



**muswellbrook
shire council**

Muswellbrook Shire Council

**DEVELOPMENT ASSESSMENT
COMMITTEE MEETING**

**BUSINESS PAPER
17 DECEMBER 2018**



Development Assessment Committee

Aim

The aim of the Development Assessment Committee is to:

- To determine development applications;
- To monitor the progress of development applications not yet determined;
- To recommend to Council the need to develop or amend policies in relation to planning related matters – including strategic planning.

Associated Principal Activities:

Development Assessment & Regulation

Specific Tasks & Parameters

1. The determination of development applications under the *Environmental Planning and Assessment Act* 1979 not otherwise delegated to the General Manager except where: the development application is for, or in any way related to:
 - (a) (i) food and drink premises used for, or proposed to be used for, the sale of alcohol;
 - (ii) electricity generating works;
 - (iii) mines and extractive industries;
 - (iv) a waste disposal facility; or
 - (v) subdivisions into more than ten lots; or
 - (b) where the capital investment value of the development specified in the development application exceeds \$2,000,000; or
2. 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.
 3. The Development Assessment Committee be constituted as follows:
 - (i) the Councillor Spokesperson for Planning (as Chair);
 - (ii) the Councillor Spokesperson for Infrastructure;
 - (iii) the Councillor Spokesperson for Utilities; andin the absence of any of the councillors set out in (i) to (iii) any other councillor nominated by the Committee Chair or Acting Chair (as the case may be).

Recommendations

- Make recommendations Council;

Staff Support:

Director – Environment & Community Services
Assistant Director – Environment & Community Services
Senior Development Co-Ordinator
Project Engineer – Water & Waste
Manager – Roads, Drainage & Technical Services
Environment & Sustainability Co-Ordinator

DEVELOPMENT ASSESSMENT COMMITTEE MEETING, 17 DECEMBER 2018

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

13 December, 2018

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

You are hereby requested to attend the Development Assessment Committee Meeting to be held in the COUNCILLORS ROOM, Administration Centre, Muswellbrook on **17 December, 2018** commencing at 4.00pm.

Joshua Brown
MANAGER - INTEGRATED PLANNING & GOVERNANCE

Order of Business

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**MUSWELLBROOK SHIRE COUNCIL
DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

AGENDA
MONDAY 17 DECEMBER 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 **3 December 2018**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ Seconded: _____

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 PUBLIC PARTICIPATION

5 BUSINESS ARISING

6 BUSINESS

6.1 DA 94/2018 - 60 COUSINS STREET MUSWELBROOK - ABOVE GROUND POOL & DECK

Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Libby Cumming - Strategic 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>
Attachments:	<ul style="list-style-type: none"> A. DA 94/2018 Section 4.15 Assessment B. DA 94/2018 Recommended Conditions of Consent C. DA 94/2018 Proposed Plans and construction information D. DA 94/2018 Intended Markups to Feature on Approved Plans to Make Identify Sewer Setback

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009

APPLICATION DETAILS

Applicant:	LE Worth
Owner:	LE & KL Worth
Proposal:	Above Ground Pool & Deck
Location:	60 Cousins Street, Muswellbrook
Permissibility:	The proposed development is permissible as ancillary development to a dwelling within the R1 General residential Zone.
Recommendation:	Approval

PURPOSE

This report has been prepared to inform the Committee in determining Development Application (DA) 94/2018. This Development Application has been assessed by Council Officers and a copy the Section 4.15 Assessment Report and recommended conditions of Consent are attached for the Committee's information.

Delegations issued to the General Manager include a limitation on the General Manager's determining matters under the *Environmental Planning and Assessment Act 1979* as follows:

- (iii) *[determine matters]* which are for, or in any way related to;
- (f) works alongside or adjoining any waterway

The land subject to this application adjoins a parcel of land that incorporates a waterway located adjacent the subject site.

Accordingly, the determination of the development application is not within the function delegated to the General Manager and Council Officers. This report has therefore been prepared for the Development Assessment Committee to consider and determine the development application.

The development application involves the construction of an above ground pool and deck at Lot 504 DP 804146, 60 Cousins Street, Muswellbrook.

RECOMMENDATION

That Development Application No. 94/2018 proposing to construct a shed at Lot 504 DP 804146, 60 Cousins Street, Muswellbrook be approved subject the conditions in Appendix B to the report.

Moved: _____ **Seconded:** _____

<input type="checkbox"/> Cr J. Ledlin	<input type="checkbox"/> Cr S. Bailey	<input type="checkbox"/> Cr G. McNeill
<input type="checkbox"/> Cr J. Foy	<input type="checkbox"/> Cr M. Green	<input type="checkbox"/> Cr R. Scholes
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr B.N. Woodruff	<input type="checkbox"/> Cr S. Ward
<input type="checkbox"/> Cr J.F. Eades	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr M.L. Rush

DESCRIPTION OF THE PROPOSAL

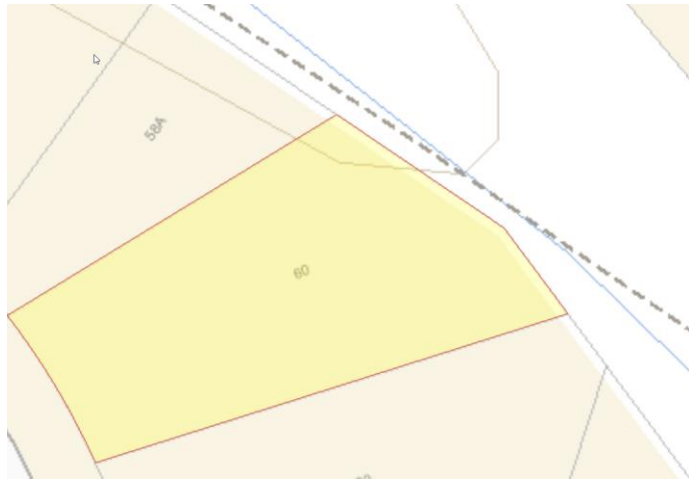
The proposed development relates to 60 Cousins Street, Muswellbrook. The formal identification for the site is Lot 504 DP 804146.

An existing dwelling is located at the property. A search of Council's digital record system did not identify any recent development applications in relation to the property.

An aerial image of the property has been included below alongside a mapping image that identifies the proximity of the site to a waterway which is a tributary of Sandy Creek.

The proposed development involves the installation of an aboveground swimming pool and deck. The swimming pool would be located behind the forward building line of the existing dwelling and would not be visible from the primary road frontage (Cousins Street).

The plans accompanying the development application suggested that a portion of the proposed deck would be constructed above Council's Sewer Main. Accordingly, the proposed development was referred to Council's Water and Waste Team for consideration. Comments from Water and Waste identified that the proposed deck would be located above a sewer junction and that it would not be ideal for the deck to be constructed over this piece of infrastructure. Discussions with both Water and Waste and the applicant identified that an acceptable way to manage this design issue would be through the imposition of conditions to restrict any structure being erected within 1m of the sewer infrastructure and to ensure all building work adjacent the sewer is engineered so as to not place any additional loading on the sewage infrastructure.



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 Section 4.15 Assessment recommends that development consent be granted to the proposed development subject to 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 relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no provisions 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) and is in accordance with the requirements of the DCP.
- The proposed development is not considered to have any significant environmental impacts that would present Council with a reason to refuse the development.

REFERRALS

The proposed development did not require referral to any external Government Agencies and was referred internally to Council's Water and Waste Team due to the proximity of the development to a Council Sewer Main. A summary of this referral and its outcomes have been included in the sub-heading below.

Water and Waste

The development plans indicate that a portion of the proposed deck would be constructed above a Council Sewer Main. The proposed development was referred to Council's Water and Waste Team to review and provide advice in relation to the proximity of the development to this Council Infrastructure. Comments provided by Water and Waste did not raise objection to the principle of a small portion of the deck being constructed above the sewer main.

However, these comments identified that the properties sewer junction would be located beneath the deck and that this could create future plumbing issues for the property owner. Further discussions were held with Water and Waste Officers and the applicant and it was decided that any acceptable solution to the issue would be for Council to condition any development consent in a manner which does not give approval to construction over or within 1m of the sewer main. A condition has been included in the recommended conditions of consent to achieve this requirement and any approved plans would be marked in red in a manner consistent with the plans in Attachment D to reinforce this requirement. It is also recommended to place a further condition on any consent to require the provision of engineering

plans to the Principle Certifying Authority prior to the issue of a Construction Certificate to demonstrate that the approved development will not affect the structural integrity of this infrastructure.

COMMUNITY CONSULTATION

The proposed development was notified to adjoining properties between 17 October 2018 and 5 November 2018.

No submissions were received by Council in relation to the development.

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.

CONCLUSIONS

DA 94/2018 has been reported to the Development Assessment Committee for determination as it is outside the function delegated to the General Manager and Council Staff, as the development involves works on land which is adjacent to a waterway.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. It is recommended that the Development Assessment Committee grant development consent to DA 94/2018 subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT: 504 DP: 804146 60 Cousins Street MUSWELLBROOK
APPLICATION No:	94/2018
PROPOSAL:	Ancillary Development - Above Ground Pool and Deck
OWNER:	Mr L E & Mrs K L Worth
APPLICANT:	Mr L E Worth 60 Cousins Street MUSWELLBROOK NSW 2333
AUTHOR:	Libby Cumming – Contract Planner
DATE LODGED:	12/10/2018
DATE OF REPORT:	7 November 2018

SUMMARY

ISSUES: Nil

SUBMISSIONS: 0

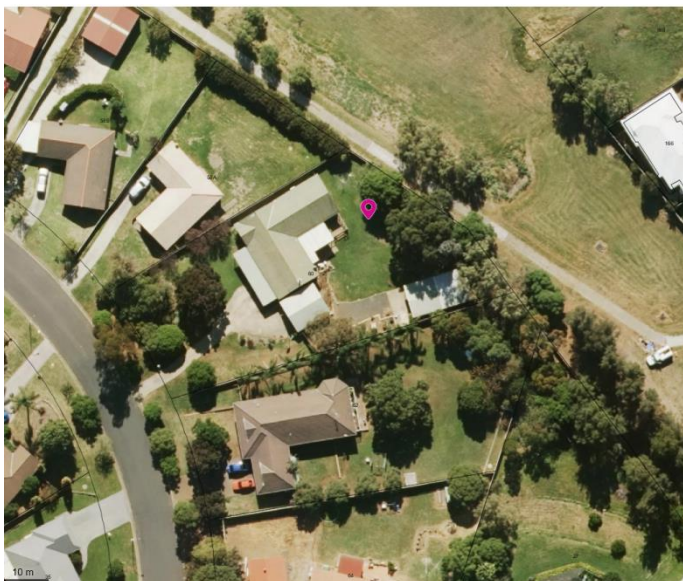
RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

The proposed development relates to 60 Cousins Street, Muswellbrook. The formal identification for the site is Lot 504 DP 804146.

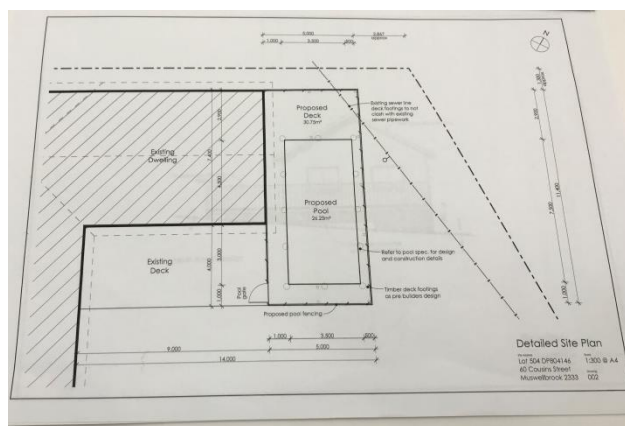
An existing dwelling is located at the property. A search of Council's Computer system did not identify any recent development applications in relation to the dwelling or property.

An aerial image of the property has been included below.



2.0 DESCRIPTION OF PROPOSAL

The proposed development involves the installation of an aboveground swimming pool and deck. The swimming pool would be located behind the forward building line of the existing dwelling and would not be visible from the primary road frontage (Cousins Street).



3.0 REFERRALS

Internal Referrals – Water and Waste

The proposed development was referred to Council's Water and Waste Team as the proposed plans suggested the development would involve the construction of a structure over a Council Sewer Main. A response to this referral was provided from Water and Waste's Project Engineer. These comments did not object to the principle of the deck being constructed over a portion of the sewer from Council's perspective as it was deemed that the work could be compliant with Council's Policy 'Building Over or Adjacent to a Council Sewer Main, however on inspection of the drainage plans for the site it was identified that the proposed deck would likely be located over the premises sewer junction and inspection shaft.

The construction of the proposed deck over the junction and inspection shaft was considered to be ill advised from both the perspective of the home owner and Council in identifying drainage blocks. The applicant was advised of this and that Council Officers would be unlikely to recommend that the development be approved where it involved construction over the sewer line. The prospect of revised plans being provided by the applicant to show a new location for the decks construction was discussed as well as the application being progressed with a condition restricting construction above the sewer main and the plans being marked in red to reflect this condition. The applicant advised the later to be their preferred option. Accordingly, it is recommended that if the development is approved a condition be placed on the consent restricting any construction over Council's sewer main. A condition in line with this recommendation has been included in the recommended conditions of consent.

External Referrals

The proposed development was not identified as requiring any referral to external Government Agencies under the provisions of the Environmental Planning and Assessment Act 1979 or relevant State Environmental Planning Policies.

In identifying the above Council Officers reviewed the property information for the site and noted the property to be mine subsidence affected (Guide 2 Mine Subsidence Affected). However, it was observed that the development proposed was within the deemed approval guidelines for minor construction works published by Subsidence Advisory NSW. Construction works within the deemed approval guidelines of Subsidence Advisory NSW are works which do not require referral to this authority for concurrence.

4.0 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 proposed development is to be constructed on land with an existing dwelling-house and would be ancillary to its residential occupation. Accordingly the proposed development is viewed as a development ancillary to this dwelling house which is a form of development permissible with consent in the R1 General Residential zone.

Objectives of the R1 General Residential Zone

Clause 2.3(2) of the Muswellbrook LEP 2009 requires the consent authority to consider the relevant land use zone objectives when determining a development application.

The land use zone objectives for the R1 General Residential zone are as follows:

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

Observing that the proposed development would be ancillary to the residential use of the property, the proposal is considered to be generally in accordance with the land use zone objectives and not contrary to the objectives of the Zone.

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	The proposed development is a permissible development under the R1 Land use table as expressed above and in accordance with the relevant land use zone objectives.
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	The proposed development does not relate to this clause.
<i>4.3 Height of buildings</i>	Not applicable as a swimming pool is considered to be a landscaping feature
<i>4.4 Floor space ratio</i>	The subject land is affected by a FSR of 0.5. A swimming pool is considered to be a landscaping feature and is not included within the FSR calculations. Therefore the existing FSR will not change.
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	The subject site is not identified as 'biodiversity' by Council's Biodiversity Mapping.
<i>7.6 Earthworks</i>	<p>Earthworks involved with the proposed development would be minimal and associated with establishing the pad and footing location for the proposed shed.</p> <p>The carrying out of these earthworks is not anticipated to create any issue in respect of the matters for consideration prescribed by this Clause and a condition would be imposed on any development consent to ensure the works are carried out in accordance with Council's standard requirements.</p>

2. State Environmental Planning Policy No. 55 – Remediation of Land

The subject site is currently used for residential purposes. Council is unaware of any potentially contaminating activities which have carried out on the site which are likely to have caused the contamination of the land. It is therefore considered that the subject site is unlikely to be affected by contamination requiring remediation in accordance with the SEPP. The proposed development may therefore proceed without the need to further consider the provisions of this SEPP.

Section 4.15(1)(a)(ii) the provisions of any draft EPI.

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

It is considered that the documentation provided with the Development Application satisfies the provisions of Section 3 of the 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 17 August 2018 to 5 September 2018.

No submissions were received during the notification period.

Section 6 – Residential Development

	Comments
6.1 Built Form	
6.1.1 Context	The built form of the proposed development would be in accordance with the DCP requirement and would respond to the physical capabilities of the site and the design limitations of Council's DCP.
6.1.2 Front Setbacks	The proposed swimming pool would be setback behind the forward most building line of the existing dwelling.
6.1.3 Side and Rear Setbacks	The proposed swimming pool would be setback 2.867m from the rear and 1.3m side boundary. This complies with the NCC.
6.1.4 Building Height and Scale	The proposed swimming pool would be subordinate to the height bulk and scale of the existing dwelling and thereby would be in accordance with the requirements of this part.
6.2 Urban Landscape	
6.3 Environmental	
6.3.1 Topography	There will be minimal cut and fill.
6.4 Site Operation	

Section 24 – Waste Management

A waste minimisation management plan has not been prepared in relation to the proposed development. A review of this Section of the DCP indicates that such a plan should be prepared in relation to the proposed development. A review of other applications for ancillary residential structures indicates that Council has not typically required the submission of such a plan for similar structures. Accordingly it is recommended that a Waste Management Minimisation Plan not be required.

Section 94 Contributions Plan 2001

Not Applicable

Section 94A Contributions Plan 2009

The capital investment value of the proposed development would be \$25,000. A Section 94A contribution in accordance with Council's Section 94 Contribution Plan would not be applicable given the value of the proposed works would be less than \$100,000.

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

Given the limited scope of the proposed development and its compatibility with the relevant provisions of Council's DCP and LEP the proposed development is considered be reasonably in accordance with the type of ancillary residential development expected within the Muswellbrook Residential Area. Accordingly the proposed development is considered

unlikely to have any significant adverse environmental impacts in any of the following areas.

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

No submissions were received in relation to the proposed development.

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

The proposed development would be in accordance with the Muswellbrook LEP 2009, Muswellbrook DCP and is unlikely to have any adverse environmental impacts. Accordingly, the proposed development is considered to be generally in accordance with the public interest.

5 CONCLUSION

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been notified to neighbouring property owners in accordance with the provisions of the Muswellbrook DCP.

The proposed development has been assessed against the relevant heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979. As outlined above it is considered that the proposed development would be in accordance with the relevant planning provisions.

6 RECOMMENDATION

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

Signed by:

Libby Cumming
Contract Strategic Planner

Reviewed By:

Hamish McTaggart
Senior Development Planner

Date:

7 November 2018

Appendix B – DAC – Report 26 November 2018

DA 94/2018 Proposed Conditions of Development Consent

IDENTIFICATION OF APPROVED PLANS

(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 and as marked in red on the approved plans.

Drawing No.	Revision	Drawn by	Drawing Date
Site Plan – 001	NA	NA	NA
Detailed Site Plan – 002	NA	NA	NA
Elevation – 003	NA	NA	NA

Note 1: the site plan-001 and Detailed Site Plan -002 have been marked in red to clearly identify no approval is granted for the construction of the proposed deck above Council's sewer main. This requirement has also been specified in Condition (2) below.

(2) Restriction on Development over Council's Sewer main

Development consent is not granted to the construction of the proposed deck or any structure above the Council sewer main shown on drawings site plan – 001 and Detailed Site Plan - 002. As marked in red on these plans endorsed by Council's approved stamp the deck is to maintain a minimum setback of 1 metre from Council's sewer main infrastructure.

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

(3) Building Code of Australia

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

(4) 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 person's 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*.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT AND THE ISSUE OF A CONSTRUCTION CERTIFICATE
--

(5) 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. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

(6) Foundations Adjacent Sewer

The foundations for any building works or structures to be installed adjacent to Council's sewer infrastructure and easement are to be constructed in such a manner so ensure that they do not affect the integrity of this infrastructure. Prior to the issue of any Construction Certificate detailed drawings are to be prepared by a suitably

qualified engineer and provided to the principle certifying authority demonstrating that the proposed building has been appropriately designed so as not to affect the structural integrity of the sewer main.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

(7) 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 to 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.

(8) Sediment and Erosion Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the carrying out the development.

(9) Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work

it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

(10) Prohibition on Use of Pavements

Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

(11) Construction Hours

- (1) Subject to this clause, building construction is to be carried out during the following hours:
 - between Monday to Friday (inclusive)—7.00am to 6.00pm,
 - on a Saturday—8.00am to 1.00pm.
- (b) Building construction must not be carried out on a Sunday or a public holiday.
- (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.

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

(12) 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.

(13) Swimming Pools

Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992, and:

- (a) the pool must not to be completely filled with water until such time as a safety fence has been erected in accordance with this certificate.
- (b) Where the depth of water in the pool exceeds 300mm during construction a temporary barrier or fence must be erected or other precautions taken so as to prevent the entry of children into the pool.
- (c) Any boundary fence used as pool fencing must have a height no less than 1800mm.
- (d) The swimming pool including overflow water must be drained to the sewer or, if the sewer is not available, overflow water must be disposed of to Council's satisfaction.

- (e) The consent of the Council must be obtained 48 hours prior to any emptying of pool water into the sewer.

Certification from an appropriately qualified person confirming compliance with these requirements shall be provided prior to the issuing of any Occupation Certificate.

(14) Pool Safety Requirements

The owner of the pool shall display a notice showing:

- (a) The words:
 - (i) 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL' and
 - (ii) 'POOL GATES MUST BE KEPT CLOSED AT ALL TIMES' and
 - (iii) KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES'

Note: This notice shall be kept in legible condition and at the pool side.

- (b) A simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults).
- (c) A statement to the effect that formal instruction in resuscitation is essential.
- (d) The name of the teaching organisation or other body that published the sign and the date of its publication.

Details demonstrating compliance are to be provided with any Occupation Certificate/Compliance Certificate issued for the pool.

(15) Swimming Pool Water Restriction

The Swimming Pool Water Reticulation Systems shall be installed in accordance with AS 1926.3 (2010).

KNG DESIGN
STRUCTURAL DESIGN & ENGINEERING

23 August 2018

Ron Stuart
PARADISE POOLS
122 Cary Street
TORONTO NSW 2283

Dear Ron

STRUCTURAL DESIGN CERTIFICATE – PARADISE POOLS ABOVE GROUND POOL SYSTEM

This is to certify that:

The structural engineering components of this project as shown on our drawing numbers:

+ 18007_S01 & S02 – FOR CONSTRUCTION

were designed by a practicing structural engineer in accordance with the relevant Australian Standards, National Construction Code (NCC) and accepted engineering practice and principles.

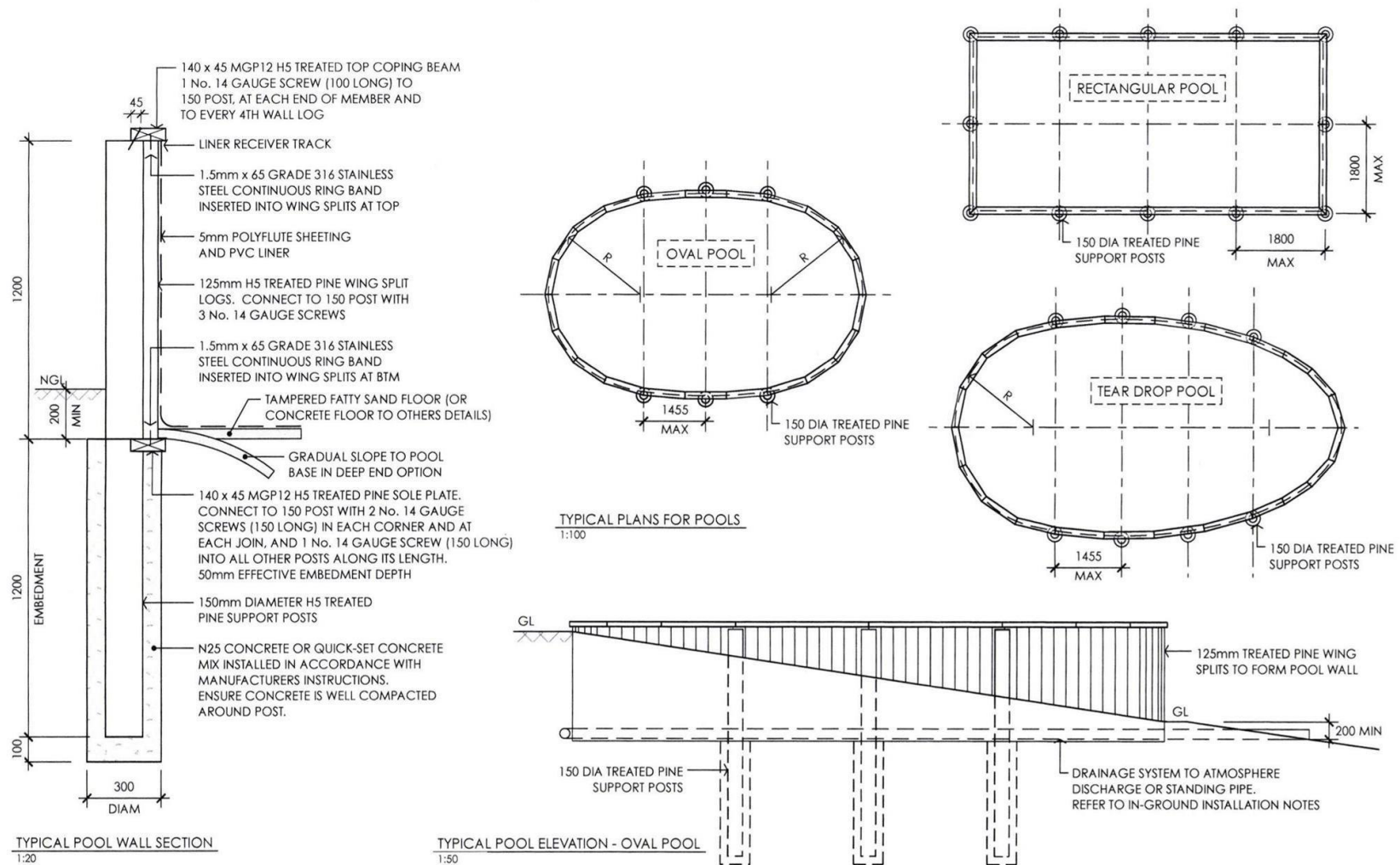
In carrying out the design we exercised the degree of skill, care and diligence normally exercised by Consulting Engineers in similar circumstances.

This certificate does not relieve other parties of their responsibilities for the works.

Regards



Kim Hines-Ng
Structural Engineer
MIEAust | NER | RPEQ



issue	amendment	date
A	FOR CONSTRUCTION	29/08/18

scale bar:



KNG DESIGN
STRUCTURAL DESIGN & ENGINEERING

client:



drawing title:

STANDARD POOL
DRAWING

FOR CONSTRUCTION

sheet: A4 date: 2018

scale: AS SHOWN verified: KNG

drawing number: issue:

18007_S02 A

SCOPE & GENERAL

- THESE DRAWINGS APPLY TO NORMAL DOMESTIC POOLS ASSOCIATED WITH RESIDENTIAL CLASS 1A BUILDINGS. THE POOL HAS BEEN DESIGNED TO IMPORTANCE LEVEL 1 IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE.
- THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL SECTIONS OF THE PARADISE POOLS INSTALLATION MANUAL.
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE.
- RECTANGULAR SHAPED POOL SUPPORT POSTS TO BE AT A MAXIMUM OF 1.8m CENTRES.
- OVAL AND TEARDROP SHAPED POOL SUPPORT POSTS TO BE AT A MAXIMUM 1.455m CENTRES.
- ALL STRUCTURAL TIMBER TO BE CCA H5 TREATED AS SPECIFIED IN AS1604.
- NO ALLOWANCE HAS BEEN MADE IN THE DESIGN OF THE POOL FOR LOADINGS FROM OTHER STRUCTURES. THE SUPPORT STRUCTURE OF ANY BUILDINGS OR DECKS MUST BE FOUNDED CLEAR OF THE POOL AND HAVE THEIR OWN LATERAL SUPPORT SYSTEM.
- POOL STRUCTURE MAY BE DESIGNED TO SUPPORT A PAVER COPING AND THE VERTICAL LOADS OF AN ADJACENT TIMBER DECK - CONTACT PARADISE POOLS FOR DETAILS.
- STRUCTURAL DRAWINGS ARE FOR THE FOLLOWING POOL SHAPES AND SIZES:
 OVAL 6 x 3.3m; 6.4 x 4.0m; 7.5 x 4.5m; 9.0 x 5.7m
 TEARDROP 6.7 x 4.0 x 2.8m; 7.8 x 4.3 x 2.8m; 8.6 x 5.2 x 2.8m
 RECTANGULAR 6.0 x 3.3m; 7.0 x 3.5m; 8.0 x 4.0m; 9 x 4.5m
 FOR CUSTOM SIZES REFER TO PARADISE POOLS

NO PERSON, COMPANY OR ORGANISATION MAY COPY, PRODUCE OR UTILISE THIS DESIGN OR ANY PART/SECTION OF THIS DESIGN WITHOUT SPECIFIC WRITTEN AUTHORISATION FROM PARADISE POOLS. THESE DRAWINGS ARE SUBJECT TO THE LAWS OF COPYRIGHT. ANY UNAUTHORISED USE OF PARADISE POOLS DRAWINGS, ENGINEERING, CONSTRUCTION OR BUILDING TECHNIQUES WILL NECESSITATE IMMEDIATE & FULL LEGAL PROSECUTION THROUGH OUR PATENT ATTORNEYS.

GEOTECHNICAL & SITE NOTES

- DETAILS APPLY TO NORMAL DOMESTIC POOLS WHERE THE PLASTICITY INDEX OF SOIL WITHIN ONE METRE DOES NOT EXCEED 60% OR SITE IS CLASSED AS 'S', 'M' OR 'H1'.
- FOR SITES OF HIGHER PLASTICITY OR CLASSIFIED AS 'H2', 'E' OR 'P', A QUANTITATIVE SOIL TEST MUST BE CARRIED OUT AND THE RESULTS, SITE LEVEL DETAILS AND POOL PLAN REFERRED TO THE ENGINEER BEFORE THIS DRAWING IS SUBMITTED FOR APPROVAL.
- POOLS THAT ARE TO BE FOUNDED IN SOILS OF VERY HIGH PLASTICITY, WHERE MATERIAL IS WATER-LOGGED, ON FILL, OR IN POTENTIALLY UNSTABLE SITE CONDITIONS, MAY REQUIRE A SPECIAL DESIGN. SUB-SOIL DRAINAGE MAY BE REQUIRED AROUND POOL ON STEEP SLOPING SITES. REFER TO A STRUCTURAL ENGINEER.
- SUPPORTING SOIL TO BE SOUND NATURAL GROUND OR FILL COMPACTED IN UNIFORM LAYERS WITH BEARING CAPACITY OF NOT LESS THAN 80kPa.
- IF POOL IS FOUNDED IN HARD NATURAL GROUND WITH A BEARING CAPACITY EQUAL TO OR GREATER THAN 300kPa OR A COMPACTION OF 98% THE EMBEDMENT DEPTH OF SUPPORT POSTS CAN BE REDUCED TO 800mm.
- WHERE THE DEPTH OF THE SUPPORT POST IS NOT ACHIEVED, A SUPPORT BRACE MAY BE USED. CONTACT PARADISE POOLS FOR DETAILS.
- ALL SITE PREPARATION - EARTHWORKS, DRAINAGE & TERMITE RISK MANAGEMENT - TO COMPLY WITH PART 3.1 OF THE NATIONAL CONSTRUCTION CODE.
- WHERE EXCAVATION WORK IS TO BE CARRIED OUT ADJACENT TO EXISTING FOOTINGS, THE EXACT LEVEL OF THE UNDERSIDE OF THE FOOTINGS SHALL BE OBTAINED BY TEST PITS PRIOR TO EXCAVATION.
- UNLESS APPROVED BY A SUITABLY QUALIFIED STRUCTURAL ENGINEER, EXCAVATIONS SHALL NOT EXTEND BELOW A LINE DIPPING AT 45 DEGREES AND AWAY FROM THE NEAREST UNDERSIDE CORNER OF ANY FOOTINGS. IF IN DOUBT - ASK!
- POOLS ARE NOT TO BE LOCATED WITHIN THE ZONE OF INFLUENCE OF ANY RETAINING WALLS. IF THE POOL IS TO BE LOCATED AT THE TOP OR THE BASE OF AN EXISTING RETAINING WALL ADVICE SHOULD BE SOUGHT FROM A SUITABLY QUALIFIED STRUCTURAL ENGINEER PRIOR TO ANY WORK COMMENCING. FAILURE TO DO SO MAY COMPROMISE THE STABILITY OF THE RETAINING WALL.
- THE OWNER IS ADVISED OF THE NEED FOR CAUTION IN LOCATING POTENTIALLY LARGE TREES ADJACENT TO THE POOL.

IN-GROUND INSTALLATION NOTES:

- IT IS IMPERATIVE WHEN ANY PART OF THE POOL IS INSTALLED BELOW FINISHED GROUND THAT A CONTINUOUS AGRICULTURAL DRAIN PIPE, SURROUNDED BY DRAINAGE GRAVEL WITH A MINIMUM OF 300mm COVER OVER THE DRAIN PIPE BE INSTALLED AND SLOPED TO A FREE DRAINING OUTLET.
- WHERE THE POOLS ARE INSTALLED WHOLLY IN FLAT GROUND WITH NO REASONABLE POSSIBILITY OF GRAVITY DRAINAGE, THE AGRICULTURAL PIPE SYSTEM SHOULD BE BROUGHT TO AN UPSTAND PIPE WITH A SURFACE GRATE FOR INSPECTION OF THE GROUND WATER LEVEL PRIOR TO EMPTYING THE POOL. THIS UPSTAND PIPE CAN ALSO BE USED TO LOWER THE EXTERNAL GROUND WATER LOCALLY BY MEANS OF SUCTION PUMPS IF DESIRED. REFER TO THE LOCAL AUTHORITY.
- ENSURE POOL IS FULL BEFORE COMMENCING BACKFILLING. MAINTAIN POOL FULL FOR ONE MONTH AFTER BACKFILLING.
- THE POOL STRUCTURE HAS BEEN DESIGNED TO RESIST LATERAL EARTH PRESSURES AND INTERNAL WATER PRESSURE. THE POOL IS NOT DESIGNED TO WITHSTAND THE ADDITIONAL PRESSURES INDUCED BY A HIGH WATER TABLE. THE OWNER IS ADVISED NOT TO LOWER THE WATER LEVEL OF THE POOL IN THESE CONDITIONS.
- DURING CONSTRUCTION THE OWNER SHALL BE RESPONSIBLE FOR MAINTAINING THE PART BUILT STRUCTURE IN A STABLE CONDITION.

LOCAL AUTHORITY REQUIREMENTS:

- IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT ALL RELEVANT DOCUMENTATION HAS BEEN LODGED AND APPROVED BY THE LOCAL AUTHORITY PRIOR TO ANY WORK COMMENCING.
- IT IS THE OWNER'S RESPONSIBILITY TO LOCATE ALL RELEVANT INFRASTRUCTURE AND ENSURE COMPLIANCE WITH THE RELEVANT DEVELOPMENT CODE AND/OR THE LOCAL AUTHORITY'S BOS AND BOSW POLICIES.
- PLUMBING, DRAINAGE, ELECTRICAL AND SECURITY FENCING ASPECTS TO LOCAL AUTHORITY REQUIREMENTS.
- FENCING TO COMPLY WITH BCA. REFER TO AS1926 FOR SWIMMING POOL SAFETY AND LOCAL AUTHORITY REQUIREMENTS.
- DETAILS OF FILTRATION UNIT SIZE AND TYPE, TYPE OF CHLORINATION AND PUMP CAPACITY ARE SHOWN IN THE MANUFACTURER'S BROCHURE.

issue	amendment	date
A	FOR CONSTRUCTION	23/08/18

scale bar:



KNC DESIGN
STRUCTURAL DESIGN & ENGINEERING

client:



drawing title:

CONSTRUCTION NOTES

FOR CONSTRUCTION

sheet: A4

date: 2018

scale: -

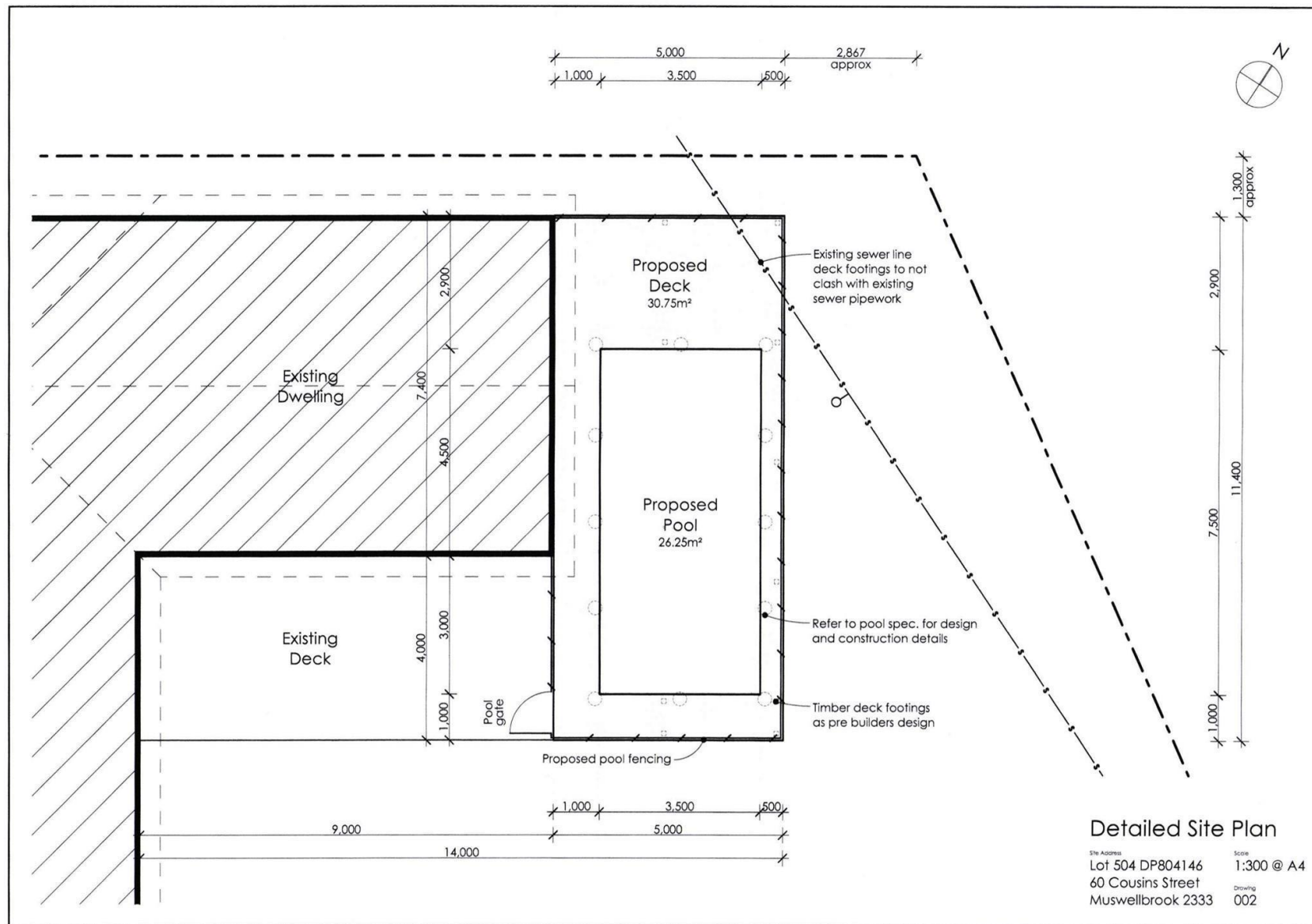
verified: KNC

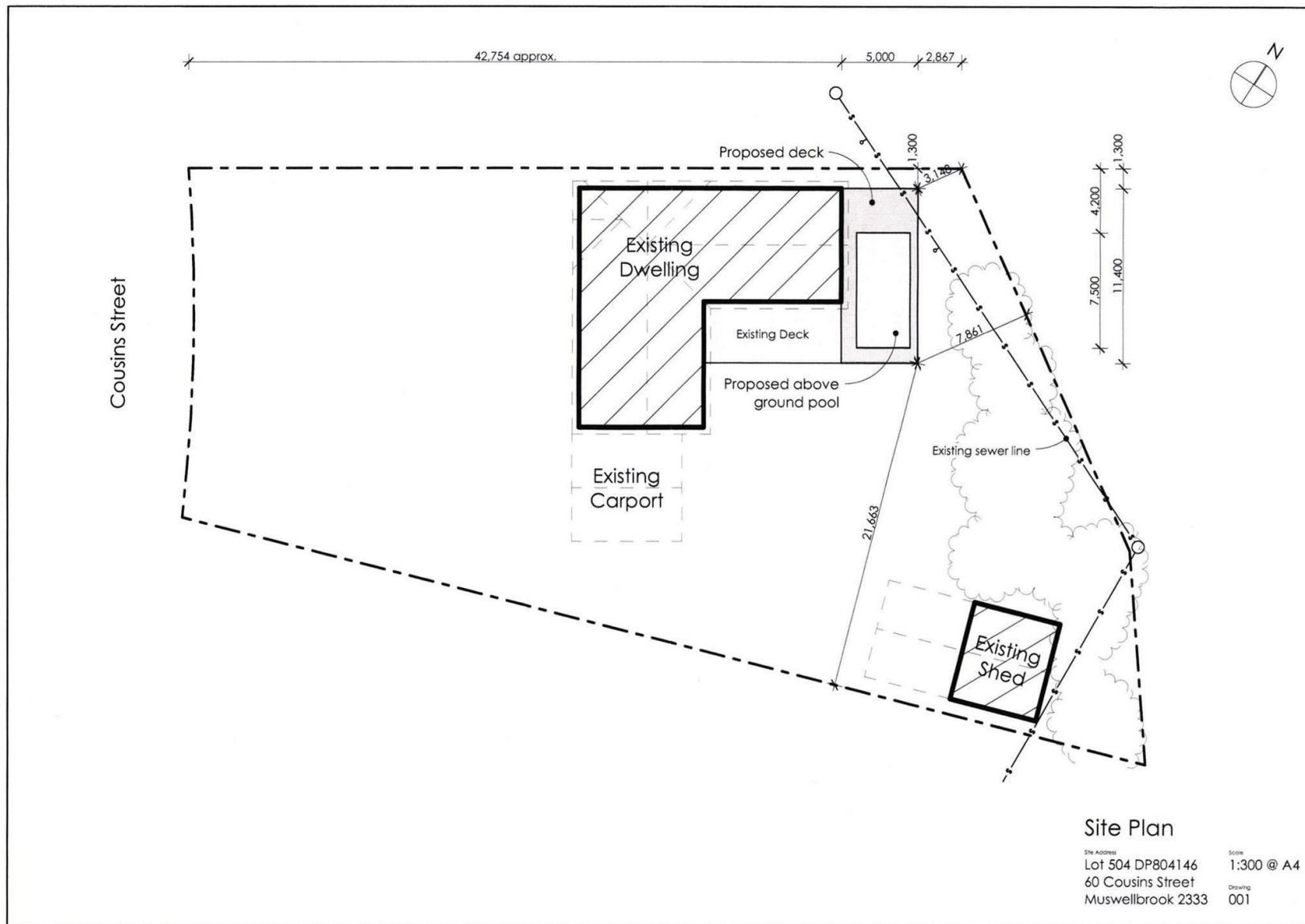
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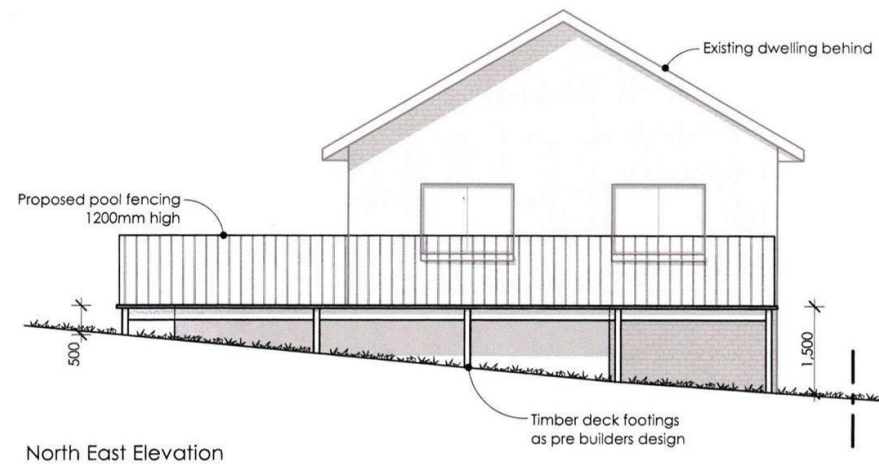
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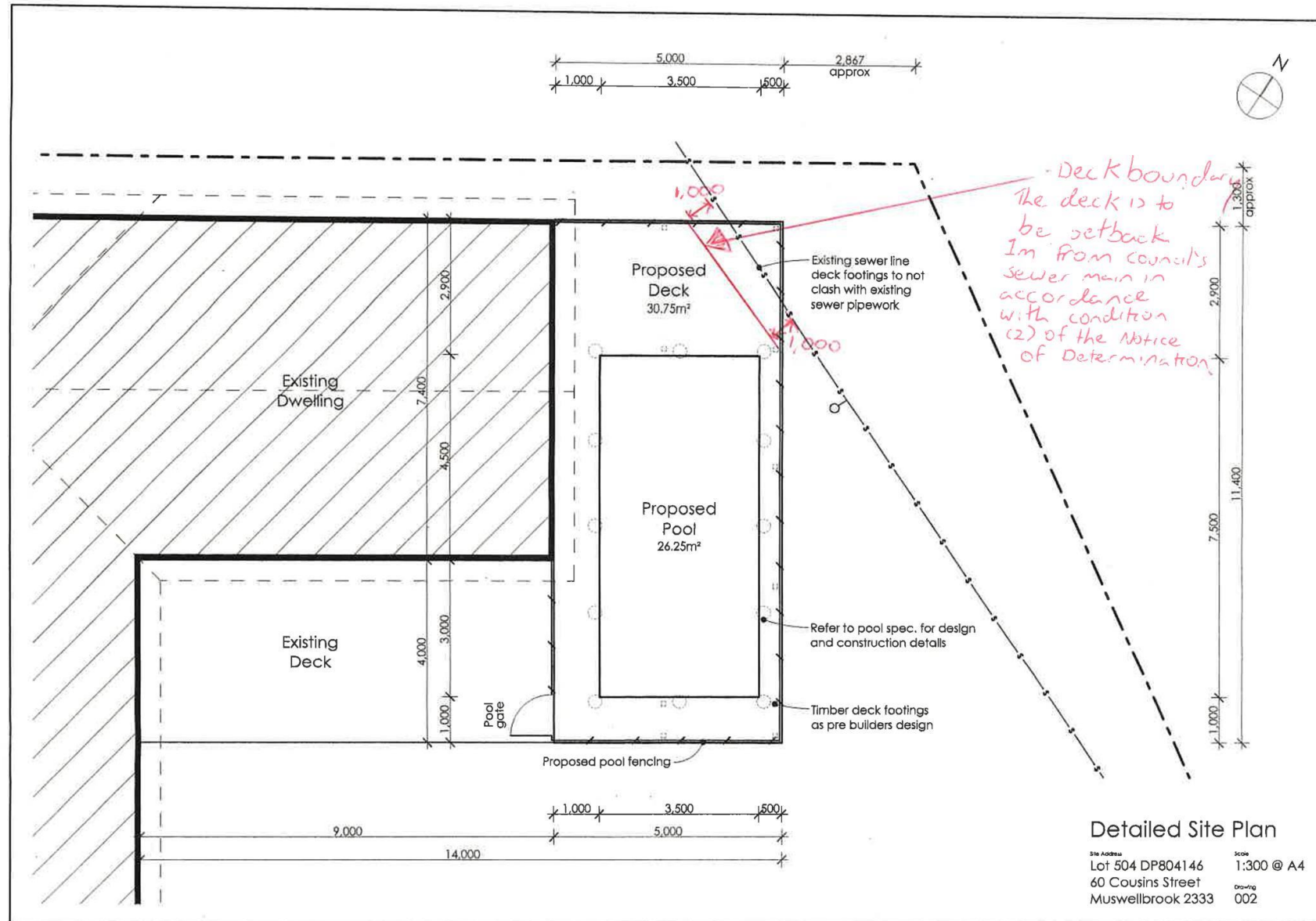


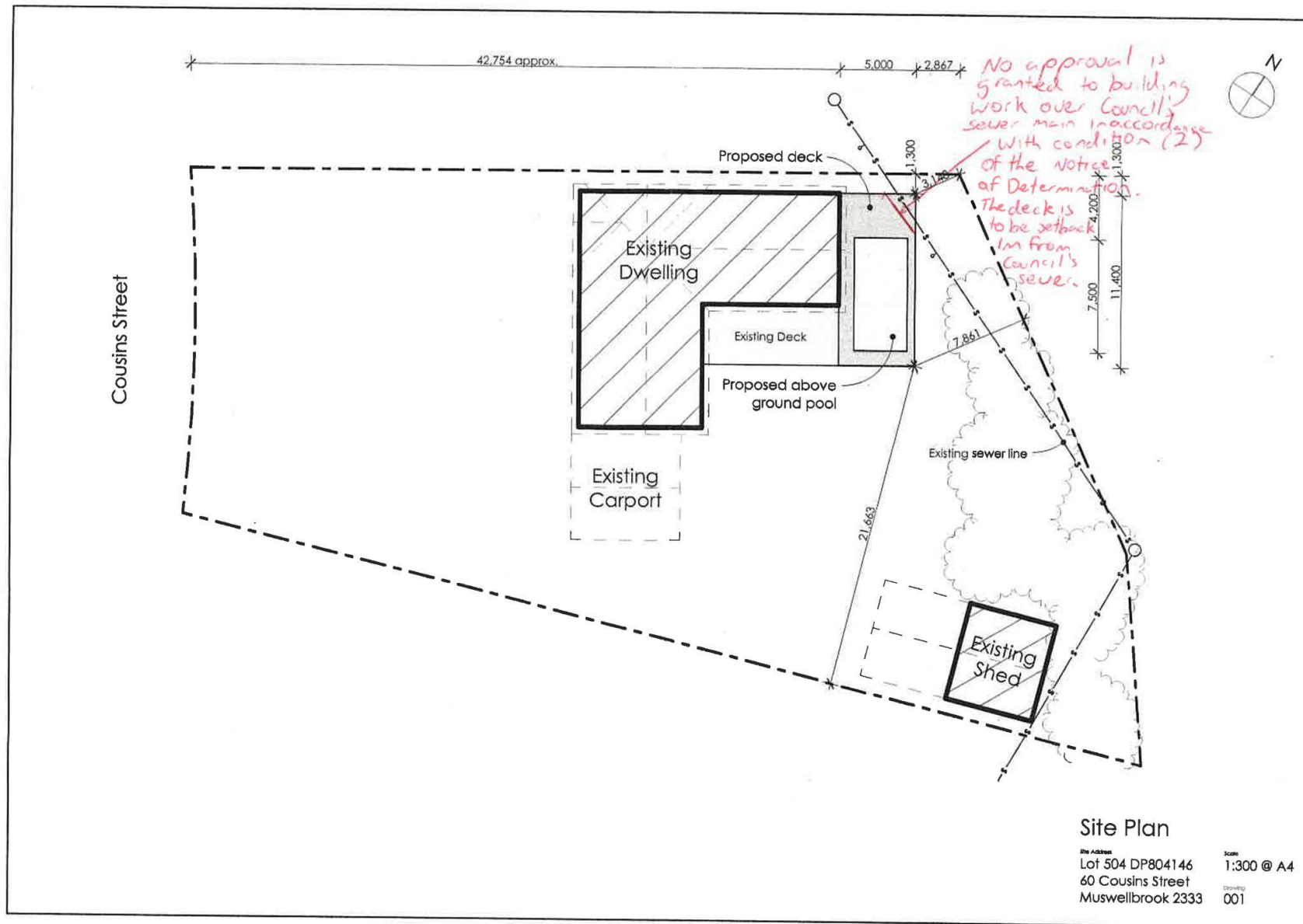


Elevation

Site Address
Lot 504 DP804146
60 Cousins Street
Muswellbrook 2333

Scale
1:300 @ A4
Drawing
003





6.2 DA 98/2018 - GARAGE & DECK - 93 SYDNEY STREET, MUSWELLBROOK

Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Libby Cumming - Strategic Planner
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<i>Provide advice in relation to strategic land use planning and development control and assessment to support the work of the Economic Development and Innovation function.</i>
Attachments:	<ul style="list-style-type: none"> A. DA 98/2018 Section 4.15 Assessment B. DA 98/2018 Recommended Conditions of Consent C. DA 98/2018 Proposed Plans D. DA 98/2018 Applicant's Email to Amend the Application by Removal of Games Room

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009

APPLICATION DETAILS

Applicant:	J Tukaki & GL Cooper
Owner:	GL Cooper
Proposal:	Garage & Deck
Location:	93 Sydney Street, Muswellbrook
Permissibility:	The proposed development is permissible as ancillary development to dwelling within the R1 General Residential Zone.
Recommendation:	Approval

PURPOSE

This report has been prepared to inform the Committee in determining Development Application (DA) 98/2018. This Development Application has been assessed by Council Officers and a copy the Section 4.15 Assessment Report and recommended conditions of Consent are attached for Council's information.

Delegations issued to the General Manager include a limitation on the General Manager's determining matters under the *Environmental Planning and Assessment Act 1979* as follows:

(iii) [determine matters] which are for, or in any way related to;

(f) works alongside or adjoining any waterway

The application before the Committee involves the construction of a garage and deck at Lot 7 DP 5634, 93 Sydney Street, Muswellbrook. The subject land is adjacent to the Hunter River. The development application has been referred to the Development Assessment Committee for determination in view of the limitations of the General Manager's delegations to determine development applications.

RECOMMENDATION

That Development Application No. 98/2018, proposing to construct a garage and deck at, Lot 7 DP 5634 known as 93 Sydney Street, Muswellbrook, be approved subject the conditions in Appendix B to the report.

Moved: _____ Seconded: _____

<input type="checkbox"/> Cr J. Ledlin	<input type="checkbox"/> Cr S. Bailey	<input type="checkbox"/> Cr G. McNeill
<input type="checkbox"/> Cr J. Foy	<input type="checkbox"/> Cr M. Green	<input type="checkbox"/> Cr R. Scholes
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr B.N. Woodruff	<input type="checkbox"/> Cr S. Ward
<input type="checkbox"/> Cr J.F. Eades	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr M.L. Rush

DESCRIPTION OF THE PROPOSAL

The proposed development relates to 93 Sydney Street, Muswellbrook. The property description for the site is Lot 7 DP 5634.

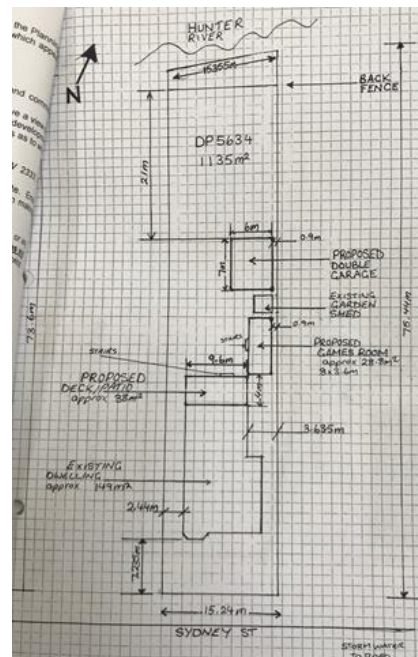
An existing dwelling is located at the property. A search of Council's records identified that Council had approved a development application to extend the dwelling in 2016. A Construction Certificate was issued in October 2016. According to Council's records an Occupation Certificate has not been issued for the works. It is recommended that Council require that either an Occupation Certificate or Building Information Certificate is obtained in relation to the works completed in accordance with DA 80/2016 prior to the issue of a Construction Certificate for building work associated with the deck..

An aerial image of the property has been included below.

The proposed development involves the installation of a garage and deck. Both are located behind the forward building line of the existing dwelling and would not be visible from the primary road frontage (Sydney Street).

The site is zoned R1 General Residential pursuant to MLEP 2009. The proposed development is viewed as a development ancillary to this dwelling house which is a form of development permissible with consent in the R1 General Residential zone.

At the time the development application was submitted the applicant intended also to seek development consent for the installation of a transportable building as a 'games room', but subsequently amended the development application to remove this part of the proposed development on 24 October 2018. The applicant has not provided an amended site plan, however should the application be approved it is recommended that the email amending the application be referenced in the consent and the site plan marked in red to identify no approval has been granted to the 'games room' building.



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 result of the assessment is that staff recommend that development consent be granted to the proposed development subject to 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 relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no inconsistencies 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) and is in accordance with the requirements of the DCP.
- The land subject to this development application is identified as flood liable land, however the site is currently developed for residential use and thereby the proposed development is considered to be compatible with this site constraint where the proposal complies with the Muswellbrook DCP requirements in relation to development involving flood affected land.
- The assessment considers likely environmental impact. The proposed development was not considered to have any significant environmental impacts.

REFERRALS

The proposed development was not referred internally to Council Officers or externally to any Government Agencies.

COMMUNITY CONSULTATION

Surrounding properties were notified of the development proposal between 17 October 2018 and 5 November 2018. No submissions were received during the notification period.

OPTIONS

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,
- C) Refuse development consent to the proposed development and nominate reasons for refusal, or
- 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.

CONCLUSIONS

DA 98/2018 has been reported to the Development Assessment Committee for determination as it is outside the delegations of the General Manager, as the development involves works on land which is adjacent to a waterway.

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 98/2018 subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT: 7 DP: 5634 93 Sydney Street MUSWELLBROOK
APPLICATION No:	98/2018
PROPOSAL:	Ancillary Development - Garage and Deck
OWNER:	Ms G L Cooper
APPLICANT:	Ms J Tukaki & Ms G L Cooper 93 Sydney Street MUSWELLBROOK NSW 2333
AUTHOR:	Mr A Kazi
DATE LODGED:	19/10/2018
AMENDED:	24 October 2018 (removal of a proposed games room)
DATE OF REPORT:	14 November 2018

SUMMARY

ISSUES: Nil

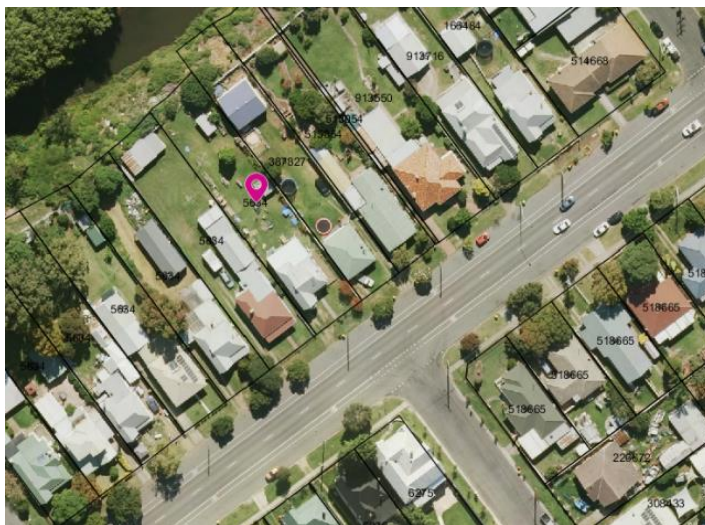
SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

The proposed development relates to 93 Sydney Street, Muswellbrook. The property description for the site is Lot 7 DP 5634.

An existing dwelling house and associated residential outbuildings are located at the site. A search of Council's records identified that Council approved a development application to extend the dwelling in 2016. A Construction Certificate was issued by Council in October 2016. The development progressed to a frame inspection, however according to Council's records, an Occupation Certificate has not been issued for the works. As the proposed development would involve the construction of a further addition (a proposed deck) onto the building extension it is recommended that Council require that either an Occupation Certificate or Building Information Certificate is obtained in relation to the works completed in accordance with DA 80/2016 prior to the issue of a Construction Certificate for building work associated with the deck.



DESCRIPTION OF PROPOSAL

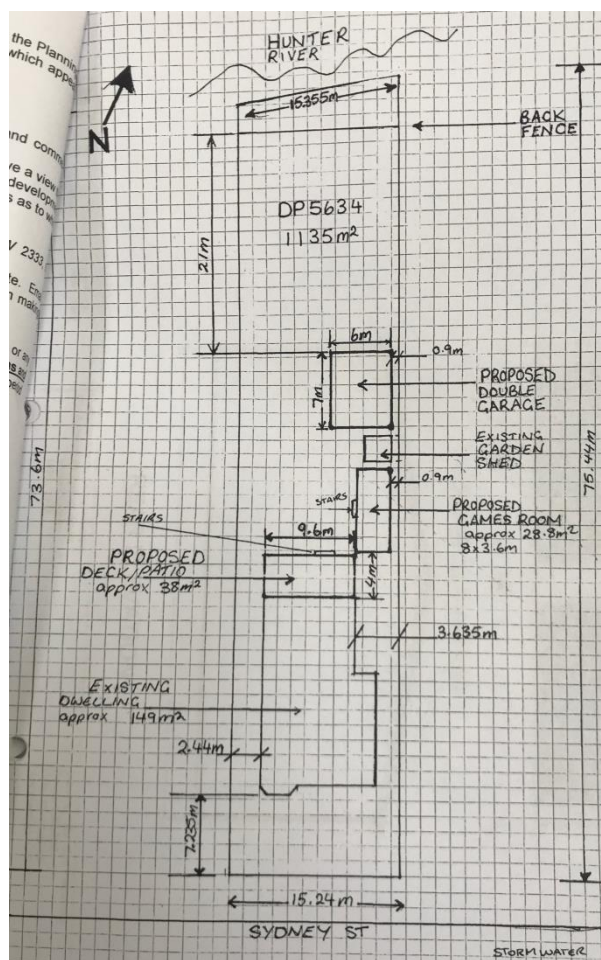
The proposed development involves the construction of a 7m by 6m (36m²) garage with a pitched roof 2.7m high at its eaves and 3.38m at its ridge. It also includes a proposed deck of 9.6m by 4m (38m²). The garage and deck would be constructed toward the properties western boundary of. Based on a review of the proposed plans and inspection of the site it would be well behind the forward building line of the existing dwelling. When first lodged a games room was proposed, however the applicant amended the application to remove this item. This amendment will be made clear in any consent that no approval is being given to the games room.

2.0 REFERRALS

Referral of the proposed development was not considered necessary to any internal Council Department or external Government Agency.

3.0 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 proposed development is to be constructed on land with an existing dwelling-house and would be ancillary to its residential occupation. Accordingly the proposed development is viewed as a development ancillary to this dwelling house which is a form of development permissible with consent in the R1 General Residential zone.

Objectives of the R1 General Residential Zone

Clause 2.3(2) of the Muswellbrook LEP 2009 requires the consent authority to consider the relevant land use zone objectives when determining a development application.

The land use zone objectives for the R1 General Residential zone are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- 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 is considered to be generally in accordance with the land use zone objectives.

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	The proposed development is a permissible development under the R1 Land use table as expressed above and in accordance with the relevant land use zone objectives. complies
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	The proposal does not relate to this clause. NA
<i>4.3 Height of buildings</i>	MLEP 2009 specifies a maximum building height of 8.5 in relation to the land. The height of the proposed development is 3.380m which does not exceed the height limitations specified by this Clause. complies
<i>4.4 Floor space ratio</i>	The subject land is affected by a FSR of 0.5. The existing dwelling on the site has an area of approximately 146m ² (this measurement has been taken from SIX Maps online as Council does not have readily available information of the floor area of the

	<p>existing dwelling at the site). As the proposed development is for associated structures, they are not considerable additions to the site's current FSR.</p> <p>Using these calculations the FSR of the proposed development would be 0.13:1 and would not exceed the maximum FSR of 0.5</p> <p>Detailed information to confirm the floor area of the existing dwelling has not been requested to support this assessment. complies</p>
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	
<i>7.6 Earthworks</i>	<p>Earthworks involved with the proposed development would be minimal and associated with establishing the pad and footing location for the proposed shed.</p> <p>The carrying out of these earthworks is not anticipated to create any issue in respect of the matters for consideration prescribed by this Clause and a condition would be imposed on any development consent to ensure the works are carried out in accordance with Council's standard requirements. Recommended condition to ensure compliance</p>

2. State Environmental Planning Policy No. 55 – Remediation of Land

The subject site is currently used for residential purposes. Council records do not indicate that potentially contaminating activities have carried out on the site. It is therefore considered that the subject site is unlikely to be affected by contamination requiring remediation in accordance with the SEPP. The proposed development may therefore proceed without the need to further consider the provisions of this SEPP.

Section 4.15(1)(a)(ii) the provisions of any draft EPI.

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

It is considered that the documentation provided with the Development Application satisfies the provisions of Section 3 of the 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 25 October 2018 to 12 November 2018. A notice was not placed in the paper.

No submissions were received during the notification period.

Section 6 – Residential Development

Clause	Comments
6.1 Built Form	
<p>6.1.1 Context</p> <p>(i) Undertake a site analysis in accordance with Section 3 of this DCP.</p> <p>(ii) Design the development to respond to the issues identified in the site analysis.</p>	<p>The design work undertaken with the there are no significant site constraints or design issues that would prevent granting development consent to this development application. Complies</p>
6.1.2 Front Setbacks	<p>All proposed structures would be located behind the building line of the existing dwelling located at the site and would thereby comply with the DCP requirements under this part. Complies</p>
<p>6.1.3 Side and Rear Setbacks</p> <p>Dwellings to be setback 0.9m and garages and other ancillary structures 0.45m from boundaries.</p>	<p>The proposed garage would be setback 0.9m from the nearest adjoining boundary and 21m from the rear boundary, while the deck would maintain the setbacks of the existing building to the closest adjoining side boundaries being 3.65m and 2.44m. Accordingly, the setbacks of all proposed structures would comply with the requirements of this part. Complies</p>
6.1.4 Building Height and Scale	<p>The controls referenced by this part of this DCP principally specify design considerations for new residential development as it relates to the streetscape. All components of the development proposed would be located to the rear of an existing dwelling and would have limited visibility and therefore impact on the streetscape. Accordingly the proposed development is not considered to present any issue to the controls specified by this section of the DCP. Complies</p>
6.1.5 Front fencing and retaining walls	<p>No front fencing or retaining walls are proposed. NA</p>
<p>6.1.6 Garages, Carports and Sheds</p> <p>(i) Garages, carports and sheds visible from the street shall compliment (i.e. not detract from) the colour and roof form (i.e. pitch) of the dwelling on that allotment.</p> <p>(ii) Garages and sheds are not located forward of the established building line.</p> <p>(iii) Open carports, less than 36m² in roof area and no greater than 6m wide, may be built to the side boundary or no closer than 1m to the street frontage provided they meet the objectives of this clause.</p>	<p>(i) The garage proposed shall have limited visibility from the streetscape and thereby will not detract from the existing streetscape. Complies</p> <p>(ii) the proposed garage would be located behind the building of line of the existing dwelling and would comply with the requirements of this part. complies</p> <p>(iii) the proposed development does not the construction of a carport. complies</p>
6.1.7 Dwelling Entry	<p>The proposed development does not involve any alterations to the façade of the existing dwelling located at the premises. Accordingly the proposed development is not considered to have any implications for the controls specified by this section of the DCP. NA</p>
6.1.8 Accessibility and adaptability	<p>The accessibility provisions of this section have no relationship to the proposed development. NA</p>
<p>6.1.9 Reflective Materials</p> <p>Restricts the use of highly reflective and unnecessarily bright building materials.</p>	<p>The proposed plans do not suggest that any building materials will be used in the development construction which would be contrary to the requirements of this part. It is recommended that should Council approve the development a condition of consent be imposed to restrict the use of any reflective building materials and ensure compliance.</p>
6.2 Urban Landscape	

6.2.1 usable space	A usable area of private open space would be retrained at the site under the proposed development consistent with the requirements of this part of the DCP. complies
6.2.2 car parking	The proposed development would not negatively affect the existing dwellings consistency with the DCP provisions provided by this part. The proposed development would provide additional off-street garage parking at the site. Complies
6.2.3 landscaped area 6.2.4 landscaping	The development application relates to alterations to an existing dwelling. The site has an established character and landscaping. It is not considered appropriate or necessary to require any additional landscaped space to comply with the provisions of this part. complies
6.3 Environmental	
6.3.1 Topography Fill limited to 1m Cut limited to 1.5m	The site is relatively flat and the development will not require any cut and fill which exceeds this requirement. It is recommended that a standard condition is imposed on any consent to administer the carrying out of any earthworks and ensure it complies with Council's standard requirements. complies
6.3.2 Solar access	The proposed development relates to alterations to an existing building and thereby it would be unreasonable to consider the solar access provisions of this part against the solar access of existing buildings and open space. While the proposed additions are not anticipated to have a negligible impact on existing solar access. Complies
6.3.3 Visual privacy	The proposed deck/patio will be located at the rear of the existing dwelling and would be reasonably setback from neighbouring property boundaries. Accordingly it is considered that the proposed development would not impinge on the privacy of neighbouring properties and would not present any issue in relation to this part of the DCP. Complies
6.3.4 Acoustic privacy	The proposed development relates to alterations and additions to an existing dwelling and is accordingly not anticipated to present any issue in relation to the requirements of this part. complies
6.4 Site Operation	
6.4.1 Energy conservation	The alterations and additions proposed are not BASIX affected development and accordingly, no BASIX certificate is required to support the development application. Complies with SEPP and EP&A Regulations
6.4.2 Stormwater Management Stormwater disposed of to the street	This section of the DCP requires stormwater from all residential development to be collected and disposed of to a street drainage system, inter allotment drainage or a public area. Council has previously approved, where it is not practical to convey stormwater to the street, disposal of stormwater 3m clear of existing and proposed dwellings. To appropriately manage stormwater it is recommended a condition be imposed requiring stormwater to be discharged via a connection to the street stormwater system where a connection is practical, but where such a connection is impractical allowing for the disposal of stormwater into a suitably designed rubble drain. To be managed via a condition to ensure reasonable management of stormwater.
6.4.4 Security Site Facilities and Services	The proposed development relates to an existing residential premises and would not affect the adequacy of existing security provisions and site facilities. Complies

Section 13 – Flood Prone Land

DCP requirements	Comments
13.1.1 Introduction	
13.4 Non-Residential Development	
a) The applicant is required to obtain development consent for all additions to existing dwellings other than minor renovations or repairs for structures in the residential zone as shown on the map;	Development consent is being sought for the proposed ancillary residential structures. Complies
b) In determining a development application Council will follow the principles outlined in Section 13.1;	It is considered that the proposed development is compatible with the principles of Section 13.1. Is unlikely to result in increased flood damage to the existing or adjoining properties, is compatible with the scale of residential development in the locality, while it recommended that a condition be imposed on any development consent requiring the preparation of structural plans in accordance with the Floodplain Development Manual to ensure the structure is able to withstand the force of floodwaters with the potential to affect the site. Complies
c) Any habitable addition to a dwelling house shall not exceed a total area of 35m ² of additional floor area of the house;	The proposed development does not involve the establishment of any new habitable rooms. complies
d) Any extension which exceeds 20m ² of additional floor area of the house classed as habitable shall have a floor level at least 0.5m above the 1% flood level, as determined by Council;	The proposed development does not involve the establishment of any new habitable rooms. complies
e) Any addition to existing dwelling houses shall be related to the floor area of that dwelling as it existing in December 1988.	The proposed development does not involve the establishment of any new habitable rooms. complies
f) Materials used are in conformity with the flood proofing codes, Section 13.8.	It recommended that a condition be imposed on any development consent requiring the preparation of structural plans in accordance with the Floodplain Development Manual to ensure that the structure is able to withstand the force of floodwaters with the potential to affect the site. This would ensure the development complies with the relevant construction standards for development on flood affected land. Compliance to be managed through the imposition of a condition
g) The proposed additions can withstand the force of flowing floodwaters including debris and buoyancy forces.	See above. Compliance to be managed through the imposition of a condition
h) A report is provided by a suitably qualified consulting engineer stating that the requirements outlined in (f) and (g) above have been incorporated into the design of the additions.	It recommended that a condition be imposed on any development consent requiring the preparation of structural plans in accordance with the Floodplain Development Manual to ensure that the structure is able to withstand the force of floodwaters with the potential to affect the site. This would ensure the development complies with the relevant construction standards for development on flood affected land. Compliance to be managed through the imposition of a condition

Section 16 – Car Parking and Access

The proposed development relates to minor alterations and additions to an existing dwelling house.

6.4.4 Security Site Facilities and Services	The proposed development would increase the formal off-street garage parking at the premises and not alter the number of bedrooms or habitable building space. Accordingly, the proposed development presents no issue in relation to the requirements of this section of
---	---

	the DCP. complies
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Section 94 Contributions Plan 2001

Not Applicable

Section 94A Contributions Plan 2009

The capital investment value of the proposed development would be \$27,535. A Section 94A contribution in accordance with Council's Section 94 Contribution Plan would not be applicable given the value of the proposed works would be less than \$100,000.

Section 4.15(1)(a)(iiia) 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

There are no provisions under the Environmental Planning and Assessment Regulations 2000 that specify matters with a particular relevance to the assessment of this development application.

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

Given the limited scope of the proposed development and its compatibility with the relevant provisions of Council's DCP and LEP the proposed development is considered to be a form of development that could reasonably be carried out within the Muswellbrook R1 General Residential zone without resulting in any significant adverse environmental impacts where appropriate conditions of consent are imposed in respect of:

- The construction of a vehicle layback between Sydney Street and the property boundary. A site inspection revealed that there is no existing vehicle layback while the proposed development involves the construction of a garage formalising off-street vehicle parking at the site.
- The preparation of engineering design plans to demonstrate that the proposed structures would be designed and constructed to withstand the forces and pressures of floodwaters that may affect the site.
- The management of stormwater via a connection to the streetscape or a suitably designed rubble drain to mitigate erosion and control the velocity of any stormwater discharge.

Relevant areas of consideration when determining the likely environmental impacts of a development are as follows:

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

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. It is noted the site is identified as flood liable, however previous development on the site has been endorsed by Council and it is considered that the proposed development is unlikely to exacerbate the flood liability of adjoining properties or increase risk to the occupants of the existing dwelling or neighbouring properties.

Section 4.15(1)(d) any submissions made

No submissions were received in relation to the proposed development.

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

The proposed development would be in accordance with the Muswellbrook LEP 2009, Muswellbrook DCP and is unlikely to have any adverse environmental impacts. Accordingly, the proposed development is considered to be generally in accordance with the public interest.

5 CONCLUSION

The proposed development has been assessed against the relevant heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979. As outlined above it is considered that the proposed development would be in accordance with the relevant planning provisions.

RECOMMENDATION

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

Signed by:

Atef Kazi
Projects Planner

Reviewed By:

Hamish McTaggart
Senior Development Planner

Date: 14 November 2018

RECOMMENDED CONDITIONS OF CONSENT – LOT 7 DP 5634 – 93 SYDNEY STREET MUSWELLBROOK

DETAILS OF CONDITIONS:

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

The development being carried out in accordance with the development application and the email from the applicant to amend the development application, dated 24 October 2018, and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions, and as marked in red on the approved plans.

Drawing No.	Drawn by	Drawing Date	Received
Site Plan	Applicant	Undated.	19 October 2018
1800464 – elevations	Best Sheds	3 October 2018	19 October 2018
1800464 – elevations	Best Sheds	3 October 2018	19 October 2018
1800464 Floor Plan	Best Sheds	Undated	19 October 2018
Deck Plan	Smarmits	Undated	19 October 2018

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

(2) Building Code of Australia

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

(3) 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 person's 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*.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT AND THE ISSUE OF A CONSTRUCTION CERTIFICATE
--

(4) 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. If a certificate is issued for part of the works, it must cover the works being undertaken onsite.

(5) Potential Flood Damage to Buildings

Prior to the issue of a Construction Certificate, submission of a report and certification to the Certifying Authority, by a qualified practising Consulting Engineer, stating that the structure has been designed to withstand the flood pressures, including debris and buoyancy forces, imposed in the event of a 1% AEP flood and that the structure will not sustain unacceptable damage from the impact of floodwater and debris.

(6) Certification of Existing Building Work

Prior to the issue of any Construction Certificate for the construction of the deck/patio shown on the approved site plan, the person acting with this consent shall provide suitable information to the principle certifying authority to demonstrate that the rear extension to the building approved under DA 80/2016, and onto which the deck is to be installed, as been appropriately constructed.

This condition may be addressed to the satisfaction of Council by the submission of one or a combination of the following:

- (a) An Occupation Certificate for the rear addition to the dwelling approved under DA 80/2016,
- (b) A Building Information Certificate for the rear addition to the dwelling approved under DA 80/2016
- (c) A report prepared by an appropriately qualified structural engineer confirming that the rear addition to the dwelling has been appropriately constructed, is structural stable and can support the proposed deck/patio addition.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

(7) Sediment Controls

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control 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.

(8) 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.

(9) Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

(10) 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.

(11) Materials

In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the building shall be constructed from non-reflective metal cladding. Zincalume or reflective white sheet metal cladding is not be used without the prior written approval from Council.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
--

(12) 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.

(13) Limitations on Use of Roadways

Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

(14) Site Waste Minimisation

Throughout the carrying out of building works the person acting with this consent shall take reasonable steps to minimise waste from the carrying-out of the development in accordance with the following objections of Chapter 24 Waste Minimisation and Management of Council's Development Control Plan.

- Optimise adaptive reuse opportunities of existing building/structures
- Maximise reuse and recycling of materials
- Minimise waste generation
- Ensure appropriate storage and collection of waste
- Minimise environmental impacts associated with waste management
- Avoid illegal dumping
- Promote improved project management.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE
--

(15) 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.

(16) Driveway Crossover Construction

Prior to the issue of any Occupation Certificate a sealed vehicle crossover is to be constructed from the existing driveway layback to the property boundary. The vehicle layback will require approval from Council's Community Infrastructure Department pursuant to Section 138 of the Roads Act 1993 prior to its construction; this is to be in accordance with Council's Footpath, Kerb & Guttering Policy (F10/1), or any Policy which supersedes this document.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

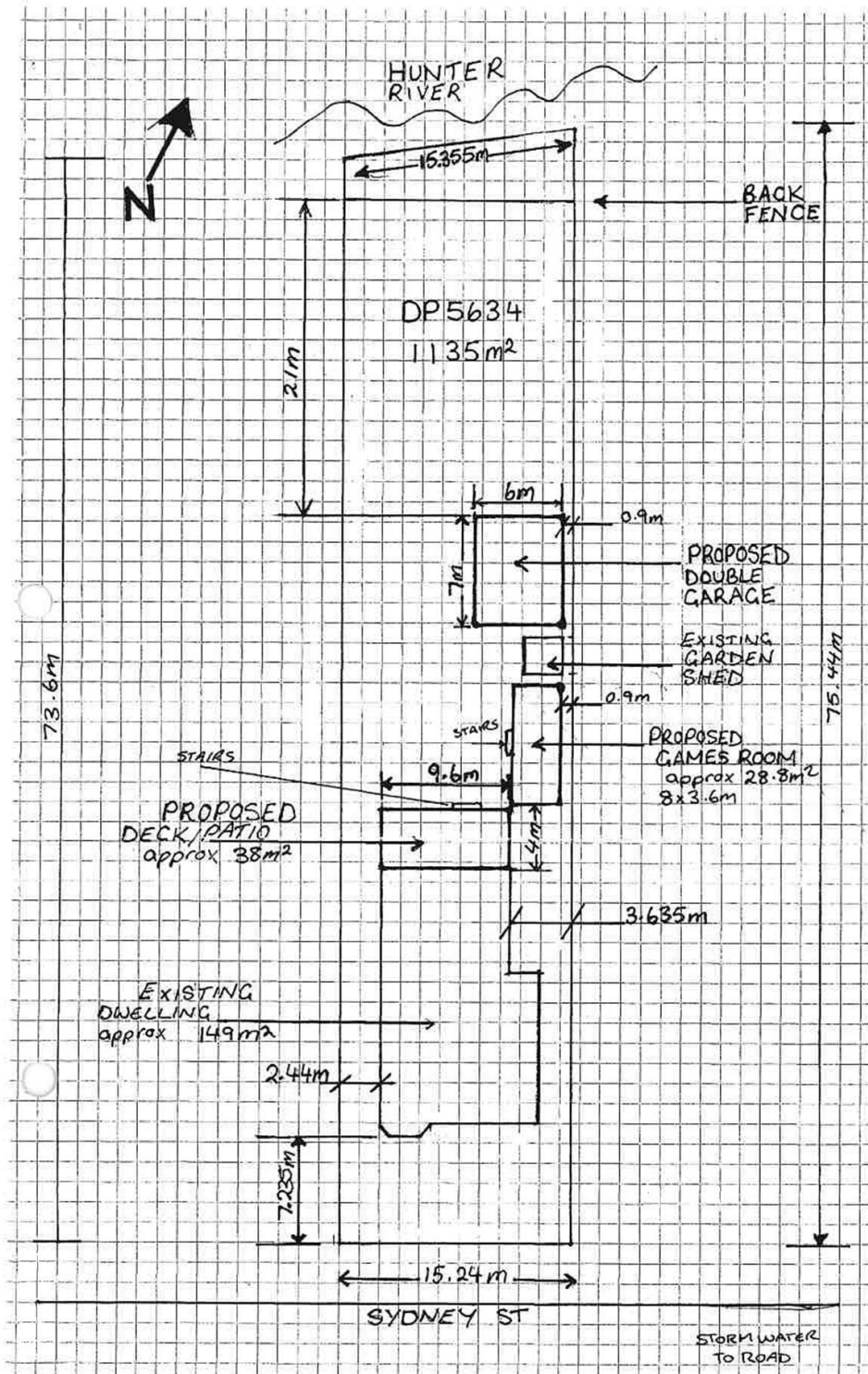
(17) Stormwater Disposal

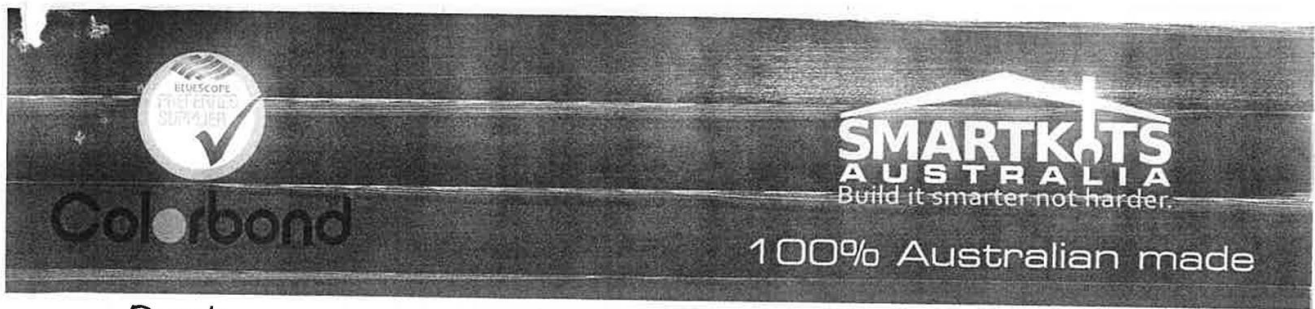
All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of to:

- (a) The street stormwater drainage system where a connection to this system is practical, or
- (b) Where connection to the stormwater drainage system is impractical, stormwater may be disposed of by way of a suitable rubble drain with minimum dimensions of 1.0m wide by 1.5m deep the length determined by allowing 1m for every 100m² of stormwater collection area. Any rubble drain must be a minimum of 3m clear of the proposed and adjoining buildings.

(18) No Commercial Use

Nothing in this consent authorises the use of the garage for residential habitation, commercial or industrial activities.

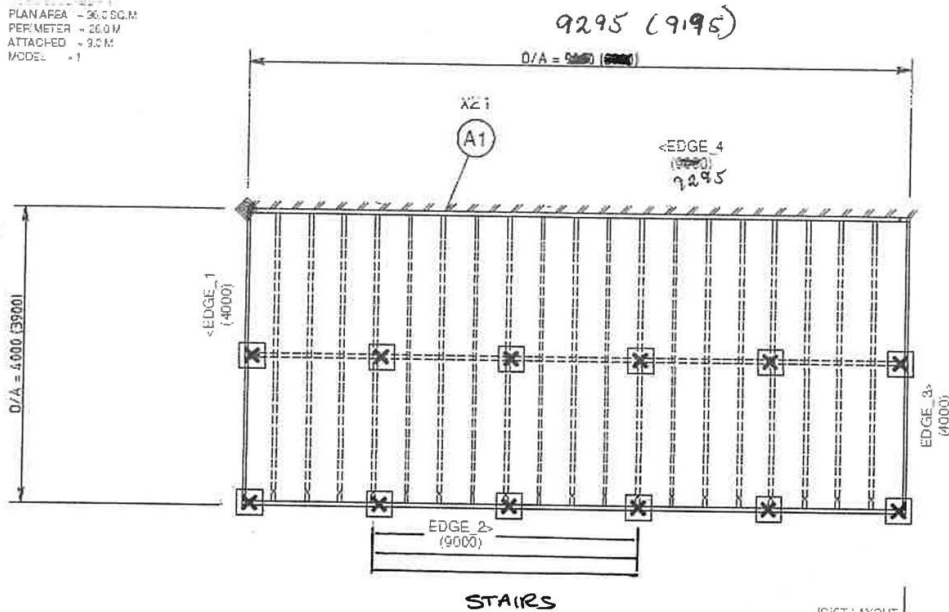




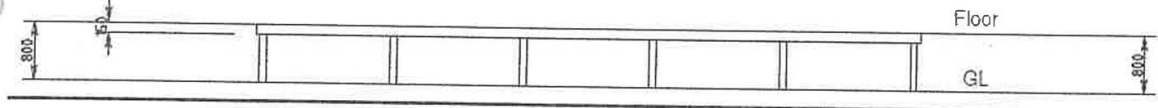
Deck

DESIGN

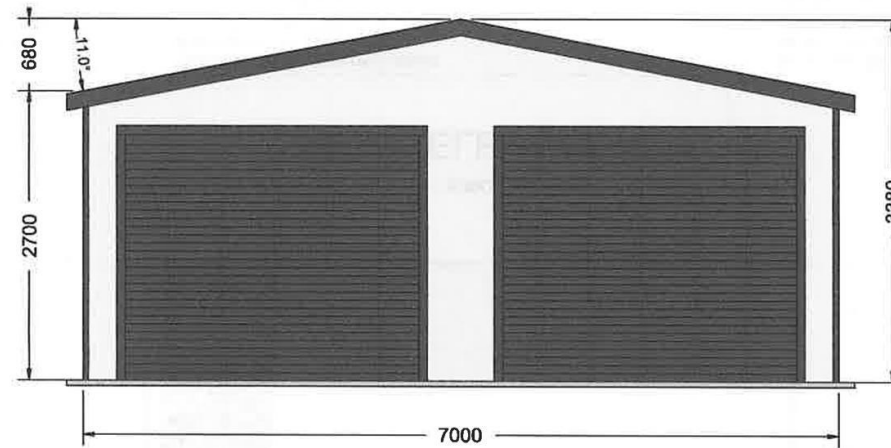
PLAN AREA = 96.0 SQ.M
PER METER = 26.0 M
ATTACHED = 9.0 M
MODEL = 1



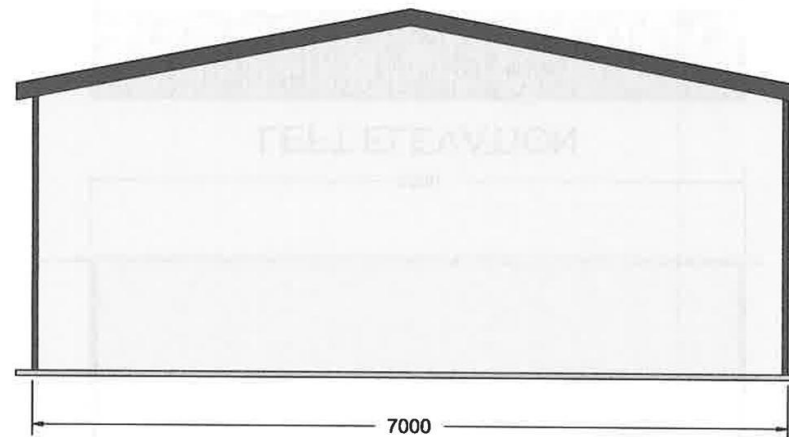
Floor Bearers = BS150
Floor Joists = SS150 (450mm between centres)
Flooring = NO FLOORING - OWNER TO SUPPLY AND FIT



Smartkits Australia
www.smartkits.com.au
sales@smartkits.com.au
Free call 1800 827 889



FRONT ELEVATION



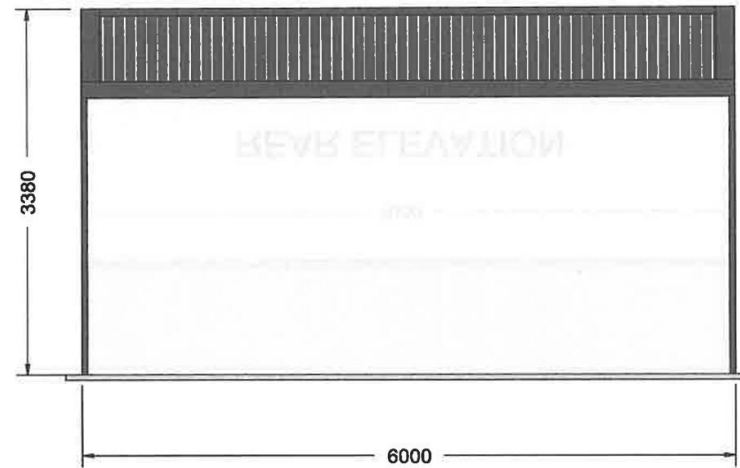
REAR ELEVATION



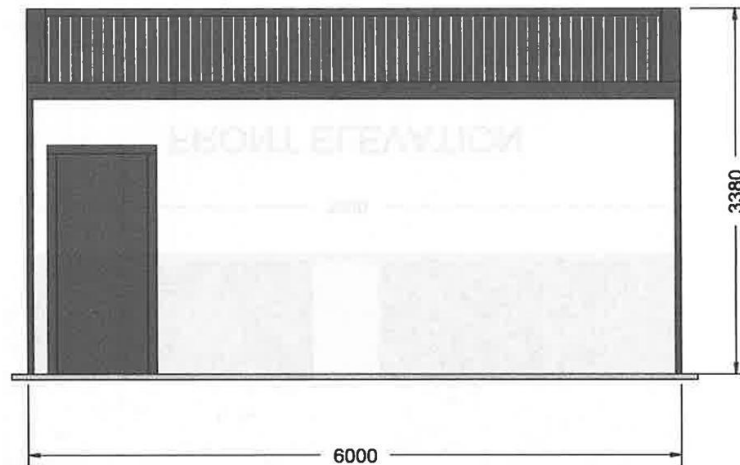
151 Smeaton Grange Road,
Smeaton Grange, NSW, 2567
Phone: 02 4648 7777
Fax: 02 4648 7700
Email: sales@bestsheds.com.au

Customer Name: Georgie Cooper
Site Address: 93 Sydney Street
Muswellbrook,
NSW, 2333

Drawing Title: End Elevations
Scale: 1:58.532
Date :03-10-2018
Job Number: 1800464



LEFT ELEVATION



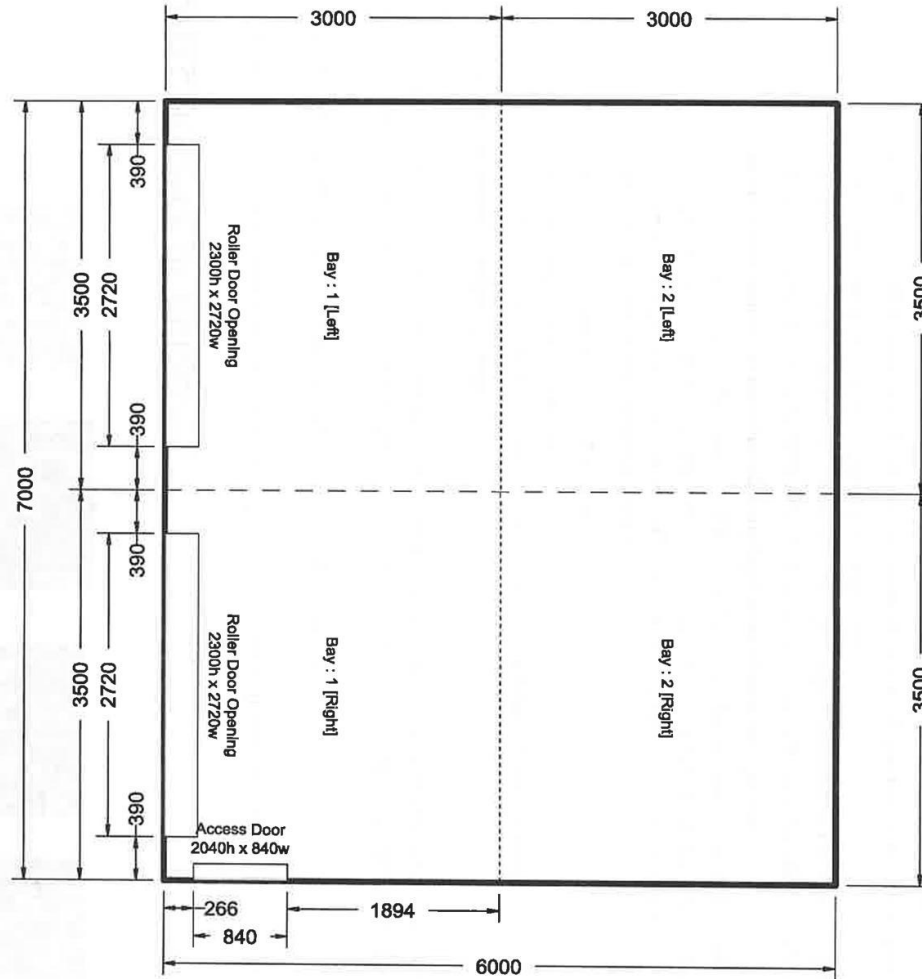
RIGHT ELEVATION



151 Smeaton Grange Road,
Smeaton Grange, NSW, 2567
Phone: 02 4648 7777
Fax: 02 4648 7700
Email: sales@bestsheds.com.au

Customer Name: Georgie Cooper
Site Address: 93 Sydney Street
Muswellbrook,
NSW, 2333

Drawing Title: Side Elevations
Scale: 1:57.981
Date :03-10-2018
Job Number: 1800464



Plan Elevation



151 Smeaton Grange Road,
Smeaton Grange, NSW, 2567
Phone: 02 4648 7777
Fax: 02 4648 7700
Email: sales@bestsheds.com.au

Customer Name: Georgie Cooper
Site Address: 93 Sydney Street
Muswellbrook,
NSW, 2333

Drawing Title: Plan Elevations
Scale: 1:56.408
Date :03-10-2018
Job Number: 1800464



Colour Range.

Wall, Accessory & Roof Colours for all sheds

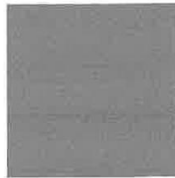
Smooth Cream

Mist Green

Heritage Red

Mountain Blue

Slate Grey



CUSTOMER PICK UP GUIDELINE

This guideline is to assist in keeping Best Shed's customers, visitors and employees safe from injury.

This guideline is to be read in conjunction with other relevant forms.

It also provides information on NSW regulations and requirements for transport. If you are from another state please check with your relevant roads authority for any local requirements that may differ.

1. Warehouse Requirements

- Personal protective equipment required O Steel capped leather boots O Hi-Visibility vest, shirt or jumper
- All site speed limits must be obeyed
- Best Sheds personnel have the final say

It is unacceptable that a person be injured or property damaged as a result of vehicles being overloaded, loads overhanging inappropriately, or loads restrained incorrectly. Best Sheds personnel have the right to refuse to load a vehicle if they believe the vehicle or restraining method is inadequate for the load.

- If the vehicle you choose to pick up your materials is inappropriate for the load or if you miss your allocated pick up time, then alternative arrangements will need to be made, additional charges may be applicable.
- Maximum load limits O Car sports rack max load = 40kg MAX O Trade racks (ladder racks) = 100kg MAX O Trailers and trucks, to manufacturers specifications
- Any person that enters the warehouse must not be under the influence of drugs or alcohol. Any person deemed under the influence will be asked to leave immediately.

2. Load Restraint

Loads to be restrained to National Transport Commission 'Load Restraint Guide' viewable at <http://www.ntc.gov.au/viewpage.aspx?AreaId=35&DocumentId=862>

ABN: 78 103 586 198

151 Smeaton Grange Road, Smeaton Grange, NSW, 2567.
sales@bestsheds.com.au Free Call: 1800 15 17 20

Hamish McTaggart

From: Georgie Cooper <georgiecooper32@yahoo.com.au>
Sent: Wednesday, 24 October 2018 12:33 PM
To: Hamish McTaggart
Subject: Doc 922371 Re: DA 98-2018

Hello Hamish

Can you please remove the proposed games room/relocatable pod from DA 98/2018 as discussed. Please proceed with garage and deck on same DA 98/2018. Thank you.

Both neighbours have garages so I don't expect any issues there.

Just with regards to the pod, it would have been on steel pipes concreted 0.6m inground and 0.8m above ground level just like the extension we had put on previously. And for the look of it it would have been paint monument to match colour scheme of home and garden shed. Anyway.

Pod would had look similar to the following photo.

The pod was \$8,467 so I would expect a refund of some of the money paid for the DA.

Regards
Georgina Cooper

Sent from Yahoo Mail for iPad

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

6.3 OUTSTANDING DEVELOPMENT APPLICATIONS REPORT

Attachments:	A. Outstanding Development Applications 22 November 2018
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Hamish McTaggart - Co-Ordinator - Development
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 13/12/2018

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2018.00000112.001	Transportable Dwelling House	LOT: 121 DP: 734598	Uniplan Group Pty Ltd	\$195,000	5/12/2018	8	Notify Adjoining Owners
005.2018.00000111.001	Demolition of MATS Building	3 Wilkinson AVE MUSWELLBROOK LOT: 7010 DP: 93327 RES: 570025	Muswellbrook Shire Council	\$30,000	4/12/2018	9	Advertisement - Proposal
005.2018.00000110.001	Ancillary Development - Patio Cover	101 Ironbark RD MUSWELLBROOK LOT: 114 DP: 1153819	Mr B S Walsh	\$22,406	4/12/2018	9	Notify Adjoining Owners
005.2018.00000109.001	New Dwelling	Giants Creek RD SANDY HOLLOW Lot: 44 DP:750963 Giants Creek RD SANDY HOLLOW Lot: 94 DP:750963 Giants Creek RD SANDY HOLLOW Lot: 98 DP:750963 LOT: 209 DP: 750963 PL: 109201 420 Giants Creek RD SANDY HOLLOW LOT: 210 ALT: DP: 750963	Jts Realty Pty Ltd	\$90,000	27/11/2018	16	Notify Adjoining Owners
005.2018.00000108.001	Storage Premises (Industrial Plant and Equipment)	LOT: 3 ALT: DP: 1119843 REF:	Robson Civil Projects Pty Limited	\$80,000	22/11/2018	21	Advertisement - Proposal
005.2018.00000107.001	Storage Premises (Industrial Plant and Equipment)	LOT: 4 ALT: DP: 1119843 REF:	Robson Civil Projects Pty Limited	\$80,000	22/11/2018	21	Advertisement - Proposal
005.2018.00000106.001	Ancillary Development - Shed	11 Jackaroo CL MUSWELLBROOK LOT: 310 DP: 1180655	Mr R M Fleming	\$32,440	20/11/2018	23	CC Application Received

Development Assessment Committee - Outstanding DAs as at 13/12/2018

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005.2018.00000105.001	Ancillary Development - Shed	LOT: 7 DP: 22107	Mr C B Foyle	\$24,464	15/11/2018	28	Notify Adjoining Owners
005.2018.00000104.001	Ancillary Development - Shed	18B Grey Gum RD DENMAN LOT: 3 DP: 1193029	Mr D J Almond	\$40,109	15/11/2018	28	Notify Adjoining Owners
005.2018.00000101.001	Resource Management Facility - Biorefinery	24 Carramere RD MUSWELLBROOK LOT: 22 DP: 1131270	Ethanol Technologies	\$28,617,649	13/11/2018	30	Notify Adjoining Owners
005.2018.00000103.001	Dwelling house	15 Lou Fisher PL MUSWELLBROOK LOT: 17 DP: 1087125	Mr A L Higham	\$255,000	12/11/2018	31	Notify Adjoining Owners
005.2018.00000102.001	Ancillary Development - Removal of Fencing, Entry Gates and Sign. Cons truction of New Fencing, Landscaping and Business Identification Sign	Maitland ST MUSWELLBROOK LOT: 133 DP: 610464 REF: GOLF 9080 New England HWY MUSWELLBROOK LOT: 132 DP: 610464 REF: CARAVAN	Broadlands Gardens C/O Ben Tebutt	\$217,250	5/11/2018	38	Advertisement - Proposal
005.2018.00000100.001	Dwelling House	19 Babbler CR MUSCLE CREEK LOT: 402 DP: 1197030	GJ Gardner Homes Hunter Valley	\$300,610	5/11/2018	38	Notify Adjoining Owners
005.2018.00000099.001	Demolition of a Shed and the Construction of a Centre-Based Child Care Facility Classroom, Storage Shed, Fencing and Signage	Turner ST DENMAN Lot: 230 DP:729996 Turner ST DENMAN PRT: 231 DP: 729996 REF: FIELD	HWD	\$638,000	23/10/2018	51	Refer to RFS - Local
005.2018.00000098.001	Ancillary Development - Garage and Deck	LOT: 7 DP: 5634	Ms J Tukaki	\$27,535	19/10/2018	55	Notify Adjoining Owners

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005.2018.00000094.001	Ancillary Development - Above Ground Pool and Deck	LOT: 504 DP: 804146	Mr L E Worth	\$25,000	12/10/2018	62	Notify Adjoining Owners
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	78	Additional Info Required
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	98	Advertisement - Proposal
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	121	Notify Adjoining Owners
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	143	Notify Adjoining Owners

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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	181	Notify Adjoining Owners
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	196	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	288	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	288	Notify Adjoining Owners

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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	297	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	364	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	412	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	538	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	563	Advertisement - Proposal
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	975	Additional Info Required

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DAs Outstanding: 30

6.4 ROAD CLOSURE RESOLUTION**Attachments:** Nil**Responsible Officer:** Fiona Plesman - General Manager

Councillor Martin Rush has indicated his intention to move the following motion at the next ordinary Council meeting, as follows:

MOTION

Without predetermining any particular application under Division 3 of Part 4 of the Roads Act 1993, Council adopts a general policy that significant alterations to the rural road network should not be resolved until after the adoption of a new Local Environmental Plan – presently anticipated in May 2019.

Moved: _____ **Seconded:** _____

RESPONSE BY THE GENERAL MANAGER

The proposed motion is supported.

Council currently assesses the public interest when deciding on applications for road closures. Without an updated Local Environmental Plan (LEP) Council may not be able to properly consider the long-term public interest in response to applications. This is especially the case for applications for permanent road closures.

Staff also advised that the existing policy Public Road Closure Policy R30/1 is dated and was last reviewed in 2013. Since 2013 the legislation has changed in particular to local council's authority to decide on local road closures (Division 3 of Part 4 of the Roads Act 1993). In the period until the new LEP is adopted, staff will make the necessary changes so that Council has an updated policy compliant with the existing legislation.

7 DATE OF NEXT MEETING

28 January 2019

8 CLOSURE