is a general or regulated assisted boarding house,*
- (d) whether development consent or approval is required under the [Environmental Planning and Assessment Act 1979](#) to use the boarding house as boarding premises and, if so, whether such consent or approval has been granted,*
- (e) the number of residents of the registrable boarding house,*
- (f) the number of residents who are under 18 years of age,*
- (g) the name of the manager (if any) of the registrable boarding house,*
- (h) the total number of bedrooms provided as sleeping accommodation for the residents,*



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

(i) such other particulars as may be approved by the Commissioner or prescribed by the regulations.

The additional particulars specified by Section 9(1)(i) are identified in Section 4 of the Regulations and stated as:

(1) The following additional particulars are prescribed for the purposes of section 9 (1) (i) of the Act:

- (a) the telephone number and email address, if any, of the manager (if any) of the registrable boarding house,*
- (b) the telephone number, email address and website address, if any, of the registrable boarding house,*
- (c) the local government area in which the registrable boarding house is located,*
- (d) the telephone number and email address, if any, of each proprietor of the registrable boarding house,*
- (e) the maximum number of fee-paying residents who can be accommodated in the registrable boarding house,*
- (f) the method or methods for calculating charges for fee-paying residents and the fee amounts payable,*
- (g) the methods of payment used by fee-paying residents (including cash payments, credit cards, cheques, direct bank debits, money orders, BPay and Australia Post),*
- (h) the kinds of services provided to any residents (including accommodation, meals and personal care services),*
- (i) whether the registrable boarding house has special provisions for physical access and, if so, the kind of provisions provided,*
- (j) the numbers of residents who fit into each of the following categories (to the extent that it is reasonably practicable to ascertain this information):*
 - (i) males,*
 - (ii) females,*
 - (iii) elderly persons (that is, persons 60 years of age or more),*
 - (iv) students of tertiary institutions,*
 - (v) persons who are mentally ill persons within the meaning of the [Mental Health Act 2007](#),*
 - (vi) persons who have a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments,*
 - (vii) persons with significant health problems,*
 - (viii) persons needing assistance with daily tasks and personal care.*

Occupancy Agreements

A written Occupancy Agreement is to be formulated in accordance with the Act and associated Regulations that sets out the terms of the occupancy agreement. The Occupancy Agreement is to align with the Occupancy Principles contained in Schedule 1 of the Act, as stated below (but may be updated from time to time):



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

Schedule 1 Occupancy principles

(Section 30 (1))

1 State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

2 Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

3 Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

4 Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

5 Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

6 Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

7 Utility charges

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A **utility** for the purposes of this clause is each of the following:

- (a) the supply of electricity,
- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,
- (e) the supply of any other service prescribed by the regulations.

8 Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

- (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
- (e) any other amounts prescribed by the regulations.

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

10 Notice of eviction

(1) A resident must not be evicted without reasonable written notice.

(2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.

(3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

Management of the Boarding House

The Boarding House will be managed by an appointed off site manager, who will be contactable 24 hours a day and 7 days per week (as far as practicable). The off-site manager is to be associated with a Property Management Company, that is to be a recognised property management firm operating as a business with relevant ABN and authorities for property management and is licensed under the Property Stock and Business Agents Act and associated regulations, will be made the point of contact. The nominated off-site manager is to be trained and have resources to screen potential occupants, manage complaints efficiently and ensure maintenance of common property is systematic and thorough.

The manager is to be engaged by contract on an annual basis.

The managing agent will be able to respond within short timeframes, and be responsible for contracts and contacts with maintenance persons and companies and have established relationships/contacts with security companies and services such as the NSW Police Force, NSW Ambulance Service and NSW Fire Brigade.

Any matters that require urgent and potentially life threatening responses are the responsibility of either police, ambulance or fire services.

The Management agent must:

- Be experienced in the operation of multiple occupancy residential development.
- Oversee all occupancy agreements and ensure such agreements align with the provisions of the Boarding Houses Act 2012 and associated Regulations, including setting out information about occupancy evictions (such as the amount of notice to be provided of eviction).
- Organise building and landscaping maintenance as required through the engaging of contractors to undertaken maintenance, landscaping and cleaning functions.
- Promptly address and respond to tenant issues and building operation and maintenance matters.
- Maintain an incident register and record any complaints. The register is to be made available to Council.
- Ensure that the total occupancy of the boarding rooms pursuant to the leases does not exceed 10 lodgers.
- Provide the tenant with a copy of the Resident Information Brochure and House Rules with any new occupancy agreement;
- Undertake periodic inspections of the boarding rooms to ensure that they are being maintained in a clean and tidy fashion and that maximum occupant numbers are maintained.



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

Maintenance of Common Areas and Responsibilities

Common areas are to be maintained by users and spaces should be left as they are found- in a clean and tidy state. A communal vacuum cleaner and mop will be stored on site.

A weekly cleaner will be employed, at the cost of the Boarding House owner, to ensure that the common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

The Boarding House Management agent is to employ the services of professional maintenance companies to undertake regular maintenance of the building. The maintenance companies are to enter the premises regularly and complete all maintenance required.

Any damage of internal or external property (including graffiti) is repaired immediately together with all wear and tear items.

Maintenance of Individual Areas and Responsibilities

Individual residents are responsible for maintaining their rooms in a clean and tidy state and must be made available for inspection by the boarding house managing agent upon request (48 hours notice).

Pest Control Arrangements

Cleaning will also include regular inspections for vermin control and pest control services will be arranged by the boarding house managing agent on a regular basis.

Waste Management and Collection

A weekly cleaner will be employed, at the cost of the Boarding House owner, to ensure that the common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

Fire Safety

A Fire Safety Evacuation Plan will be prepared and attached to this Plan of Management prior to commencement of operations of the boarding house prior to the Operation of the Boarding House (prior to the issue of an Occupation Certificate). The plan will contain pictorial instructions detailing evacuation steps in the case of an emergency. The plan is to include evacuation routes, assembly points, and a plan of action once a fire alarm has been activated. The Fire Safety Evacuation Plan is to be prominently located in each room and in the common area. The phone numbers of appropriate contacts will be prominently displayed throughout the premises e.g. NSW Police, Security Company, NSW Fire and Rescue, NSW Ambulance Service and other local emergency assistance services.



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

Emergency Contacts and Procedures

The phone numbers of appropriate contacts will be prominently displayed throughout the premises (foyer and common room) e.g. NSW Police, Security Company, NSW Fire and Rescue, NSW Ambulance Service and other local emergency assistance services. Phone numbers are also to be provided for appropriate support infrastructure service providers such as Telstra, Electrical Authority, Water Authority, local Council, etc.

Conflict Resolution

Complaints from the community and between lodgers are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint. The task of the managing agent is to ensure that all neighbourhood and internal complaints are recorded and management responses documented. A Management Diary and an Incident Register is to be kept.

The managing agent will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Boarding House intends minimising any further impact in the future on neighbours or between residents.

The procedures detailed in this Plan of Management are designed to minimise complaints.

The managing agent is to deal with empathy and respect to any person making a complaint.

Complaints Mechanism: External

The managing agent is responsible for establishing contact and maintaining a relationship with the neighbours of the Boarding House within a 100m radius by undertaking the following tasks:

- Upon appointment letterbox drop all mail boxes within 100m radius of the Boarding Housing advising of their appointment and nominating all methods to contact them should any matter arise that warrants addressing. There shall be no less than two after hours contact numbers.
- Provide a clear sign at the front of the Boarding House, that is visible to the public, identifying the name of the managing agent and the methods of contacting the Manager in the event that there is a matter that warrants addressing.

Complaints from the community are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint.

The task of the managing agent is to ensure that all neighbourhood complaints are recorded and management responses documented. A Management Diary and an Incident Register is to be kept. The Managing agent will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Boarding House intends minimising any further impact in the future.



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

The procedures detailed in this Plan of Management are designed to minimise complaints.

The Management agent is to deal with empathy and respect to any person making a complaint.

Complaints Mechanism: Between Lodgers

The managing agent is responsible for acting as mediator in disputes between lodgers. Complaints from the lodgers are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint.

The task of the managing agent is to ensure that all complaints are recorded and management responses documented. A Management Diary and an Incident Register is to be kept.

The managing agent will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how it is intended to minimise any further impact in the future.

The procedures detailed in this Plan of Management are designed to minimise complaints.

The managing agent is to deal with empathy and respect to any person making a complaint.

Safety and Security

The boarding house is to be provided with the following safety and security measures:

- Installation of viewing holes to the front door and to the boarding house rooms themselves;
- Installation of an individual lock to each of the rooms with only 1 set of keys issued to occupants;
- Installation of a front door lock with 1 set of keys issued to each occupant to access the front door of the building.

House Rules - Amenity of the Neighbourhood and Control of Noise

The draft "House Rules" for the Boarding House are attached to this Plan of Management. It is noted that the document is a draft as it outlines the minimum requirements to be implemented by the Management agent; however it may be appropriate to amend and add to the House Rules as the Boarding House operations evolve.

The House Rules are to be prominently displayed in the common areas. Each new tenant is to be provided with a copy of the House Rules when signing their leasing agreement and agree to be bound by the House Rules.

House Rules relate to –

- the emission of noise (from within the boarding house and also the external spaces);



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

- prohibition of large gatherings and parties on the premises;
- interference with the peace and quiet of other residents and neighbours;
- volume of television and music players;
- control of alcohol intake and prohibition of illegal substances; and
- anti-social behaviour.

The emission of noise and appropriate hours for noise emission is dictated in legislation and enforced by parties such as the local Council. The managing agent is to be familiar with the legislative requirements and rules and be aware of the relevant authorities that are responsible for enforcement of noise issues.



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

HOUSE RULES

The following rules are a condition of your occupancy agreement – Any breach of these rules will result in termination of your occupancy agreement.

Resident Behaviour & Neighbour Relations

Each occupant is required to ensure that other occupants of this boarding house as well as surrounding neighbours are allowed to peacefully and quietly enjoy their own premises. Each occupant is required to ensure they do not do anything or allow anything to occur that will impact on the quiet enjoyment of each tenant and neighbour of this boarding house.

Occupants of each boarding room shall make available their boarding room available for inspection by the property manager. This shall be by appointment with 24 hours' notice. However, in the case of an emergency, no notice is required and the property manager may use the spare key to enter the premises

Occupants are not to congregate in groups in any part of the common property, especially the external common property. Anti-social behaviour of any kind is prohibited and will be referred immediately to the police.

Any breach of the house rules will result in warnings initially, and in the case of persistent and serious breaches, termination of your lease and eviction from the premises.

Noise & Radio/TV

At any time noisy activities are occurring, occupants should keep doors any windows closed where possible to reduce noise emission and impact on neighbours.

Television, music players and any other sound emitting devise should be kept at a moderate level and not be audible from neighbouring properties

Use of External Areas

The common room and common courtyard shall only be used during the following Hours:

- Sunday to Thursday 7am to 10pm with the courtyard use ceasing at 9pm
- Friday and Saturday 7am to 10pm with the courtyard use ceasing at 9pm.



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

Alcohol and Smoking

No Alcohol or illegal substances are to be consumed or be brought into common property at any time. Alcohol consumed in rooms must be disposed of in designated recycling bins.

No smoking is permitted within the Boarding House. Smoking is to be limited to visually obscured external open space areas only. No smoking is to be undertaken at the front of the property, only in the designated external smoking spaces.

Parking of Vehicles

Any cars unable to be accommodated on site will be parked on the street network and are not to block driveways or being parked in no parking or no stopping zones.

Register of Complaints & Dealing with Complaints: Neighbours

The managing agent is responsible for establishing contact and maintaining a relationship with the neighbours of the Boarding House within a 100m radius by undertaking the following tasks:

- Upon appointment letterbox drop all mail boxes within 100m radius of the Boarding Housing advising of their appointment and nominating all methods to contact them should any matter arise that warrants addressing. There shall be no less than two after hours contact numbers.
- Provide a clear sign at the front of the Boarding House, that is visible to the public, identifying the name of the managing agent and the methods of contacting the Manager in the event that there is a matter that warrants addressing.

Complaints from the community are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint. This is to include specific room numbers that generate complaints.

The task of the managing agent is to ensure that all neighbourhood complaints are recorded and management responses documented. A Management Diary and an Incident Register is to be kept.

The managing agent will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how the Boarding House intends minimising any further impact in the future.

Register of Complaints & Dealing with Complaints: Between Tenants

If conflict between lodgers cannot be resolved amicably complaints are to be directed to the managing agent who will act as a mediator between lodgers. Complaints are to be noted in an Incident Diary with details of the complaint and the action taken to address the complaint.



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

This is to include specific room numbers that generate complaints.

The task of the managing agent is to ensure that all internal complaints are recorded and management responses documented. A Management Diary and an Incident Register is to be kept.

The managing agent will listen to complaints or respond to correspondence and detail procedures to the persons complaining as to how it is intended to minimise any further impact in the future.

Cleaning Schedules

Each resident is required keep common areas clean. After using common facilities such as the kitchen or bathroom, residents are clean up after themselves. Residents are encouraged to use their own private kitchen and bathroom where possible.

Common areas are to be maintained by users and spaces should be left as they are found- in a clean and tidy state.

A weekly cleaner will be employed, at the cost of the Boarding House owner, to ensure that the common property is clean and to take out the bins for the council garbage collection and subsequently bring in the bins after collection. Recycling bins and residual bins will be provided in each room to promote recycling.

Waste Disposal

Waste is to be disposed to the communal waste bins once bins are full;

Number of Approved Boarding House Rooms

There are to be no more than 19 lodgers on the premises at any one time.

Common Areas and Usage Times

Common areas are available for the enjoyment of boarders provided good order is maintained. All waste is to be disposed of and not left in the common areas or externally in common areas;

The common room and common courtyard shall only be used during the following Hours:

- Sunday to Thursday 7am to 10pm
- Friday and Saturday 7am to 10pm



Plan of Management: 28 Wollombi Road, Muswellbrook: Boarding House

Behaviour and Guest Visiting Times

Each tenant of this boarding house is responsible for themselves and their visitors. Tenants should ensure their visitors enter and exit the site in a quiet and respectful manner, having regard to the time of day or night they are entering or exiting the site.

Guests are permitted on site however they are not to stay overnight if this would lead to more than 2 persons being located in the boarding room;

Animals

There is to be no keeping of animals on the premises as this may compromise the health and/or safety of other residents and will impact upon maintenance and cleanliness requirements within the Boarding House.

Smoking

No smoking is permitted within the Boarding House. Smoking is to be limited to visually obscured external open space areas only. No smoking is to be undertaken at the front of the property, only in the designated external smoking spaces.

Alcohol and Drugs

No Alcohol or illegal substances are to be consumed or be brought into common property at any time. Alcohol consumed in rooms must be disposed of in designated recycling bins.

Security

The Boarding House is to be fitted with recording CCTV cameras in the common areas such entries, car parking area and common lounge room. All movement in these areas is to be recorded and monitored. The footage is to be capable of being viewed live and recorded, over the Internet from any fixed or portable Internet viewing device, from anywhere locally or internationally. The continual electronic monitoring and recording of common areas is a key function of providing actual and perceived security. These premises are under 24/7 video surveillance which is recorded and held and will be provided to council and/or law enforcement at any time. Disturbances are to be reported to the manager and NSW Police (if manager unavailable).

Function and Event Restrictions

No Parties or any other noise generating activity is to occur after 10pm Sunday to Thursday and after midnight Friday and Saturday and external areas are not to be used after 9pm any night of the week.

WASTE MANAGEMENT PLAN

DEMOLITION, CONSTRUCTION AND USE OF PREMISES

Site Address: 28 Wollombi Rd, Muswellbrook NSW 2333

Applicant's name and address:

baini design

PO BOX 2402
North Parramatta, NSW, 1750
1B Villiers street
Parramatta, NSW, 2150
Ph: 9188 8250
www.bainidesign.com.au
info@bainidesign.com.au

Buildings and other structures currently on the site: Vacant Site.

Brief Description of Proposal: Construction of a New Generation Boarding House.

The details provided on this form are the intentions of managing waste relating to this project.

Date:

16.05.2018

SECTION ONE – DEMOLITION**Demolition Stage 1**

Materials On-Site		DESTINATION		
		RE-USE AND RECYCLING		DISPOSAL
Type of Material	Estimated Volume (m ³) or Area (m ²)	ON-SITE Specify proposed reuse or on-site recycling methods.	OFF-SITE Specify contractor and recycling outlet.	Specify contractor and landfill site.
Excavation Material	5m ³	Keep and re-use some topsoil for landscaping, planterbed & back fill. Store on-site. Use behind retaining walls etc.	Muswellbrook Waste Management Facility. Coal Rd, Muswellbrook NSW 2333	Muswellbrook Waste Management Facility. Coal Rd, Muswellbrook NSW 2333
Green Waste	N/A			
Bricks/blocks	N/A			
Concrete	N/A			
Timber – Hardwood/pine	N/A			
Plasterboard	N/A			
Metals – Zinc-alum	N/A			
Tiles and door fitting (incl. roof tile)	N/A			
Kitchen cupboard, sink & stove	N/A			
Bathtub vanity and closet pan	N/A			
Asbestos	N/A			

SECTION TWO – CONSTRUCTION AND USE
Construction - Stage 2(a)

Materials On-Site		DESTINATION		
		RE-USE AND RECYCLING		DISPOSAL
Type of Material	Estimated Volume (m ³) or Area (m ²)	ON-SITE Specify proposed reuse or on-site recycling methods.	OFF-SITE Specify contractor and recycling outlet.	Specify contractor and landfill site.
Excavation Material		Covered in Stage 1 part of demolition		
Green Waste				
Bricks	5m ³	Use for fill behind retaining walls	Muswellbrook Waste Management Facility. Coal Rd, Muswellbrook NSW 2333	
Concrete	3m ³	Use for fill behind retaining walls	Muswellbrook Waste Management Facility. Coal Rd, Muswellbrook NSW 2333	
Timber –Oregon Pine Timber pallets Particle board finishes	3m ³	Chip for landscaping, Return pallets	Return full lengths to supplier, Remainder to approved landscaping supplies for chipping, return pallets to supplier	
Plasterboard	2m ³	Break-up and use in landscaping	Muswellbrook Waste Management Facility. Coal Rd, Muswellbrook NSW 2333	
Metals – Copper Aluminium	2m ³		Sims Metal Management 31 Strathmore Road Muswellbrook, NEW SOUTH WALES 2333 AUSTRALIA	
Other – Electrical fittings Reject trade-ins PVC Plastic	1m ³		Muswellbrook Waste Management Facility. Coal Rd, Muswellbrook NSW 2333	

Note: Details of site area to be used for on-site separation, treatment and storage (including weather protection) shown on the site management.

Design of Facilities – Stage 2(b)

Premises type
Boarding House

Waste generation
60L/occupant space/week

Recyclable material generation
20L/occupant space/week

TYPE OF WASTE TO BE GENERATED	EXPECTED VOLUME PER WEEK	PROPOSED ON-SITE STORAGE AND TREATMENT FACILITIES	DESTINATION
Please specify. For example: glass, paper, food waste, off cuts etc.	Litre or m ³	For example: Waste storage & recycling area Garbage chute On-site composting Compaction equipment	Recycling Disposal Specify Contractor
A.Recyclables:- 1.Home paper and cardboard waste. 2.Glass, aluminum and plastic (bottles).	1 x240 Litres	A. 240 Litre Recycle storage bins for paper, cardboard, glass, plastic & aluminium.	Paper/cupboard to recyclers Glass/aluminium & plastic to collected by council appointed contractor
B.Non-recyclables:- 1.Foodscraps etc. 2.Other plastics (eg wrapping). 3.Unrecycabel waste.	2 x 240 Litres	B. 240 litre Storage bins	To be collected by Council appointed contractors

Minimise resource requirements and construction waste through reuse and Recycling and the efficient selection and use of resources.

Maximise reuse and recycling of household waste and industrial / commercial Waste.

COMMUNITY PARTNERSHIPS – Social Impact Assessment DA47/2018

The Statement of Environmental Effects attached to DA47/2018, states that the “students are to be the key target market for future residents considering the site’s proximity to the Muswellbrook TAFE” (p.3). The following observations reflect the primary use as ‘student accommodation’.

Public transport in the Wollombi Rd area is provided by Osborn’s Bus Service and the area is serviced Monday to Friday between 9:13am and 1:52pm by four services and on Saturdays between 9:13am and 12:11pm by three services (excluding public holidays). It is not serviced on Sundays. Students who rely on public transport will be disadvantaged by the dearth of practical public transport, both in travelling within the Muswellbrook township and beyond its environs. For example, a student attending TAFE catching the 9:13am bus from Wollombi Road will arrive at the Maitland & Sydney Street bus stop at 10:45am. As bus services are only provided during school hours, there is no capacity for a student to catch public transport back to Wollombi Road in the afternoon. Likewise, connectivity between local public transport and trains and/or buses beyond is negligible, with no connections to regional buses (Sid Fogg) in the Newcastle direction; and only one unbooked train option from Muswellbrook to Maitland requiring a wait of 30 minutes. Should a student be required to attend classes, internships, or similar in a metropolitan region, public transport is not a practicable option. Additionally, although Osborn’s has accessible buses, it is unclear whether the Sydney Street Loop (which services Wollombi Road) is serviced by an accessible bus, meaning students with mobility issues potentially have zero public transport opportunities.

Access to other public transport options, such as taxis, which are likely to be a prohibitive cost to the proposed tenants of this DA, are extremely limited in Muswellbrook.

Walking or cycling as an option is feasible, however, both TAFE and the nearest services (Muswellbrook Fair), are approximately 2 kilometres from Wollombi Road. If a student has mobility issues or is acutely or chronically ill and does not have access to a private motor vehicle, these distances may be a disincentive to them being able to tenant the proposed premises although they may be fit for purpose otherwise. This potentially disadvantages students who most need affordable housing.

Noting the poor access to suitable public transport, it is likely that any student lodger will require access to a private vehicle. At the time of application, the SEPP provided for 0.4 parking spaces per room which is a higher ratio intended to acknowledge that this area is poorly serviced by public transport. As indicated by in the DA47/2018 – Boarding House report to the Development Assessment Committee, the DA meets this parking/room ratio requirement. This ratio is logical in a metropolitan area where parking is at a premium and an adequate public transport system exists. It may not be as applicable in regional areas where private vehicle transport is imperative.

Students are typically categorised as having low socio economic status, as they are often studying full-time and working part-time to cover the cost of living. The Wollombi Road area is one that has an historically low SEIFA result. In providing additional low cost housing in the area, there is a potential risk of further entrenching the adverse perceptions some members of the community have of the area. Alternatively, a new,

modern and amenable building in the area could be perceived as a starting point in improving the amenity of the area.

Although the target group of this application is students, there is no way of determining how students will be targeted as the key audience; who else may be targeted; and what strategies will be used to ensure that priority is given to students. **Recommendation** - if student accommodation is the only priority, potentially this should be made explicit and a condition placed on the development that specifies that occupants will be enrolled in an accredited educational facility.

Sandra Vlacci
Collective Impact Facilitator

5.2 PRELODGE MENT ADVICE AND SEWAGE SERVICING STRATEGY FOR A POTENTIAL LARGE LOT RESIDENTIAL SUBDIVISION OF LOT DP 323945 (YARRAWA ROAD DENMAN)

Attachments:	A. Preliminary Wastewater Assessment
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning & Community Services
Author:	Hamish McTaggart - Senior Development Planner
Community Plan Issue:	<i>Support initiatives which reduce the community's impact on the environment</i>
Community Plan Goal:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>
Community Plan Strategy:	<i>Develop Environmental Sustainability Guidelines and checklist for Development Applications.</i>

PURPOSE

This report has been prepared for the Development Assessment Committee to initiate a discussion on Council's strategic direction for the management of sewage for future development of R5 Large Lot Residential zoned land in the Denman locality.

In 2014 Council endorsed a Planning Proposal for the rezoning of 41.88 hectares of land to the south of Yarrawa Road and the Denman township (Lot 1 DP 323945) from RU1 Primary Production to R5 Large Lot Residential. The rezoning established a 4,000m² minimum lot size for the land. An amendment to the Muswellbrook Local Environmental Plan (LEP) 2009 was gazetted on the 24 March 2016 which achieved the objectives of the Planning Proposal.

The proponent is preparing studies and documentation for a possible subdivision of site, and has approached Council staff for advice on certain matters.

In particular, the proponent has raised issues with servicing the subdivision by an extension to Council's reticulated sewage system. The proponent has advised Council that it is cost prohibitive to progress a development application for the subdivision of the land if reticulated sewage is required. The proponent has asked for consideration of individual on-site sewage management systems instead.

At the most recent meeting between the proponent and Council Officers on the 12 September 2018 preliminary information was provided to Council about the on-site sewage management servicing strategy. At an internal discussion on the proposed servicing strategy senior management recommended that the Development Assessment Committee be consulted on the matter and associated strategic implications of the intended servicing arrangement.

This report has been prepared at the direction of management to inform the Development Committee of the pre- servicing discussions and to seek input on advice back to the proponent.

OFFICER'S RECOMMENDATION

The Development Assessment Committee :

- 1. Notes the information contained in this report.**
- 2. Supports advice back to the proponent that Council's preference is that lots that can be connected via a gravity fed sewer to the reticulated sewage system for Denman are serviced this way. On-site sewage management systems would be acceptable for the**

remaining lots provided they are of sufficient size. Council would support a variation to the minimum lot size down to 2500m² for lots served by the reticulated sewage system.

3. Supports advice back to the proponent that if they intend to continue to plan the subdivision with only an on-site sewage management system option they will need to justify this approach by:
 - a) Documenting the financial costs and economic viability of the subdivision based on an extension of the reticulated sewage system to service lots that can be connected via a gravity fed sewer compared to the on-site sewage management option.
 - b) Identifying the potential environmental impacts that may result from the subdivision of the land where its future development would be reliant on servicing via on-site sewage management systems.
 - c) Demonstrating that this servicing arrangement is logical and sustainable, and what mechanisms could be put in place to reduce future risk to Council of future owners requesting an extension of the reticulated sewage system to service lots that can be connected via a gravity fed sewer.
4. Supports advice back to the proponent that they submit technical information to demonstrate the adequacy of the proposed servicing arrangement subject to relevant legislated requirements, guidelines and consultation with Council Officers.

Moved: _____ Seconded: _____

BACKGROUND

Council has received enquiries from and on behalf of the owners of a land holding south of Yarrawa Road Denman, which is zoned R5 Large Lot Residential in Muswellbrook LEP 2009.

When the Planning Proposal was endorsed the information before Council suggested the subdivision would be serviced by the extension of Council's reticulated sewage network.

Consultants working on behalf of the proponent have now advised Council that it would not be economically viable to subdivide the land if it is necessary for Council's reticulated sewage system to be extended to service the development.

The proponent has engaged a wastewater management expert, Dr Peter Bacon, to investigate an on-site sewage management option for the subdivision of the land. Preliminary comments from Dr Bacon have been provided to Council and the proponent has sought some feedback from Council Officers.

For the Committees information, and to assist in identifying the site, a copy of a draft subdivision layout has been included below.

SITE LAYOUT



CONSULTATION

Project Engineer (Water and Waste)

Council's Project Engineer has been involved in pre-lodgement meetings and consultation with the proponent. No issues have been raised by this Officer which would prohibit Council from considering on-site sewage management systems. However, this Officer has expressed reservations about the potential for political pressure to be placed on Council to extend its reticulated sewage system at a later stage should on-site sewage management systems fail to adequately service dwelling in the subdivision.

Environmental Health Officer

Council's Environmental Health Officer is Council's technical expert for on-site sewage management and has been involved in pre-lodgement meetings and has reviewed the preliminary information provided to Council. This Officer made the following comments:

... it was noted that an initial investigation was undertaken and some soil samples had been taken for the site. It was noted that the soil structure is the limitation of the site through investigation undertaken in the preliminary wastewater assessment prepared by Peter Bacon. It should be noted that the ideal wastewater disposal for the lots of this subdivision would in my professional opinion, be a connection to sewer. It was mentioned that some sites may not be able to meet this connection however most will. However, as it stands, the proposal recommends all lots be serviced by an Onsite sewage management (OSSM) system serviced by mound disposal and such I based my below feedback on the preliminary investigations and proposals.

*From experience, mound systems need to be designed by an experienced professional, as if installed incorrectly will lead to almost immediate failure. It should be suggested that the installer demonstrate their knowledge to Council, and all works undertaken require a works as executed, and a certificate of compliance at the completion of works as per NSW Fair trading requirements. These systems will be based as a high risk system. I suggest the lots be conditioned so that no structure can be built on or within the recommended buffer distances of the disposal area, and that a secondary reserve area be designated should the system fail. I make note that the proposed systems to service the properties listed in the assessment was proposed as the "ecomax system" (refer to page 9 of the provided preliminary wastewater assessment undertaken by Peter Bacon.) **This system is currently not accredited in NSW. As such, unless accreditation can be demonstrated, it will not be supported and an alternative system will be required.***

I note that the site layout proposes to build lots on existing dams, but it is my understanding that the applicant is intended to redirect overland flow. Consideration must be given for any disposal systems on these subject sites as soil may be saturated and unable to take absorb additional water. If a mound system was proposed this may resolve this issue.

Consideration must also be taken into account that fill will be required to construct a mound system.

I note that only 12 soil samples were taken for the proposed subdivision. Should the proposal of OSSM and mound system be approved, I would be recommending a condition that each lot is required to undergo their own wastewater report prior to approval to ensure that they have a site specific disposal system developed by a suitably qualified waste water consultant. Soil type can vary from property to property.

Again, it is my professional opinion that the lots be connected to town sewer, and that any properties that can not meet the lower portion of the subdivision that cannot be connected, (approximately 6 lots) be the only lots of this subdivision with OSSM systems.

Planning Comments

The following comments have been provided based on the review of the information at hand by Council's Senior Development Planner and the comments provided by other Council Staff:

The proponent has the opportunity to lodge a development application for the subdivision of the land into large lot residential holdings consistent with the relevant minimum lot size irrespective of their proposed servicing arrangement. Where the proponent intends to lodge a development application for the subdivision of the land to be serviced by on-site wastewater management systems the following would be relevant considerations for Council in the determining the adequacy or inadequacy of a servicing arrangement reliant on on-site sewage management:

- **Environmental impacts** – *The potential for adverse environmental impacts to result from the concentration of on-site sewage management systems in the locality. Comments provided by Council's Environmental Health Officer give an indication of the potential for adverse environmental outcomes to occur where on-site sewage systems are installed at a high concentration on unsuitable land, installed incorrectly or not adequately maintained by owners to an appropriate standard. To demonstrate the adequacy of any serving strategy reliant on on-site sewage systems the proponent should prepare and submit a comprehensive on-site sewage management geotechnical report to Council for consideration.*
- **Development Control Plan** – *The provisions of the Muswellbrook Development Control Plan that relate to subdivision and on-site sewage management. Sections 23 and 5 of the Muswellbrook DCP provide controls relevant to on-site sewage management systems and the servicing of subdivisions. The proponent should consider and address these requirements in any information accompanying a development application for the subdivision of the land. In particular it is observed that Clause 5.4.9 (iii) of the Subdivision Section of the DCP requires that where available connection to reticulated sewage will be required for subdivisions. To address this requirement the proponent must consider the availability of reticulated sewage to service the development and provide detailed justification as to why it is not viable to service the development through the extension of the reticulated sewage service. When addressing this requirement it is also recommended that the proponent consider and provide information relating to the feasibility of partially service any subdivision with reticulated sewage. Previous discussions with the proponent suggested that the viability of reticulated sewage was influenced by the requirement for a pump station to be constructed to service land on the lower portion of the site. This pump station is not required to provide service to the majority of lots in the north-western portion of the site. The servicing of these lots by reticulated sewage should be considered as it may be a more viable solution, potentially economically effective and would reduce environmental risk associated with the development and the potential for adverse community outcomes.*
- **Strategic context** – *Council is required to assess a development application against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. This requires assessment of relevant measurable assessment criteria as well as environmental impacts and public interest. In considering such matters Council may consider the strategic implications for the locality of the endorsement of a new large lot residential subdivision reliant on on-site sewage management systems. Where Council*

endorses a large lot residential subdivision reliant on on-site sewage management systems its decision has the potential to establish a precedent that may be used by developers in the future to substantiate the adequacy of un-sewered large lot residential subdivisions and increase the risk of failing systems to cause adverse environmental outcomes resulting in political pressure for Council to extend its reticulated sewage network to service the locality at a cost to ratepayers. The proponent should be mindful of these issues when preparing their development application, conclusively demonstrate the long term adequacy of the proposed waste water management servicing strategy and where possible outline any unique circumstances or considerations for the subdivision which may substantiate why Council should consider the use of on-site sewage management systems specifically for this development.

OPTIONS

Council endorse the recommendation or propose an alternate recommendation

The proponent's request is based on the cost of providing reticulated sewage service to lots that have a minimum size of 4000m². The proponent has a preference for larger rather than smaller lots, however, allowing a variation to the minimum lots size, down to 2500m², would retain a large lot residential character but may make provision of reticulated sewage a financially viable option.

FINANCIAL IMPLICATIONS

This item relates to the preparation of a development application only. No development application has been lodged with Council. Accordingly, this item has no financial Implications for Council .

LEGAL AND POLICY IMPLICATIONS

The Committee or Council cannot prejudge any prospective development application for the subdivision of the site. This report has been prepared to enable the Development Assessment Committee to consider and provide the proponent with advice relating to the sewage servicing arrangement when preparing a development application for the subdivision of the land. to seek input on advice back to the proponent

Should an application be lodged for the subdivision of the land reliant on on-site sewage or reticulated sewage management Council must assess that application on its merits.

CONCLUSION

It is recommended that the Committee note the information contained in this report, the matters which should be considered with any development application for the subdivision of the land reliant on servicing via on-site sewage management systems.

The resolution adopted by the Committee will be communicated to the proponent for their information when preparing any development application for the site.



*Woodlots and Wetlands Pty Ltd
220 Purchase Road
Cherrybrook
NSW 2126*

Sally Flannery
Director

Orbit Planning
Mobile: 0427 000 910
www.orbitplanning.com.au

Dear Sally,

RE: Onsite sewage management for L1 DP 323945, 9 Yarrawa Road Denman

The site was firstly assessed via aerial images. These images show areas where storm waters flow and where that are likely to accumulate. The images were used to establish sampling sites.

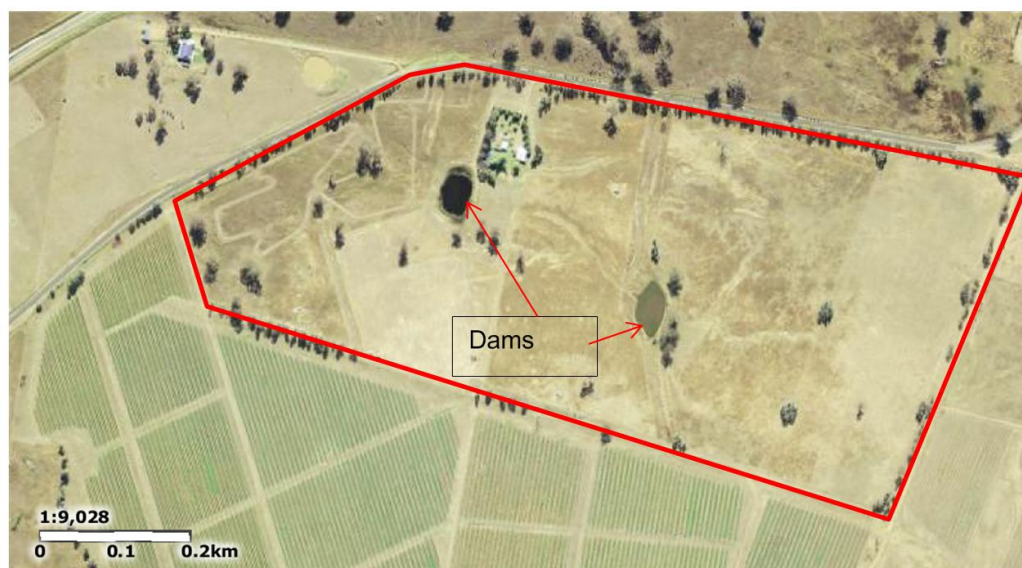


Figure 1. The subject area on 13 January 2009. There are 2 significant dams on site.



Figure 2. The runoff water flow paths

These were used to inform the soil sampling strategy.



Figure 3. The 12 soil sampling pit sites. These were located to encompass the full range of conditions on the site.

Summary of soil results

The sites were all sampled at 0-20 cm and 20-40 cm. Two sites, 5 and 12, were sampled and tested down to 2 m.

Soil structural instability was the key limitation. Soil structural instability is due to excess exchangeable sodium. This needs to be addressed via adding gypsum. The salinity is also due to the sodium.

Applying gypsum at 10 T/ha (1 kg/msq) to all disturbed areas is required.

The subdivision design should not incorporate swales or similar water retention devices. The water should be conveyed as efficiently as possible via closed pipe to the proposed stormwater management basin at the SE corner of the site.

All soils are low in nutrients and so the effluent addition will improve productivity on this site.

Soil organic carbon is low. SOC is an important soil 'glue' this glue helps maintain soil structure. Permanent pastures and minimal disturbance is recommended.

The structural issues of the soil suggest that at least 10 T/ha of gypsum is essential.

Table 1. Laboratory data for the surface 400 mm of soil. NOTE the comments in the right hand column.

Parameter	Depth 0 to 20 cm			Depth 20 to 40 cm			Indicative desirable values	Comments
	Average	LOWER 95%ile limit	UPPER 95%ile limit	Average	LOWER 95%ile limit	UPPER 95%ile limit		
Phosphorus (mg/kg P) Bray 1	4.7	0.4	9.0	1.8	1.0	2.5	30	Extremely low available P. Nutrients in the effluent will increase growth on the mounds.
pH (5:1 Water:soil)	6.9	6.3	7.5	7.5	6.5	8.6	6.5	Near neutral and not an issue
Electrical Conductivity (dS/m) (5:1 water:soil)	0.2	0.013	0.34	0.3	0.0	0.6	0.15	Slightly high, especially at depth. Increases in samples in the lower parts of the landscape. Salinity must be considered with designing the dwelling slabs and roads.
Electrical Conductivity (dS/m) Sat Ext	1.5	0.116	1.632	2.4	0.0	4.7	<2	
Exchangeable Calcium (cmol+/kg)	5.5	4.14	6.81	6.8	2.8	10.9	11	Low, especially in the surface 20 cm. Add 10 T/ha of gypsum (kg/msq) to the soil below and surrounding the proposed mound..
Exchangeable Magnesium (cmol+/kg)	5.5	3.19	7.76	8.0	3.8	12.2	2	High. Adding gypsum at 10 T/ha will assist. In restoring balance.
Exchangeable Potassium (cmol+/kg)	1.0	0.65	1.26	0.7	0.5	1.0	0.5	OK. Not an issue
Exchangeable Sodium (cmol+/kg)	1.9	-0.23	4.00	3.7	0.4	6.9	0.26	High near the surface and concentration increases with depth. Gypsum at 10 bt/ha should be applied to all disturbance areas, e.g. roads, gutters, pipelines and home foundations.
Exchangeable Aluminium (cmol+/kg)	0.0	0.014	0.02	0.0	0.0	0.0	0.5	Low and not an issue
Exchangeable Hydrogen (cmol+/kg)	0	0	0	0	0	0	0	Low and not an issue
Effective Cation Exchange Capacity (cmol+/kg) (ECEC) (cmol+/kg)	13.8	9.2	18.4	19.2	8.1	30.3	14	Average ECEC varies across the site, but on average it is OK.
Calcium (%)	43	33	53	38	30	45	76	Calcium content is low and 10 t/ha of gypsum is

Parameter	Depth 0 to 20 cm			Depth 20 to 40 cm			Indicative desirable values	Comments
	Average	LOWER 95%ile limit	UPPER 95%ile limit	Average	LOWER 95%ile limit	UPPER 95%ile limit		
								required
Magnesium (%)	38	32	45	42	39	45	12	Magnesium content is high. This can contribute to soil structural instability.
Potassium (%)	7.9	4.5	11.3	5.5	2.4	8.6	4	Potassium content is high. Potassium based fertilisers are not needed.
Sodium - ESP (%)	10.5	1.4	19.6	14.7	6.3	23.1	2	Average exchangeable sodium percentage is 5 to 7 times the desirable percentage. The sodic soil threshold is at 5%. The average was 2 to 3 times this value. Gypsum at 10 T/ha is essential on disturbed areas.
Aluminium (%)	0.1	0.085	0.18	0.1	0.1	0.2	7	Not an issue
Hydrogen								Not an issue
Calcium/Magnesium Ratio	1.2	0.6	1.8	0.9	0.7	1.1	6.4	Less than 4 is low. Gypsum is required.
Total Carbon (%)	1.8	1.4	2.2	1.3	0.7	1.8	>2.6	All very low. There is little Soil Organic Carbon to act as a glue of this site. Minimise cultivation and retain a permanent pasture on the site.
Total Nitrogen (%)	0.1	0.096	0.15	0.1	0.1	0.1	>0.2	Total nitrogen concentration is very low. The soils have low fertility.
Carbon/Nitrogen Ratio	15	13	16	15	13	17	10-12	The C:N ratio is higher than desirable. This usually results from low quality pasture and weeds.

Locations of nearby bores.

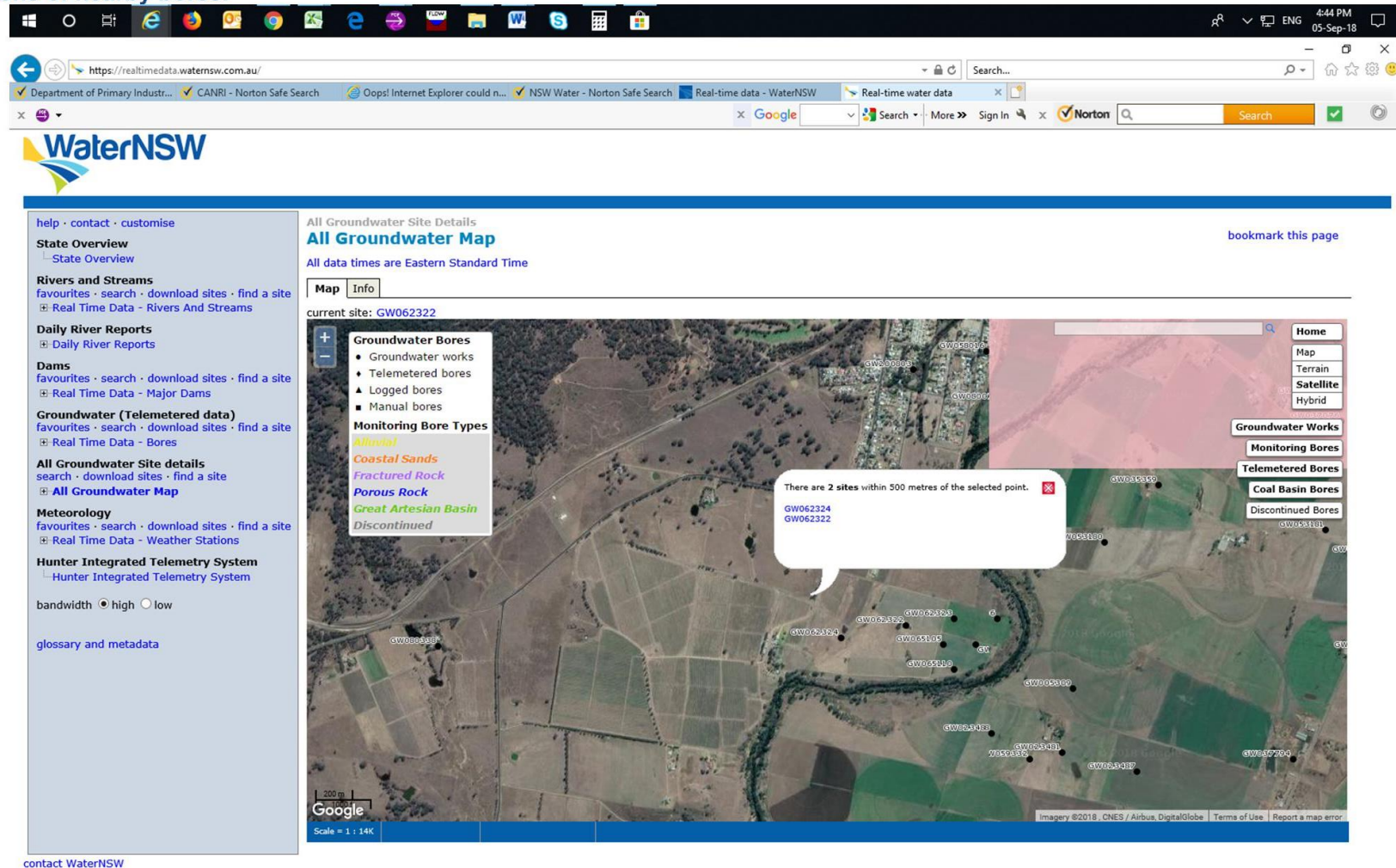


Figure 3. Locations of nearby bores. There are two shallow bores near the SE boundary. Both are more than 200m from the proposed stormwater treatment ponds. That is nearness to bores is not an issue.

Table 4. The average climatic data for the region (Source BoM).

Parameter	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
Mean max temp	32	31	28	25	20	17	17	19	22	25	28	30	24
Mean min temp	17	17	14	10	7	5	3	4	7	10	13	15	10
Average daily temperature	24	24	21	17	14	11	10	11	14	17	21	23	17
Mean monthly rain (mm/mo)	62	56	55	34	36	48	38	37	35	48	75	77	616
Decile 1 monthly rainfall (mm)	23	14	10	1	12	17	5	3	10	6	23	38	421
Decile 5 (median) monthly rainfall (mm) for years 1994 to 2018	51	42	52	25	26	34	37	30	30	48	59	77	636
Decile 9 monthly rainfall (mm) for years 1994 to 2018	126	108	124	88	79	95	68	69	64	76	150	127	791
Mean number of days of rain \geq 25 mm for years 1994 to 2018	0.7	0.5	0.4	0.2	0.3	0.4	0.3	0.4	0.2	0.4	0.8	0.8	5.4
Mean daily solar exposure (MJ/(m ² m)) for years 1990 to 2018	25.2	21.8	18.6	14.7	11.2	9.1	10.3	13.8	17.7	21.3	23.2	25.1	17.7
Mean daily evaporation (mm)	7	6.2	4.9	3.6	2.3	1.6	1.9	2.8	4	5.1	6.2	7.1	4.4
Mean monthly evaporation (mm)	217	174	140	108	71	48	59	87	120	158	186	220	1606

The key issue is that evaporation exceeds rainfall in every month except June. Therefore a mound system can be designed with relatively low capacity to store and carryover water until the rains cease.

Potential types of onsite sewage systems that would meet the soil needs

The structurally unstable nature of the soils would preclude subsurface irrigation.

Surface irrigation is an option, however the soil surface could seal (unless 10 t/ha of gypsum were regularly added to the irrigation area Zero gypsum would lead to runoff.

A mound system is the recommended method for this type of site in AS/NZS 1547 (2012).

The system would take up approx. 150 msq of the 4000 msq lot. Unlike the Aerated Wastewater Treatment Systems, the system does not rely on a more or less continuous influx of sewage in order to operate. This is a major issue when the use of the dwellings is likely to be intermittent.

Australian Environmental Wastewater Solutions Pty Ltd Tertiary Treatment using Ecomax Technology

11. ECOMAX CONSTRUCTION DRAWINGS**Australian Environmental Wastewater Solutions Pty Ltd****86 King Road, Wahroonga, NSW****PH: 0418 942 669****ECOMAX SEWAGE TREATMENT SYSTEM**

Model No: ER4 Heavy Soils Specifications

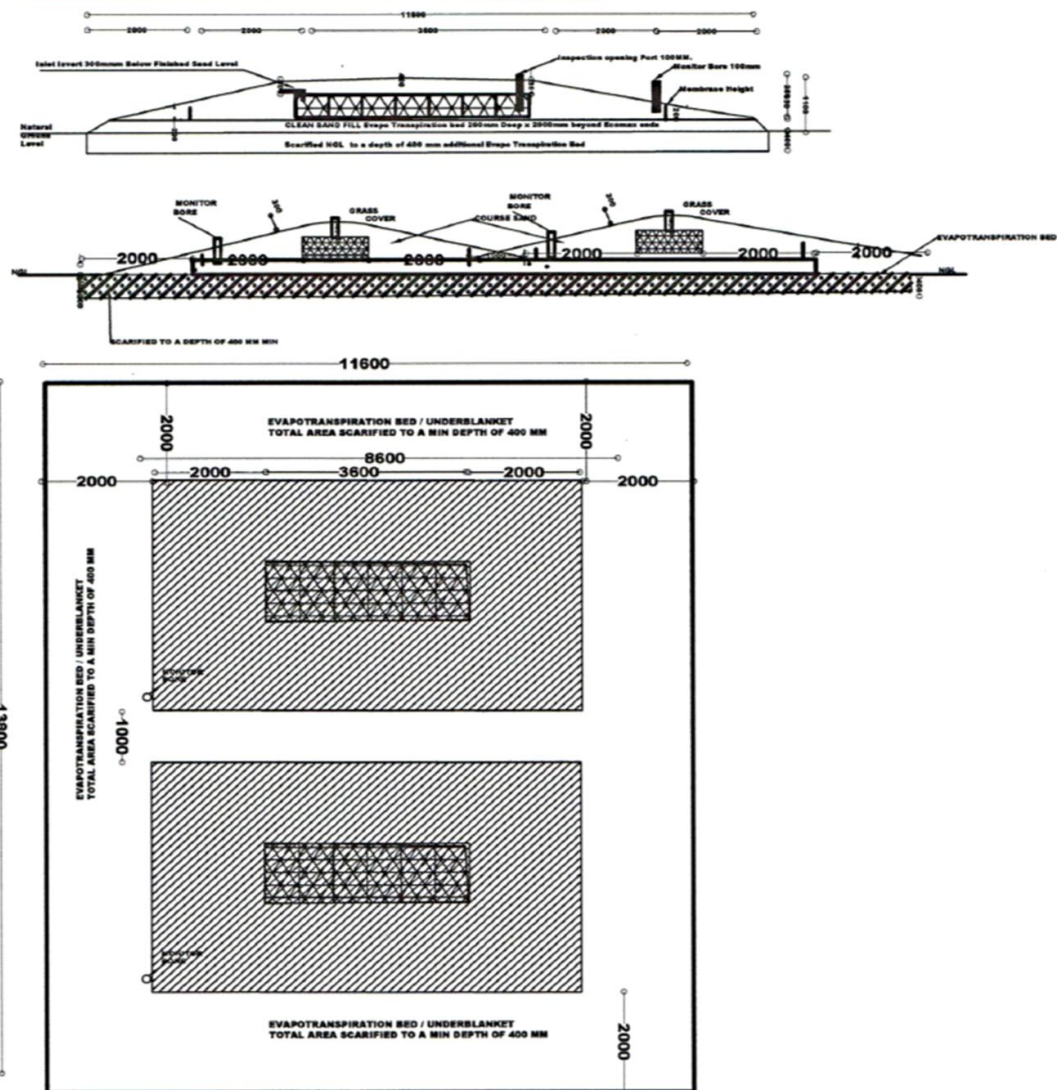
Capacity : 1800Ltrs per day

Installation Criteria: Fully Above Ground

Evapotranspiration Bed min 2000 mm

Depth of Evapotranspiration Bed 250mm Course Sand - 400mm scarified NGL

Total Course sand required = 130 Tons



Copyright 2012

This system is larger than the one proposed for the Denman site.

13. SEPTIC TANK SPECIFICATIONS



Accreditation Schedule

The Certificate of Accreditation applies to the following septic tanks and collection wells.

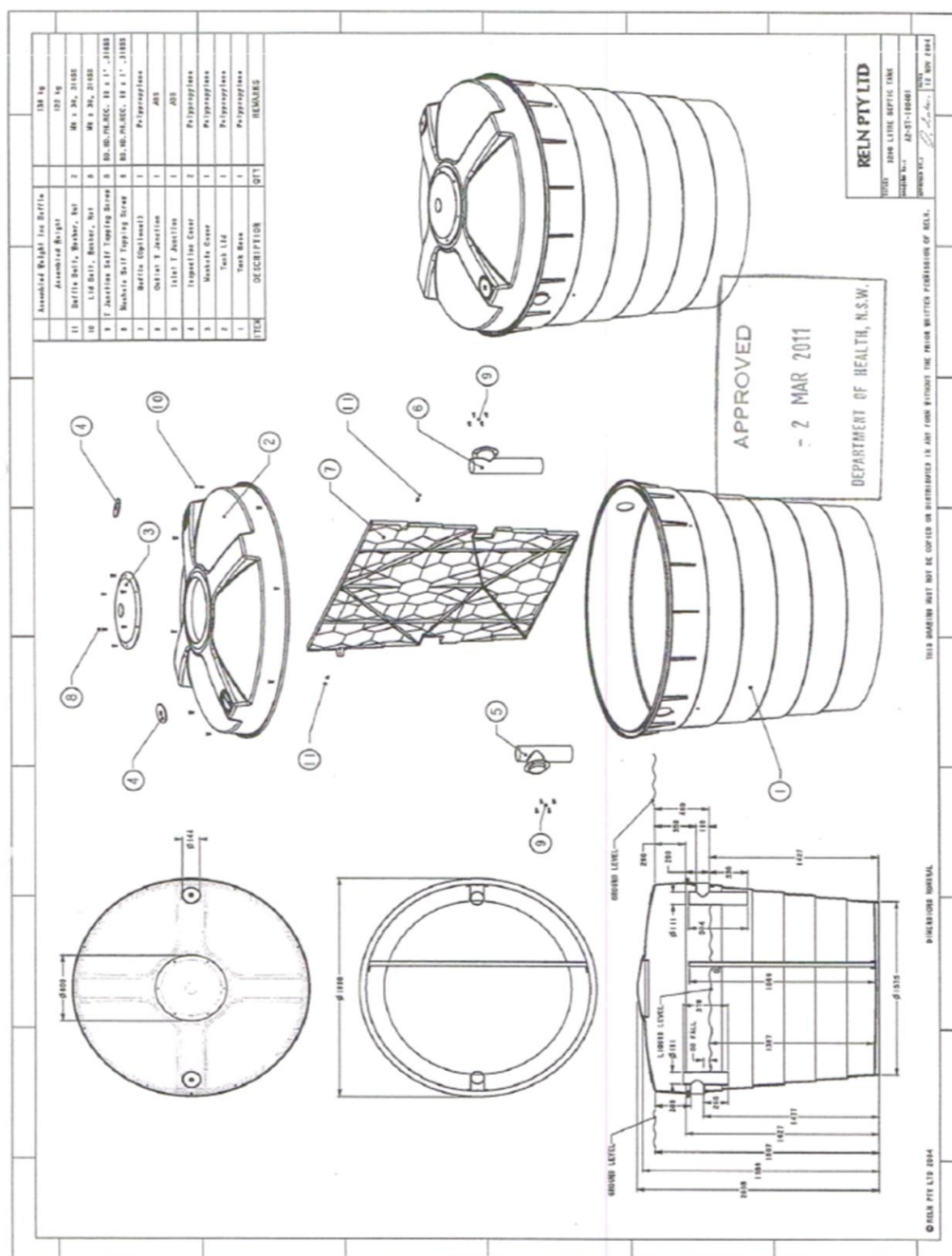
Model	Description	Size
Septic Tank	<p>Vertical axis type cylindrical (tapered) injection moulded polypropylene tank. Tank, lid, access and inspection covers contain an ultra violet stabilizer. 4000 L tank is fitted with riser, baffle extension and reinforced structural brace ring.</p> <p>Tank lid burial depth is restricted to 0 mm</p>	<p>3200 L</p> <p>4000 L</p>
Collection Well	<p>Vertical axis type cylindrical (tapered) injection moulded polypropylene tank. Tank, lid, access and inspection covers contain an ultra violet stabilizer. 4000 L tank is fitted with riser and reinforced structural brace ring.</p> <p>Certification applies only to the construction of the tank, lid, access and inspection covers. It does not include the internal fittings or partitions.</p> <p>Tank lid burial depth is restricted to 0 mm</p>	<p>3200 L</p> <p>4000 L</p>

Date of Issue: 2 March 2011
Certificate No: 002-1651

This Certificate of Accreditation is in force until 31 December 2013

The Ecomax system is registered under the NSW Health Accreditation Scheme.

Australian Environmental Wastewater Solutions Pty Ltd Tertiary Treatment using Ecomax Technology



The septic tank system.

5.3 REVIEW OF RIVERS AND DRAINAGE CHANNELS POLICY - DISCUSSION PAPER

Attachments:	A. Review of Rivers and Drainage Channels Policy Discussion Paper
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning & Community Services
Author:	Sharon Pope - Assistant Director - Planning & Community Services
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Deliver timely, quality professional development engineering and assessment.</i>

PURPOSE

Staff have commenced work on a discussion paper to review the Rivers and Drainage Channels Policy, which in turn will allow identification of matters that need to be included in Muswellbrook DCP 2009. This report has been prepared to seek Committee input to ensure the discussion paper has adequately identified the outcomes and issues that the revised Policy should address.

OFFICER'S RECOMMENDATION

The Committee note the draft discussion paper and provide feedback on the identified outcomes and issues.

Moved: _____ **Seconded:** _____

BACKGROUND

Council adopted the Rivers and Drainage Channels Policy (R25/1) on 9 November 2015. The Policy is intended to apply to any development in the urbanised area of the Shire, where that development impacts upon, adjoins or crosses rivers and urban drainage systems.

The Policy is relatively generic and could be revised to be more placed based, identifying specific requirements for sections of the different waterways in the urban area, so that Council staff and proponents of development have more certainty and clarity on requirements. Council has resolved that the Committee participate in the review of the Policy and identify matters that should be inserted into Muswellbrook DCP 2009 to improve management of urban drainage systems.

CONSULTATION

The purpose of this discussion paper is to commence the consultation and collaboration process. The draft discussion paper is still incomplete, however it is timely to seek input from the Committee to ensure the relevant outcomes and issues have been captured as part of the review of the Rivers and Drainage Channel Policy.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

This discussion paper forms the first part of the consultation process of the review of the Rivers and Drainage Channels Policy.

REPORT

A copy of the draft discussion paper is provided in Attachment A. The draft discussion paper currently identifies a number of outcomes Council is seeking to achieve by having a Policy on Rivers and Drainage Channels, and issues that have arisen with implementation of the current Policy. Staff are seeking feedback on these identified outcomes and issues.

The draft Discussion Paper is still in a working draft format as a collaborative approach is desirable when working on strategic land use and policy matters, seeking input early, and frequently, will ensure the final discussion paper is concise and focussed on the correct matters.

OPTIONS

The Committee may:

1. Discuss and provide feedback on the draft Discussion Paper to staff. This is the preferred option.
2. Decline to provide feedback and request staff to complete the draft Discussion Paper and report back for feedback to the Committee;
3. Resolve to not proceed any further on this review or the identification of amendments to the DCP.

CONCLUSION

A clear understanding of the outcomes to be delivered and issues to be managed in the revised Rivers and Drainage Channels Policy will ensure staff resources are focussed on delivering solutions that are relevant and practical.

SOCIAL IMPLICATIONS

Nil at this stage

FINANCIAL IMPLICATIONS

Nil at this stage

POLICY IMPLICATIONS

Nil at this stage

STATUTORY IMPLICATIONS

Nil at this stage

LEGAL IMPLICATIONS

Nil at this stage

OPERATIONAL PLAN IMPLICATIONS

24.2.2 Implement policy framework management.

RISK MANAGEMENT IMPLICATIONS

Risk will be reduced by a Rivers and Drainage Channels policy that systematically applies good governance principles to the management of Rivers and Drainage Channels.

Review of Rivers and Drainage Channels Policy Discussion Paper

Outcomes identified by Councillors

- 1) Ensure new development in urban areas that is near waterways and drainage corridors, does not increase drainage and flooding hazards; and**
- 2) Makes provision for ongoing maintenance of flow capacity of urban waterways and drainage channels; and**
- 3) If practical, works in channels are to maintain or return waterways to a natural profile and state for improved amenity and water quality.**

Issues

New development is not common in already developed urban areas, relying on new development **only** is unlikely to provide an effective solution. Council has a number of tools available that can be explored.

Exempt and Complying development, and human nature, means Council needs eyes on the ground to ensure drains and waterways are not being intentionally or unintentionally blocked. Then there is incremental siltation which can mean drains are blocked and not fully operational when storm occurs – if Council isn't going to remove silt, we will need to advise land owners that they need to remove silt.

The current Policy doesn't really provide the clarity and certainty that staff and the proponents of new development need, to allow accurate and timely advice, or the preparation of well-planned proposals.

Background

Council adopted the Rivers and Drainage Channels Policy (R25/1) on 9 November 2015. The Policy claims to apply to any development in the urbanised area of the Shire, where that development impacts upon, adjoins or crosses rivers and urban drainage systems. This means that even minor development applications, for example to paint buildings (as they are heritage listed) or erect signs, would, under the policy, trigger the need for the landowner to do works in the nearby drainage channel and create an easement of the drainage channel. This would not satisfy the 'planning purpose' test under the EP&A Act.

As a consequence, some aspects of the policy require legal review to ensure that it meets relevant legislative requirements.

The Policy is relatively generic and could be revised to be more place based, identifying specific requirements for sections of the different waterways in the urban area, so that Council staff and proponents of development have more certainty and clarity on requirements.

Drainage and flooding issues are known to occur in the Muswellbrook Golf Course, Possum Gully, Wilkinson Street and St Heliers Street catchments. Are there more?

Similar drainage channel bank profiles and reinforcement works can be seen in these catchments. There is a possibility that the Council of the time had a drainage improvement program in place and undertook the works (could have been a post WWII employment program for instance). This needs to be investigated further, as if the works were done by Council, s59A of the Local Government Act may have been triggered.

Principles

In reviewing the Policy it would be ideal to identify specific, placed based requirements. The Policy currently requires applicants to engage consultants to complete various studies – in practice these consultants will contact staff for an indication of outcomes that need to be achieved and the Policy is not clear on what these are. Principles that we may wish to include are:

1. Works in a watercourse and/or creation of an easement will be required when:
 - New development involves the subdivision of the land;
 - New development will increase the impervious area on a site to more than 40% of the site area;
 - New development will require modification to the waterway; or
 - A landowner voluntarily wants to make changes to the waterway
2. Works (e.g. piping, weed species removal and planting with riparian vegetation etc.) will be required where Council has completed a design for the final stormwater drainage outcome for the catchment
3. In instances where Council hasn't completed a design for the final stormwater drainage outcome for the catchment, only an easement will be required.
4. Piped waterways or easements over sections of waterway Council intends to pipe, need to be a minimum of 3 metres wide to allow vehicle access.
5. Easements for waterways that are to be maintained in a 'natural style' will need to be the width of the waterway between the top of banks of the final form of the waterway, plus 3 metres on one side of the waterway to allow access for a vehicle. If this will result in a lot with insufficient dimensions to permit development on the lot, Council will purchase the land.
6. Council will ensure land use in problem catchments is limited to low density/low impervious area outcomes.
7. Council will instigate programs to plant more trees in the public realm in problem catchments to slow the time of concentration of stormwater resulting from rain events, and to lower water tables in the area.

8. As new development is likely y to be uncommon in these developed catchments, Council will budget for the implementation of final stormwater drainage outcomes for the identified catchment over the next 20 years.

Action Plan for Council

Immediate:

- A) To ensure people are aware of their responsibilities we can note on sec 10.7 planning certificates, where land is located on a waterway or drain, that Council has a Policy and that the landowner is responsible for ensuring they do not obstruct, block or modify the drain or waterway. We can follow this up with a written notice when Council receives details of a change of ownership.
- B) To allow this to occur, we need to update the Rivers and Drainage Channels Policy to be location specific and to include maps showing problem creeks/catchments.

Medium term:

- C) Secure easements over drains and waterways that Council identifies require active protection. Need to fund process of obtaining an easement (and compensation for landowners if we cannot negotiate) no need for compensation.
- D) Allocate staff resources to have regular inspections of waterways and drainage assets to check for blockages/obstructions, filling or other alterations.
- E) Completed a design for the final stormwater drainage outcome for each problem catchment.

Long term:

- F) Commence a tree planting program in public areas in problem catchments.
- G) Undertaken drainage channel improvement in accordance with final stormwater drainage outcomes for each catchment.

Background Legislation (work in progress)

Environmental Planning and Assessment Act 1979

7.11 Contribution towards provision or improvement of amenities or services(cf previous s 94)

(1) If a consent authority is satisfied that development for which development consent is sought will or is likely to require the provision of or increase the demand for public amenities and public services within the area, the consent authority may grant the development consent subject to a condition requiring:

- (a) the dedication of land free of cost, or
- (b) the payment of a monetary contribution,

or both.

(2) A condition referred to in subsection (1) may be imposed only to require a reasonable dedication or contribution for the provision, extension or augmentation of the public amenities and public services concerned.

(3) If:

(a) a consent authority has, at any time, whether before or after the date of commencement of this Part, provided public amenities or public services within the area in preparation for or to facilitate the carrying out of development in the area, and

(b) development for which development consent is sought will, if carried out, benefit from the provision of those public amenities or public services,

the consent authority may grant the development consent subject to a condition requiring the payment of a monetary contribution towards recoupment of the cost of providing the public amenities or public services (being the cost as indexed in accordance with the regulations).

(4) A condition referred to in subsection (3) may be imposed only to require a reasonable contribution towards recoupment of the cost concerned.

(5) The consent authority may accept:

(a) the dedication of land in part or full satisfaction of a condition imposed in accordance with subsection (3), or

(b) the provision of a material public benefit (other than the dedication of land or the payment of a monetary contribution) in part or full satisfaction of a condition imposed in accordance with subsection (1) or (3).

7.4 Planning agreements(cf previous s 93F)

(1) A planning agreement is a voluntary agreement or other arrangement under this Division between a planning authority (or 2 or more planning authorities) and a person (the developer):

- (a) who has sought a change to an environmental planning instrument, or
- (b) who has made, or proposes to make, a development application or application for a complying development certificate, or
- (c) who has entered into an agreement with, or is otherwise associated with, a person to whom paragraph (a) or (b) applies,

under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose.

(2) A public purpose includes (without limitation) any of the following:

- (a) the provision of (or the recoupment of the cost of providing) public amenities or public services,
- (b) the provision of (or the recoupment of the cost of providing) affordable housing,
- (c) the provision of (or the recoupment of the cost of providing) transport or other infrastructure relating to land,
- (d) the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,
- (e) the monitoring of the planning impacts of development,
- (f) the conservation or enhancement of the natural environment.

(3) A planning agreement must provide for the following:

- (a) a description of the land to which the agreement applies,
- (b) a description of:
 - (i) the change to the environmental planning instrument to which the agreement applies, or
 - (ii) the development to which the agreement applies,
- (c) the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made,
- (d) in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development,
- (e) if the agreement does not exclude the application of section 7.11 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 7.11,

(f) a mechanism for the resolution of disputes under the agreement,

(g) the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer.

(3A) A planning agreement cannot exclude the application of section 7.11 or 7.12 in respect of development unless the consent authority for the development or the Minister is a party to the agreement.

(4) A provision of a planning agreement in respect of development is not invalid by reason only that there is no connection between the development and the object of expenditure of any money required to be paid by the provision.

Note. See section 7.3 (1), which requires money paid under a planning agreement to be applied for the purpose for which it was paid within a reasonable time.

7.7 Circumstances in which planning agreements can or cannot be required to be made(cf previous s 93I)

(1) A provision of an environmental planning instrument (being a provision made after the commencement of this section):

(a) that expressly requires a planning agreement to be entered into before a development application or application for a complying development certificate can be made, considered or determined, or

(b) that expressly prevents a development consent from being granted or having effect unless or until a planning agreement is entered into,

has no effect.

(2) A consent authority cannot refuse to grant development consent on the ground that a planning agreement has not been entered into in relation to the proposed development or that the developer has not offered to enter into such an agreement.

(3) However, a consent authority can require a planning agreement to be entered into as a condition of a development consent, but only if it requires a planning agreement that is in the terms of an offer made by the developer in connection with:

(a) the development application or application for a complying development certificate, or

(b) a change to an environmental planning instrument sought by the developer for the purposes of making the development application or application for a complying development certificate,

or that is in the terms of a commitment made by the proponent in a statement of commitments made under Part 3A.

(4) In this section, planning agreement includes any agreement (however described) containing provisions similar to those that are contained in an agreement referred to in section 7.4.

Code SEPP

Water Management Act 2000

Local Government Act 1993

59A Ownership of water supply, sewerage and stormwater drainage works

(1) Subject to this Division, a council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by the council (whether or not the land is owned by the council).

(2) A council may operate, repair, replace, maintain, remove, extend, expand, connect, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of the council, the works are used in an efficient manner for the purposes for which the works were installed.

(3) The provisions of this section have effect despite anything contained in section 42 of the Real Property Act 1900.

The Land Acquisition (Just Terms Compensation) Act 1991

32 New interests in land

An interest in land (such as an easement) may be acquired by compulsory process under this Act even though the interest did not previously exist in relation to the land.

36 Adverse use of acquired land

(1) If a person is using, or proposes to use, land acquired by an authority of the State by compulsory process in a manner inconsistent with the public purpose for which the land was acquired, the Land and Environment Court may, on the application of that authority, make such order as it thinks fit to remedy or restrain that use.

(2) Without limiting the powers of the Land and Environment Court under subsection (1), an order made under that subsection may:

(a) restrain the use of any building, work or land, or

(b) require the demolition or removal of any building or work, or

(c) require the reinstatement, as far as practicable, of a building, work or land to the condition it was in immediately before the relevant use.

(3) The Land and Environment Court may, at its discretion, by interlocutory order, restrain the continuation of the relevant use of the land pending the determination of an application under subsection (1).

37 Right to compensation if land compulsorily acquired

An owner of an interest in land which is divested, extinguished or diminished by an acquisition notice is entitled to be paid compensation in accordance with this Part by the authority of the State which acquired the land.

59 Loss attributable to disturbance

(1) In this Act:

loss attributable to disturbance of land means any of the following:

- (a) legal costs reasonably incurred by the persons entitled to compensation in connection with the compulsory acquisition of the land,
- (b) valuation fees of a qualified valuer reasonably incurred by those persons in connection with the compulsory acquisition of the land (but not fees calculated by reference to the value, as assessed by the valuer, of the land),
- (c) financial costs reasonably incurred in connection with the relocation of those persons (including legal costs but not including stamp duty or mortgage costs),
- (d) stamp duty costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the purchase of land for relocation (but not exceeding the amount that would be incurred for the purchase of land of equivalent value to the land compulsorily acquired),
- (e) financial costs reasonably incurred (or that might reasonably be incurred) by those persons in connection with the discharge of a mortgage and the execution of a new mortgage resulting from the relocation (but not exceeding the amount that would be incurred if the new mortgage secured the repayment of the balance owing in respect of the discharged mortgage),
- (f) any other financial costs reasonably incurred (or that might reasonably be incurred), relating to the actual use of the land, as a direct and natural consequence of the acquisition.

(2) Subject to the regulations, a reference in this section to a qualified valuer is a reference to a person who:

- (a) has membership of the Australian Valuers Institute (other than associate or student membership), or
- (b) has membership of the Australian Property Institute (other than student or provisional membership), acquired in connection with his or her occupation as a valuer, or
- (c) has membership of the Royal Institution of Chartered Surveyors as a chartered valuer, or
- (d) is of a class prescribed by the regulations.

62 Special provision relating to acquisition of easements or rights, tunnels etc

(1) If the land compulsorily acquired under this Act consists only of an easement, or right to use land, under the surface for the construction and maintenance of works (such as a tunnel, pipe or

conduit for the conveyance of water, sewage or electrical cables), compensation is not payable except for actual damage done in the construction of the work or caused by the work.

(2) If land under the surface is compulsorily acquired under this Act for the purpose of constructing a tunnel, compensation is not payable (subject to subsection (1)) unless:

- (a) the surface of the overlying soil is disturbed, or
- (b) the support of that surface is destroyed or injuriously affected by the construction of the tunnel, or
- (c) any mines or underground working in or adjacent to the land are thereby rendered unworkable or are injuriously affected.

(3) If the land compulsorily acquired under this Act consists of or includes an easement or right to use the surface of any land for the construction and maintenance of works (such as canals, drainage, stormwater channels, electrical cables, openings or ventilators), the easement or right is (unless the acquisition notice otherwise provides) taken to include a power, from time to time, to enter the land for the purpose of inspection and for carrying out of any additions, renewals or repairs. Compensation under this Part is payable accordingly.

Conveyancing Act 1919

45 Grant of easements etc. by way of use

(1) A conveyance of freehold land to the use that any person may have, for an estate or interest not exceeding in duration the estate conveyed in the land, any easement, profit à prendre, right, liberty, or privilege in, or over, or with respect to that land, or any part thereof, shall operate to vest in possession in that person that easement, profit à prendre, right, liberty, or privilege, for the estate or interest expressed to be limited to him or her; and the person, and the persons deriving title under him or her, shall have, use, and enjoy the same accordingly.

(2) This section applies only to conveyances made after the commencement of this Act.

45A Reservation of easements etc. in conveyances of land

(1) In a conveyance of land a reservation of any easement, profit à prendre, right, liberty, or privilege not exceeding in duration the estate conveyed in the land, shall operate without any execution of the conveyance by the grantee of the land out of which the reservation is made, or any regrant by the grantee, so as to create the easement, profit à prendre, right, liberty, or privilege, and so as to vest the same in possession in the person (whether being the grantor or not) for whose benefit the reservation is made.

(2) This section applies only to reservations made after the commencement of the Conveyancing (Amendment) Act 1930.

88 Requirements for easements and restrictions on use of land

(1) Except to the extent that this Division otherwise provides, an easement expressed to be created by an instrument coming into operation after the commencement of the Conveyancing (Amendment) Act 1930, and a restriction arising under covenant or otherwise as to the user of any land the benefit of which is intended to be annexed to other land, contained in an instrument coming into operation after such commencement, shall not be enforceable against a person interested in the land claimed to be subject to the easement or restriction, and not being a party to its creation unless the instrument clearly indicates:

(a) the land to which the benefit of the easement or restriction is appurtenant,

(b) the land which is subject to the burden of the easement or restriction:

Provided that it shall not be necessary to indicate the sites of easements intended to be created in respect of existing tunnels, pipes, conduits, wires, or other similar objects which are underground or which are within or beneath an existing building otherwise than by indicating on a plan of the land traversed by the easement the approximate position of such easement,

(c) the persons (if any) having the right to release, vary, or modify the restriction, other than the persons having, in the absence of agreement to the contrary, the right by law to release, vary, or modify the restriction, and

(d) the persons (if any) whose consent to a release, variation, or modification of the easement or restriction is stipulated for.

88BA Positive covenants for maintenance or repair

(1) A covenant may be imposed requiring the maintenance or repair, or the maintenance and repair, of land that is the site of an easement or other land that is subject to the burden of the easement (or both) by any one or more of the persons from time to time having the benefit or burden of the easement.

(2) Such a covenant may be imposed:

(a) by registration under this Act or the Real Property Act 1900 (as the case may require) of the instrument indicating the persons bound by or including the terms of the easement, if the terms of the covenant are included in that instrument, or

(b) by registration under the Real Property Act 1900 of a memorandum of positive covenant in the form approved under that Act that includes the terms of the covenant, if the site of the easement is under the provisions of that Act, or

(c) by registration under Division 1 of Part 23 of a deed expressed to be made under this section and including the terms of the covenant, if the site of the easement is not under the provisions of that Act.

(3) The instrument including the covenant must clearly indicate the land which is to be maintained or repaired, the land to which the benefit of the covenant is appurtenant and the land which is subject to the burden of the covenant. If the land is subject to an easement without a dominant

tenement created in favour of a prescribed authority (as referred to in section 88A), the instrument must indicate the name of the prescribed authority.

88E Regulation of use of land not held by a prescribed authority

(1) In this section prescribed authority means:

- (a) the Crown,
- (b) a public or local authority constituted by an Act, or
- (c) a corporation prescribed for the purposes of this section.

(2) A prescribed authority may, in accordance with this section, impose restrictions on the use of or impose public positive covenants on any land not vested in the authority, so that the restriction or public positive covenant is enforceable by the authority whether or not the benefit of the restriction or public positive covenant is annexed to other land.

88D Regulation of use of land held by a prescribed authority

(1) In this section:

prescribed authority means:

- (a) the Crown,
- (b) a public or local authority constituted by an Act, or
- (c) a corporation prescribed for the purposes of this section.

prescribed land means land vested in a prescribed authority.

(2) A prescribed authority may, by an order that:

- (a) describes the land in a manner enabling it to be identified and specifies, in the case of land under the provisions of the Real Property Act 1900, the reference to the folio of the Register kept under that Act, or the registered dealing under that Act, that evidences the title to that land,
- (b) specifies the particulars of the restrictions or public positive covenants, and
- (c) specifies the prescribed authority in which the land is vested,

impose restrictions on the use of or impose public positive covenants on any prescribed land vested in it.

88I Transfer of land to prescribed authority

(1) Where a person has contravened, whether by act or omission, a public positive covenant imposed on land under section 88D or 88E, the prescribed authority entitled to enforce the covenant may apply to the Court for an order that the land be conveyed or transferred to the authority.

(2) Notice of the application shall be served on the person by the prescribed authority, and otherwise the application shall be made, in accordance with rules of Court.

(3) An order may be made under this section only where the Court is satisfied:

(a) that, because of the contravention by the person or for any other reason, the continued holding of the land by the person is reasonably likely to endanger the health or safety of the public,

(b) that there is no reasonable likelihood of the person complying with the obligations imposed by the covenant,

(c) that the person has previously committed frequent contraventions of restrictive or public positive covenants imposed on the land, or

(d) that the person has persistently and unreasonably delayed complying with the obligations of any public positive covenant imposed on the land,

or that the order should be made because of any other special circumstances, whether of a like or different nature.

(4) If the Court makes the order requested, the Court may impose such conditions on the conveyance or transfer of the land as the Court thinks fit.

(5) Where land is conveyed or transferred to a prescribed authority in accordance with an order made under this section, the consideration payable by the authority shall be the value of the land reduced by the amount of any outstanding liability of the person to the authority arising out of contravention of the public positive covenant.

(6) In calculating the value of land for the purposes of subsection (5), any increase in the value of the land attributable to:

(a) the carrying out of development in contravention of the public positive covenant, or

(b) the development which is likely to be carried out on the land in accordance with the covenant, shall be disregarded.

Part 3 Easement to drain water

Full and free right for the body in whose favour this easement is created, and every person authorised by it, from time to time and at all times to drain water (whether rain, storm, spring, soakage, or seepage water) in any quantities across and through the land herein indicated as the servient tenement, together with the right to use, for the purposes of the easement, any line of pipes already laid within the servient tenement for the purpose of draining water or any pipe or pipes in replacement or in substitution therefor and where no such line of pipes exists, to lay, place and maintain a line of pipes of sufficient internal diameter beneath or upon the surface of the servient tenement and together with the right for the body in whose favour this easement is created and every person authorised by it, with any tools, implements, or machinery, necessary for the purpose, to enter upon the servient tenement and to remain there for any reasonable time for the purpose of laying, inspecting, cleansing, repairing, maintaining, or renewing such pipe line or any

part thereof and for any of the aforesaid purposes to open the soil of the servient tenement to such extent as may be necessary provided that the body in whose favour this easement is created and the persons authorised by it will take all reasonable precautions to ensure as little disturbance as possible to the surface of the servient tenement and will restore that surface as nearly as practicable to its original condition.

Roads Act 1993

91 Adjoining landowner to provide support for public road

(1) The duty of care in relation to support for land as referred to in section 177 of the Conveyancing Act 1919 applies in relation to land on which a public road is situated and land adjoining that land as if the land on which the public road is situated were private land and the appropriate roads authority were the owner of that land.

94 Roads authority may carry out drainage work across land adjoining public road etc

(1) A roads authority may, for the purpose of draining or protecting a public road, carry out drainage work in or on any land in the vicinity of the road.

(3) The roads authority must pay compensation to the owner of the land for any loss or damage arising from the exercise of any power under this section.

96 Fences and floodgates

(1) For the purpose of preventing obstruction to the free flow of surface drainage from a public road, or to the free flow of a watercourse that crosses a public road, the appropriate roads authority may direct the occupier of any land in the vicinity of the public road:

- (a) to alter a fence (including a rabbit proof fence) on the land, or
- (b) to provide floodgates in any such fence, or
- (c) to repair any such fence or floodgates.

164 Power of entry

(1) For the purposes of this Act, an authorised officer may enter any land.

(2) Except in emergencies, the power of entry may be exercised only during daylight hours.

177 Power to acquire land generally

(1) The Minister, RMS or a council may acquire land for any of the purposes of this Act.

Protection of the Environment Operations Act 1997.

5.4 OUTSTANDING DEVELOPMENT APPLICATIONS REPORT

Attachments:	A. Outstanding Development Applications 4 October 2018
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning & Community Services
Author:	Hamish McTaggart - Senior Development Planner
Community Plan Issue:	<i>Support initiatives which reduce the community's impact on the environment</i>
Community Plan Goal:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>
Community Plan Strategy:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>

PURPOSE**OFFICER'S RECOMMENDATION**

The Committee note the undetermined Development Applications listed in Attachment A and the status of their assessment.

Moved: _____ Seconded: _____

STATUTORY IMPLICATIONS

Under the provisions of the Environmental Planning and Assessment Regulation 2000 Council has a statutory obligation to assess:

General development applications within 40 days (excluding stop the clock days) of their receipt; and

The following types of development applications within 60 days (excluding stop the clock days) of their receipt:

- (i) Designated development,
- (ii) Integrated development,
- (iii) Development for which the concurrence of a concurrence authority is required, and
- (iv) A development application accompanied by a biodiversity development assessment.

Development Assessment Committee - Outstanding DAs as at 4/10/2018

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2018.00000089.001 Ancillary Development - Shed	LOT: 22 DP: 260394	Mr P G Smith	\$18,965	2/10/2018	2	DA Acknowledgement
005.2018.00000088.001 Commercial Alterations and Additions	Bell ST MUSWELLBROOK LOT: 265 DP: 1030447 REF: GOLF	Stanton Dahl Architects	\$68,162	26/09/2018	8	Advertisement - Proposal
005.2018.00000087.001 Dwelling House Alterations and Additions	2 Roger ST MUSWELLBROOK LOT: 104 DP: 1063814	Mr D P Murphy	\$35,000	26/09/2018	8	Advertisement - Proposal
005.2018.00000086.001 Ancillary Development - Carport	15 Woollybutt WY MUSWELLBROOK LOT: 2086 DP: 263131	Mrs M A Carter	\$5,500	21/09/2018	13	Notify Adjoining Owners
005.2018.00000085.001 Ancillary Development - Garage	LOT: 485 DP: 791056	Mr T J Curry	\$15,540	20/09/2018	14	Notify Adjoining Owners
005.2018.00000084.001 Ancillary Development - Carport	LOT: 34 DP: 239167	Mr D L Phillips	\$7,000	18/09/2018	16	Notify Adjoining Owners
005.2018.00000083.001 Ancillary Development - Storage Shed	LOT: 17 DP: 35846	Mr M J Osland	\$12,200	18/09/2018	16	Notify Adjoining Owners
005.2018.00000080.001 Ancillary Development - Shed	149 Queen ST MUSWELLBROOK LOT: 66 DP: 1181251	Mr T J Cooper	\$24,000	7/09/2018	27	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 4/10/2018

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2018.00000078.001	Service Station (Operating Hours - 24 hours, 7 days a week) and Restau rant (Operating Hours - 6:00am to 10:00pm, 7 days a week)	147/151 Bridge ST MUSWELLBROOK LOT: 1 DP: 159620 LOT: 1 DP: 161784 LOT: 1 DP: 784361 LOT: 1 DP: 794803	Inland Building and Construction	\$2,400,000	6/09/2018	28	Advertisement - Proposal
005.2018.00000079.001	Two (2) Illuminated Business Identification Signs	LOT: 3 DP: 11221	Muswellbrook Shire Council	\$30,000	3/09/2018	31	Advertisement - Proposal
005.2018.00000077.001	Change of Building Use (Shop 3) to a Business Premises - Beauty and Na il Room	LOT: 51 DP: 850159	Glamour Beaute	\$2,955	29/08/2018	36	DA Acknowledgement
005.2018.00000074.001	Office Premises and Car Parking Area Ancillary to Security and Traffic Control at Bayswater Power Station	New England HWY MUSWELLBROOK PT: 2 ALT: A DP: 1095515	Monteath & Powys Pty Ltd	\$115,700	20/08/2018	45	Advertisement - Proposal
005.2018.00000073.001	Removal of Existing and Construction of a New Advertising Structure	LOT: 1 DP: 1158666	Muswellbrook Motors Pty Ltd	\$26,421	16/08/2018	49	Notify Adjoining Owners
005.2018.00000076.001	Installation of New Telecommunications Facility	Hill ST MUSWELLBROOK LOT: 18 DP: 1075238 REF: PARK	Kordia Solutions Australia	\$200,000	14/08/2018	51	Notify Adjoining Owners
005.2018.00000064.001	Ancillary Development - Garage	LOT: 12 DP: 237872	Miss K Hunter	\$8,964	30/07/2018	66	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 4/10/2018

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2018.00000062.001	Two (2) Lot Subdivision Honey LA SANDY HOLLOW LOT: 2 DP: 1234634	Monteath & Powys Pty Ltd	\$10,000	23/07/2018	73	Notify Adjoining Owners
005.2018.00000054.001	Demolition of a Commercial Building and the Construction of a Two (2) LOT: 1 DP: 11221 LOT: 2 DP: 11221 LOT: 7 DP: 71755 REF: LIBRARY PT: 8 ALT: A SEC: 6 DP: 758740 REF: LIBRARY 83 Hill ST MUSWELLBROOK LOT: 5 DP: 11221 REF: TERTIARY ED* 85 Hill ST MUSWELLBROOK LOT: 4 DP: 11221 LOT: 3 DP: 11221 Bridge ST MUSWELLBROOK PT: 8 ALT: B SEC: 6 DP: 758740 REF: WEIDMAN 83 Hill ST MUSWELLBROOK LOT: 5 DP: 11221 REF: CARPARK	Mr S Rose	\$3,556,300	15/06/2018	111	Notify Adjoining Owners
005.2018.00000052.001	New Dwelling House LOT: 18 DP: 663977	Mr J M Doyle	\$457,248	14/06/2018	112	CC Application Received

Development Assessment Committee - Outstanding DAs as at 4/10/2018

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2018.00000048.001	Change of Building Use to Dwelling House and Alterations and Additions 1820 Merriwa RD SANDY HOLLOW LOT: 300 DP: 750963 Merriwa RD SANDY HOLLOW LOT: 301 DP: 750963	Mr J R Dowse	\$12,936	1/06/2018	125	Notify Adjoining Owners
005.2018.00000047.001	Boarding House 28 Wollombi RD MUSWELLBROOK LOT: 495 DP: 1175898 REF: DOH	Baini Design	\$183,700	31/05/2018	126	Additional Info Required
005.2003.00000072.004	S4.55(2) Modification - Alter Hours of Operation of Restaurant Drive-thru (McDonald's) 83-89 Maitland ST MUSWELLBROOK LOT: 100 DP: 793194	McDonalds Australia Limited	\$0	31/05/2018	126	Additional Info Required
005.2018.00000039.001	Alterations and additions to a heritage listed dwelling LOT: 11 DP: 844666	Mr A C Neil-Smith	\$48,000	10/05/2018	147	DA Acknowledgement
005.2018.00000026.001	Construct Temporary Igloo Structure over Existing Hard Stand Area to Perform Sand Blasting and Painting Operations 18-22 Carramere RD MUSWELLBROOK LOT: 1000 DP: 1048805	Thiess Pty Ltd	\$80,000	23/03/2018	195	Additional Info Required
005.2018.00000023.001	Placement of 2 Bedroom Transportable Dwelling LOT: 34 DP: 755437	Mr G Cantarella	\$266,000	15/03/2018	203	Additional Info Required
005.2018.00000018.001	Water Treatment and Recycling Plant ancillary to Existing Winery and Distillery Hunter ST MUSWELLBROOK LOT: 1 DP: 995228	Hunter Wine Services	\$400,000	28/02/2018	218	Advertisement - Proposal
005.2002.00000342.005	S96(2) Modification - Consolidate Two Consent Documents into One with Modified Conditions Where Applicable 8440 New England HWY MUSWELLBROOK LOT: 30 ALT: DP: 815308	Casson Planning and Development Services	\$0	28/02/2018	218	Additional Info Required

Development Assessment Committee - Outstanding DAs as at 4/10/2018

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2017.00000058.002	S96 (1A) Modification - Modify Condition 8 Jerdan ST DENMAN LOT: 1 DP: 151236	Ms M J Melville	\$0	19/02/2018	227	Advertisement - Proposal
005.2017.00000108.001	Extension to Existing Commercial Building 4 Lorne ST MUSWELLBROOK ALT: A DP: 332469	W.A. Brown Building Pty Ltd	\$44,000	14/12/2017	294	Additional Info Required
005.2017.00000095.001	Concrete Block Retaining Wall and Steel Framed Shed 70-72 Ironbark RD MUSWELLBROOK LOT: 103 DP: 1153819	Mr B J Osborn	\$145,000	27/10/2017	342	Additional Info Required
005.2017.00000076.001	Renovations and Additions to Racing and Function Centre LOT: 150 DP: 708030	Muswellbrook Race Club Limited	\$4,000,000	24/08/2017	406	Additional Info Required
005.2017.00000060.001	Change of Use - Building Materials Recycling Depot 7 Glen Munro RD MUSWELLBROOK LOT: 5 DP: 1018378	Mr L McWhirter	\$0	23/06/2017	468	Additional Info Required
005.2000.00000212.006	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions Denman PH COUNTY BRISBANE LOT: 1 DP: 221400 2449 Denman RD MUSWELLBROOK LOT: 12 DP: 1027580	Cardno (NSW/ACT) Pty Ltd	\$0	29/05/2017	493	Advertisement - Proposal
005.2016.00000111.002	S96(1a) Modification -Extend Existing Retaining Wall by Six (6) Metres 33 Shaw CR MUSWELLBROOK LOT: 38 DP: 28425	Mr D A Walker	\$0	10/03/2017	573	Additional Info Required

Development Assessment Committee - Outstanding DAs as at 4/10/2018

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2016.00000032.001 Placement of Fill	110 Merriwa RD DENMAN LOT: 402 DP: 1175263 Merriwa RD DENMAN LOT: 403 DP: 1175263	Casson Planning and Development Services	\$5,000	12/04/2016	905	Additional Info Required

DAs Outstanding: 34

6 DATE OF NEXT MEETING

15 October 2018

7 CLOSURE