



**muswellbrook  
shire council**

**Muswellbrook Shire Council**

**DEVELOPMENT ASSESSMENT  
COMMITTEE MEETING**

**BUSINESS PAPER**

**25 MARCH 2019**



## 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

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**DEVELOPMENT ASSESSMENT COMMITTEE MEETING, 25 MARCH 2019**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

**MUSWELLBROOK**

22 March, 2019

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 **25 March, 2019** commencing at **4.00pm**.

Joshua Brown  
**MANAGER - INTEGRATED PLANNING & GOVERNANCE**

# Order of Business

ITEM	SUBJECT	PAGE NO
1	APOLOGIES AND LEAVE OF ABSENCE	5
2	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
3	DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST	8
4	PUBLIC PARTICIPATION	8
5	BUSINESS ARISING	8
6	BUSINESS	9
6.1	DA 115/2018 - RURA; WORKER'S DWELLING - 1472 MARTINDALE ROAD, MARTINDALE	9
6.2	OUTSTANDING DEVELOPMENT APPLICATIONS - 22 MARCH, 2019	33
7	DATE OF NEXT MEETING 25 December 2019	42
8	CLOSURE	42



**MUSWELLBROOK SHIRE COUNCIL  
DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

**AGENDA**  
**MONDAY 25 MARCH 2019**

**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 **4 March 2019**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**PRESENT:** Cr B. Woodruff (Chair) Cr R. Scholes and Cr. M Bowditch.

**IN ATTENDANCE:** Ms C. O'Brien (Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development), Mr G. Hemachandra (Project Engineer), Mrs K. Scholes (Manager– Roads, Drainage and Technical Services), Mrs. M Sandell – Hay ( PA to the General Manager) and Miss M. Meadows ( PA to the Mayor).

## **1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Crs Bowditch and Scholes that:

The apologies for inability to attend the meeting submitted by Cr M. Rush, Ms S. Pope be ACCEPTED and the necessary Leave of Absence be GRANTED.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED on the motion of Crs Bowditch and Scholes that:

The Minutes of the Development Assessment Committee held on 14 January 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 PUBLIC PARTICIPATION**

Nil

## **5 BUSINESS ARISING**

Nil

## **6 BUSINESS**

### **6.1 DA 2018-111 - DEMOLITION OF MUSWELLBROOK AMATEUR THEATRE SOCIETY BUILDING**

RECOMMENDED on the motion of Crs Bowditch and Scholes that:

The Development Assessment Committee approve Development Application No. 111/2018 for the demolition of the Muswellbrook Amateur Theatre Society building at Lot 7010 DP 93327, subject to the conditions contained in Appendix B.

### **6.2 OUTSTANDING DEVELOPMENT APPLICATIONS 28 FEBRUARY 2019**

RECOMMENDED on the motion of Crs Bowditch and Scholes that:

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

**7 DATE OF NEXT MEETING**

TBD

**8 CLOSURE**

The meeting was declared closed at 4.46 pm.

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Cr B Woodruff

**Chairperson**

### **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

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

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

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

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

- Significant
- Less than significant

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

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

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

### **4 PUBLIC PARTICIPATION**

### **5 BUSINESS ARISING**



## 6 BUSINESS

### 6.1 DA 115/2018 - RURA; WORKER'S DWELLING - 1472 MARTINDALE ROAD, MARTINDALE

<b>Attachments:</b>	<b>A. DA 115/2018 Section 4.15 Assessment Report</b> <b>B. DA 115/2018 Recommended Conditions of Consent</b> <b>C. DA 115/2018 Proposed Plans</b> <b>D. DA 115/2018 Statement relating to the use of the Rural Worker's dwelling</b>
<b>Responsible Officer:</b>	<b>Carolyn O'Brien - Acting Director - Environment &amp; Community Services</b>
<b>Author:</b>	<b>Atef Kazi - Project Planner</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i></b>

#### PURPOSE

This report has been prepared to inform the Committee in determining Development Application (DA) 115/2018. This Development Application has been assessed by Council officers. 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 land subject to this application adjoins the Martindale Creek waterway.

Accordingly, the determination of the development application is not within the functions Council has delegated to the General Manager and Council Officers. The determination of this development is within the function delegated to the Development Assessment Committee.

Therefore, this report has been prepared to inform the Committee its assessment and determination of the development application.

#### RECOMMENDATION

**Council approves Development Application No. 115/2018, involving the erection of a rural worker's, at Lot 57 DP 706479, subject to the conditions in Appendix B.**

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### DESCRIPTION OF THE PROPOSED DEVELOPMENT

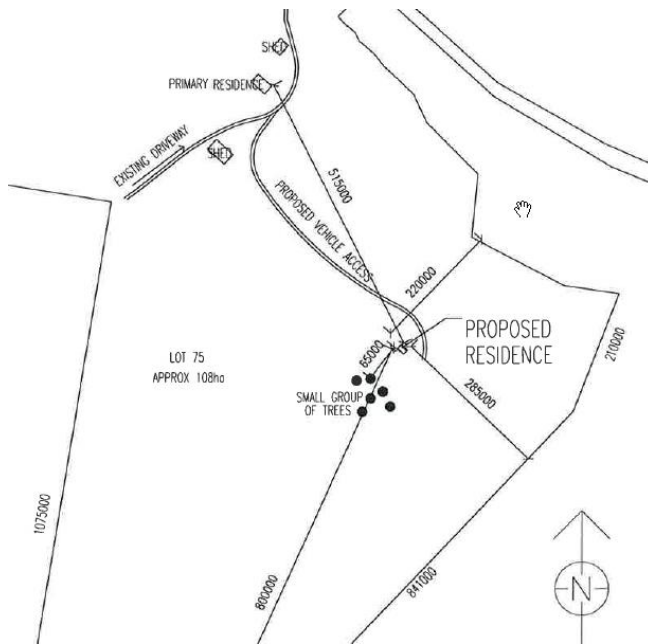
The proposed development relates to 147 Martindale Road, Martindale. The property is formally identified as Lot 57 DP 706479.

The land is zoned RU1 Primary Production under the Muswellbrook LEP 2009 and has an area of 120.4ha. The land is identified as bush fire prone by Council's bushfire mapping information system.

The proposed development involves the erection of a rural worker's dwelling at the site.

The proposed rural worker's dwelling would be a pre-fabricated transportable dwelling transported to the site for installation. The proposed rural workers dwelling would comprise three (3) bedrooms a lounge, dining, laundry and bathroom and would have dimensions of 7.6m by 14.1m with a 1.8m by 14.1m verandah.

The image below shows the proposed location of the rural worker's dwelling on the site in relation to the property boundaries and principle residence.



## 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. As a result of the assessment, Council Staff recommend that development consent be granted to the proposed demolition subject to recommended conditions 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.
- It is considered that the proposed development would be in accordance with the provisions of Clause 7.3 of Muswellbrook LEP 2009 which specifically relate to development for the purpose of rural worker's dwellings.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's). Council Officers did not identify any inconsistencies with the proposed development and the requirements of any SEPP which would prevent Council from granting development consent to the 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 assessment considered the environmental impacts that may result from the proposed development. It was found that the proposed development was unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.

**COMMUNITY CONSULTATION**

The proposed development was notified and advertised between the 9 January 2019 and 24 January 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received from the public in relation to the proposed development.

**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.

**CONCLUSION**

DA 115/2018 has been reported to the Development Assessment Committee for determination as the development involves works on a parcel of land that adjoins a waterway and, therefore, the determination of the development application falls outside the function delegated to Council Staff.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. The Section 4.15 Assessment recommends that Council grant development consent to DA 115/2018 subject to recommended conditions of consent outlined in Attachment B.

**DEVELOPMENT ASSESSMENT REPORT**

**SECTION 4.15 ASSESSMENT REPORT**

<b>ADDRESS:</b>	LOT: 57 DP: 706479 1472 Martindale Road MARTINDALE
<b>APPLICATION No:</b>	115/2018
<b>PROPOSAL:</b>	Rural Worker's Dwelling
<b>OWNER:</b>	Hodge Mealing Pty Ltd
<b>APPLICANT:</b>	Ms J Mealing C/- Austam Homes PO BOX 7150 N.E.M.S.C NSW 2348
<b>AUTHOR:</b>	Mr A Kazi
<b>REVIEWED BY:</b>	Mr H McTaggart
<b>DATE LODGED:</b>	18/12/2018
<b>DATE OF REPORT:</b>	18 March 2019

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**SUMMARY**

**SUBMISSIONS:**          Nil

**RECOMMENDATION:** Approval subject to conditions

## **1.0 SITE AND LOCALITY DESCRIPTION**

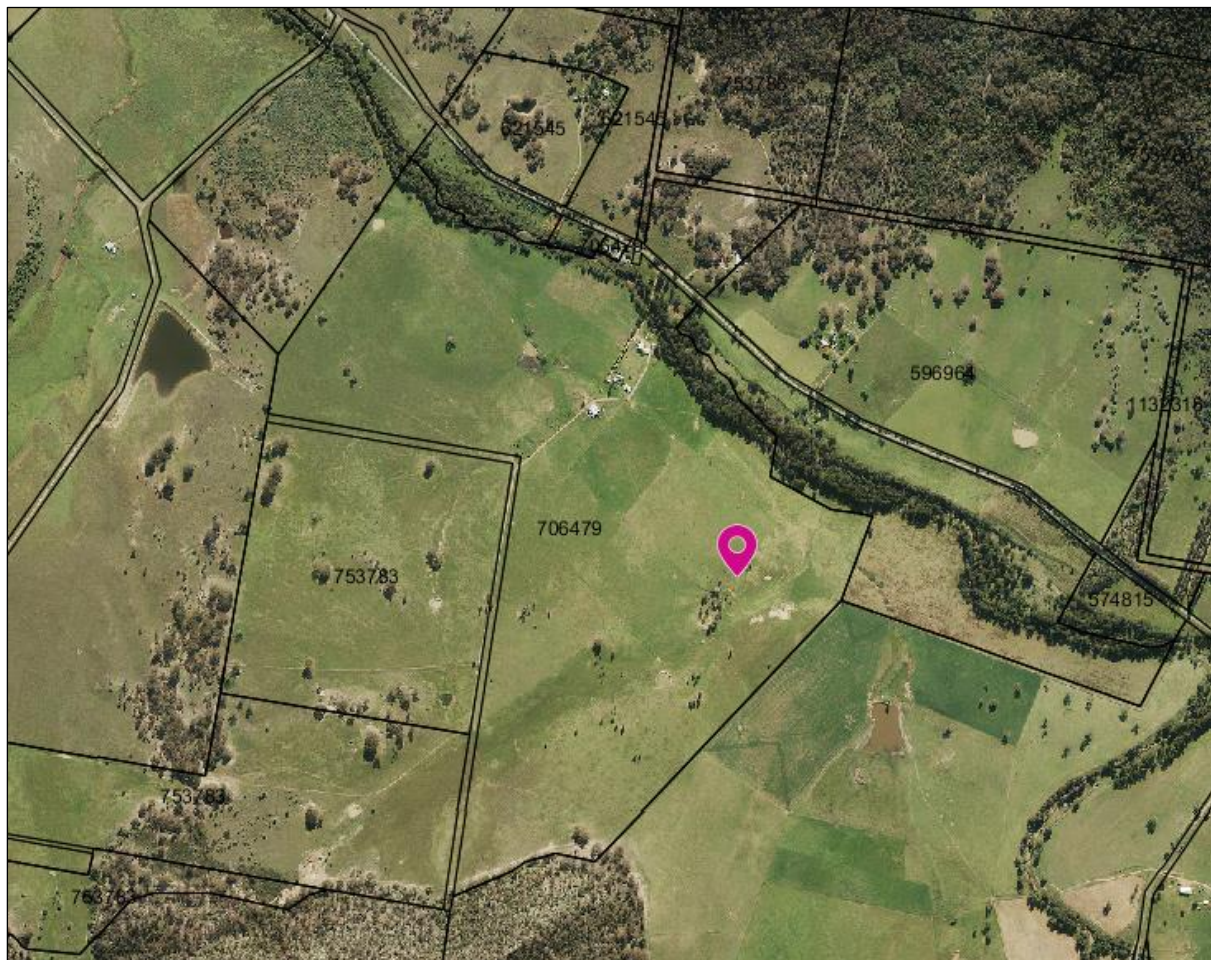
The site subject to this development application is 147 Martindale Road, Martindale. The property is formally identified as Lot 57 DP 706479.

The land is zoned RU1 Primary Production under the Muswellbrook LEP 2009 and has an area of 120.4ha. The land is identified as bush fire prone by Council's bushfire mapping information system.

Martindale Creek traverses the northern property boundary. Council does not have any flood mapping information in relation to Martindale Creek and flooding in the development locality. However, the portion of the site on-which the rural workers dwelling has been proposed is well separated from the Creek and during an inspection of the site Council Officers did not observe any landforms or contours that indicated that the land on which the rural workers dwelling has been proposed is likely to be significantly flood liable.

Currently a rural dwelling (which would remain the principle residence under the proposal) is located on the site along with a number of rural outbuildings. The land is currently used for agricultural purposes, predominately horse breeding and adjustment and Council Officers have been advised that the property manager currently resides in a caravan on-site.

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



## 2.0 DESCRIPTION OF PROPOSAL

The proposed development involves the erection of a rural worker's dwelling. The proposed dwelling would be a pre-fabricated manufactured home to be transported to the site for installation. The proposed rural workers dwelling would comprise three (3) bedrooms a lounge, dining, laundry and bathroom and would have dimensions of 7.6m by 14.1m. A 1.8m by 14.1m verandah would be attached to the buildings primary elevation.

The proposed rural workers dwelling would be located on the south eastern part of the property and would be situated 515m from the principle residence, 220m from the northern and closest property boundary, 285m from the eastern boundary and 800m from the southern boundary.

## REFERRALS

The proposed development involves the referral of the proposed development to any external Government Agencies or internal Council Officers was not considered to be necessary to inform this development assessment.

## 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 RU1 Primary Production pursuant to Muswellbrook LEP 2009.

The proposed development is considered to best characterized as a rural worker's dwelling under the Muswellbrook LEP 2009 land use terminology.

The land use definition of a rural worker's dwelling is:

***rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.***

The information provided by the applicant indicates that the proposed dwelling would be occupied by persons employed by agricultural activities carried out at the site. Clause 7.3 of the Muswellbrook LEP 2009 prescribes additional controls relating to development for the purpose of rural worker's dwelling to ensure that they are inhabited by persons employed in rural enterprise. Further consideration has been given to the characterization of the building as a rural worker's dwelling and Council Officers are satisfied that this proposed development would conform to that land use.

The land use table for the RU1 Primary Production zone identifies rural worker's dwellings as a form of development permissible with development consent. Accordingly, Council Officers view the proposed development to be a form of development **permissible with development consent**.

## Land Use Zone Objectives

Clause 2.3 of MLEP 2009 requires a consent authority to have due regard to the land use objectives of a zone when determining a development application.

The land use zone objectives for the RU1 Primary Production zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect the agricultural potential of rural land not identified for alternative land use, and to minimise the cost to the community of providing, extending and maintaining public amenities and services.*
- *To maintain the rural landscape character of the land in the long term.*
- *To ensure that development for the purpose of extractive industries, underground mines (other than surface works associated with underground mines) or open cut mines (other than open cut mines from the surface of the flood plain), will not:*
  - (a) destroy or impair the agricultural production potential of the land or, in the case of underground mining, unreasonably restrict or otherwise affect any other development on the surface, or*
  - (b) detrimentally affect in any way the quantity, flow and quality of water in either subterranean or surface water systems, or*
  - (c) visually intrude into its surroundings, except by way of suitable screening.*
- *To protect or conserve (or both):*
  - (a) soil stability by controlling development in accordance with land capability, and*
  - (b) trees and other vegetation, and*
  - (c) water resources, water quality and wetland areas, and their catchments and buffer areas, and*
  - (d) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits.*

The proposed development would support the carrying out of rural enterprise on the land by providing a residence for persons employed by rural enterprise carried out at the site. The proposed development is unlikely to contribute to any land use conflict or impacts on the landscapes rural character discouraged by the zoning objectives. Accordingly, the proposed development is considered to be in accordance with the land use zone objectives set out above. **Complies**

## 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>	<p>This Clause of the LEP requires a consent authority to consider the land use table and the zoning objectives for the relevant zone when determining a development application.</p> <p>The subject land is zoned RU1 Primary Production.</p> <p>The land use zoning objectives for the RU1 Primary Production zone have been considered in detail in relation to the proposed development under the Land Use zone Objectives heading above. In view of the considerations set out under this heading Council is satisfied that the proposed development is compatible with the land use zone objectives and complies with this requirement. <b>Complies</b></p>
<i>Part 3 Exempt and complying development</i>	



<i>Part 4 Principal development standards</i>	
<i>4.3 Height of buildings</i>	<p>Muswellbrook LEP 2009 height of building map prescribes a maximum building height of 12m in relation to the subject site.</p> <p>The proposed rural worker's dwelling would have a maximum height of 4.588m from the existing ground level.</p> <p>Accordingly, the height of the proposed development would not exceed the maximum building height specified by the height of buildings map and imposed by this clause. <b>Complies</b></p>
<i>4.4 Floor space ratio</i>	<p>This Clause requires that the floor space ratio for a building on any land does not exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>The land subject to this development application is not identified as being affected by a floor space ratio by the LEP floor space ratio map. Accordingly, the provisions of this clause require no further consideration in relation to the proposed development. <b>Not relevant.</b></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>	<p>This clause prescribes additional considerations for the assessment of development applications identified as 'biodiversity' by the LEP terrestrial biodiversity values map.</p> <p>The land subject to this development application is not identified as 'biodiversity' by this map. Accordingly, the proposed development does not require any further consideration against the provisions of this clause. <b>Not relevant</b></p>
<i>7.3 Controls relating to rural workers dwellings</i>	<p>Clause 7.3 restricts a consent authority from granting development consent to a rural workers dwelling unless it is satisfied of the following:</p> <ul style="list-style-type: none"> <li>(a) <i>that the existing or future uses of the land are of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis,</i></li> <li>(b) <i>that the nature of the existing or future uses of the land is such that, if workers would be required to live off-site, there would be a significant adverse impact to the relevant agricultural or rural industry,</i></li> <li>(c) <i>that the number of proposed rural worker's dwellings is compatible with the nature and scale of existing or future uses of the land,</i></li> <li>(d) <i>that the proposed dwelling will be located on the same lot as the principal residence and share existing access.</i></li> </ul> <p>The applicant has provided Council with correspondence that suggests that the occupation and use of the rural worker's dwelling would be in accordance with the above requirements. Council Officers have reviewed this correspondence in relation to observations around the agricultural use of the land observed during the site inspection and are satisfied that the proposed rural workers dwelling would comply with the above in view of the following:</p>



	<p>a) The applicant has advised Council that the land has recently been purchased and that the new owner is expanding these of the property as an equine breeding facility. Council has been advised that four staff are currently employed at the property. This advice fits with the observations of Council Officers during a site inspection. Council Officers observed a number of horses at the property and were met on-site by the resident of the existing dwelling (property owner) and the property manager.</p> <p>b) Given the intensity of intended livestock keeping and the need to have staff on hand 24 hours a day in association with equine breeding Council Officers are satisfied that on-site accommodation is necessary to support the agricultural activities carried out and intended to be carried out on-site.</p> <p>c) A single 3 bedroom rural workers dwelling has been proposed. This is considered to be compatible with the anticipated needs of the operation.</p> <p>d) The proposed dwelling will be located on the same lot as the principle residence and both buildings will share a single vehicle access from Martindale Road.</p> <p><b>Complies</b></p>
<p>7.6 Earthworks</p>	<p>The proposed development would involve the carrying out of earthworks associated with the construction of the dwelling.</p> <p>This clause prescribes a number of matters for a consent authority to consider prior to granting development consent to a development involving earthworks.</p> <p>Council Officers have considered these matters in relation to the development proposed. Considering the limited scope of the proposed earthworks and the location where they are to be carried out Council Officers are satisfied that proposed development would comply with the requirements of this clause where standard conditions of consent are imposed relating to the management of earthworks at the site.</p> <p><b>Complies</b></p>

**1. State Environmental Planning Policy No. 55 – Remediation of Land**

Under Clause 7 of this SEPP a consent authority must not consent to the carrying out of any development on land unless:

- (a) *It has considered whether the land is contaminated, and*
- (b) *If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The land subject to this development application is zoned RU1 Primary Production. Based on observations from the inspection of the site by Council Officer's it appears that the subject land has most recently been used for extensive agriculture and there are no visual signs of contamination at the site. Accordingly, Council Officers are satisfied that the land subject to this development application is unlikely to be affected by an contamination requiring remediation under the SEPP for the proposed development to be carried out.

**2. State Environmental Planning Policy No. 44 – Koala Habitat Protection**

This SEPP is a relevant consideration for all development applications where the land subject to that development application and any adjoining land in the same ownership has an area greater than 1 hectare.

Where the SEPP is applicable to a development application a consent authority is required to consider whether the land subject to the development application could be identified as a potential or core koala habitat prior to granting development consent to an application. In relation to the subject site Council Officers have observed that the site is predominately clear of vegetation, koala feed trees and is being utilised for agricultural purposes. Accordingly, Council Officers are satisfied that the subject site does not comprise a potential or core koala habitat within the meaning of the SEPP and further consideration of the SEPP is not required.

**3. State Environmental Planning Policy (Primary Production and Rural Development) 2019**

This SEPP applies to the Muswellbrook LGA and includes provisions relating to development on RU1 Primary Production zoned land. The SEPP prescribes matters that a consent authority must take into account when determining a development application for a dwelling. This development application is for a rural worker's dwelling and strictly speaking the prescribed matters for consideration are therefore not viewed as mandatory considerations for the assessment of this development application.

The above notwithstanding Council Officers have given some consideration to the matters prescribed by the SEPP for dwellings relating to the existing and proposed use of the site and uses in the vicinity of the development site and are satisfied that the proposed rural workers dwelling would be compatible with the existing and proposed use of the site and would not adversely impact the agricultural use of adjoining land.

**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 9 January 2019 to 24 January 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received during the notification period.

Section 8 – Rural and Environmental Zone development

	Comments
<b>8.1 Introduction</b>	
8.1.1 Dwelling houses on existing parcels of land.	<p>This subsection requires development applications for dwellings to be appropriately located on existing holdings or lots with dwelling entitlement under the Muswellbrook LEP.</p> <p>As the proposed development is not for a dwelling this clause is not entirely applicable. However, it is relevant to observe that the land subject to this development application exceeds the Muswellbrook LEP 2009 minimum lot size and includes an existing dwelling. Accordingly, the proposed development is in accordance with the LEP provisions for the erection of dwellings on rural land and complies with the requirements of this part. <b>Complies</b></p>
<b>8.2 Built Form</b>	
8.2.1 Scenic Protection and Building Location	<p>This subsection prescribes development controls aimed at maintaining the scenic integrity of rural landscapes, protecting the privacy and amenity of neighbouring properties and ensuring dwellings are located on sites suitable for development.</p> <p>In relation to the provisions of this clause Council Officers are satisfied that the proposed development would:</p> <ul style="list-style-type: none"> <li>➤ not impose on the landscape values of the area and would comply with relates design controls</li> <li>➤ Be located at a site suitable for development which is not observed as being affected by or likely to be affected by any adverse characteristics such as flooding or contamination that would prevent development consent from being granted to the development.</li> <li>➤ Would not have an undue or significant adverse impact on the privacy of neighbouring properties.</li> </ul> <p><b>Complies</b></p>
8.2.2 Setbacks	<p>This section of the DCP requires dwellings to have a setback of 10m from neighbouring property boundaries and 50m from public roads. The proposed rural worker's dwelling would be situated 220m from the closest adjoining boundary and would accordingly comply with the requirements of this subsection.</p> <p><b>Complies</b></p>
8.2.3 Colours and Materials	<p>This subsection restricts the use of highly reflective materials and promotes the use of natural colour schemes.</p> <p>The plans accompanying the proposed development indicate that the proposed materials would not be highly reflective and would be compatible with Council's requirements. <b>Complies</b></p>
8.2.4 Car Parking and Access	<p>This subsection specifies access and car parking requirements.</p> <p>Under the proposal the rural workers dwelling would use an existing vehicle access from Martindale and no changes are proposed to the site access arrangement. The dwelling site is 2WD accessible and acceptable car parking arrangements are available on-site. Accordingly, the proposed development would comply with the requirements of this part. <b>Complies</b></p>

	<b>Comments</b>
<b>8.3 Environmental Matters</b>	
8.3.1 Topography	This subsection requires consideration with respect to earthworks and alterations to the topography of a site.  In relation to the proposed development it is observed that there would be minimal changes to the sites topography and that the building would not adversely impact the scenic qualities of the locality. <b>complies</b>
8.3.2 Vegetation	The proposed development would not involve the removal of significant vegetation. Therefore, the development would not relate to the requirements of this part. <b>Not relevant</b>
8.3.3 Riparian Buffers	While there is a waterway located along the north-east boarder of the subject site there is considerable distance between the proposed development and the riparian buffer. Hence, the proposal would not involve works that would relate to the requirements of this part of the MDCP 2009. <b>Not relevant</b>
8.3.4 Management of Rivers, Creeks, Streams and Drainage	The proposed development would not impact the natural flow of the waterway and hence would not have a detrimental effect to the management of the said waterway. <b>Not Relevant</b>
8.3.5 Services	Suitable services are to be made available to the development in accordance with the requirements of this clause.  An on-site sewage management system will need to be provided to manage waste from the development. It is recommended that the installation of such a system be administered by a condition of consent. <b>Complies</b>
<b>8.4 Frost Control Fans</b>	

### Section 13 – Flood Prone Land

The land is not identified as flood liable, however it is located in an area where Council does not have detailed flood mapping. Following a site visit there was consideration given to the landforms at the site. There was no geographic evidence that suggests the site selected may be flood liable and the development would occur a significant distance away from the waterway.

### Section 20 – Erosion and Sediment Control

The proposed development does not involve the carrying out of substantial earthworks. The earthworks proposed would not present any issue in relation to the DCP requirements and it is recommended that a condition of consent is imposed to manage the carrying out of earthworks.

### Section 23 – On-site Sewage Management Systems

A condition of consent will be imposed on any development consent requiring that an on-site sewage management system be installed in accordance with Council's requirements.

### Section 24 – Waste Management

The proposed development involves the transportation and installation of a manufactured dwelling at the site. The proposed works are not anticipated to generate a significant amount of waste. Accordingly, Council Officers are satisfied that the development can proceed without the need for a waste minimisation management plan to be submitted and subject to a condition of consent relating to the management of building waste.

Section 94 Contributions Plan 2001

Section 94A Contributions Plan 2009

The total project value of the proposal would be \$160,332. A developer contribution of \$801.66 will apply to the proposed development should the Application be approved.

**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**

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

Context & Setting	Waste
Built Form	Energy
Potential Impact on Adjacent Properties	Noise and Vibration
Access, Traffic and Transport	Natural hazards
Public Domain	Technological hazards
Utilities	Safety, Security, and Crime Prevention
Heritage	Social Impact on Locality
<i>The subject site is not identified as a heritage item.</i>	
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 during the notification period:

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

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

## **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.

Accordingly, it is recommended the application be approved subject to conditions of consent.

## **RECOMMENDATION**

That the Development Assessment Committee Grant development consent to DA 115/2018 for the construction of a rural worker's dwelling subject to the recommended conditions of consent.

Signed by:

**Hamish McTaggart**  
Senior Development Planner

**Atef Kazi**  
Project Planner

## DA115/2018 – Recommended Conditions of Consent

### IDENTIFICATION OF APPROVED PLANS

#### (1) Development in Accordance with Plans

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

Drawing No.	Drawn by	Drawing Date	Received
18574 – Sheet 1 of 4	Austam Homes	19 February 2019	19 February 2019
18574 – Sheet 2 of 4	Austam Homes	19 February 2019	19 February 2019
18574 – Sheet 3 of 4	Austam Homes	19 February 2019	19 February 2019
18574 – Sheet 4 of 4	Austam Homes	19 February 2019	19 February 2019

### 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*.

**(4) Bushfire Prone Developments**

The following bushfire prevention measure shall be provided to the development:-

- (a) a 20,000 litre dedicated water supply/tank exclusively for use for fire fighting purposes shall be provided of non flammable construction or shielded from the bushfire threat. A 65mm storz fitting and metal ball valve shall be installed in the tank for connection to local fire service appliances.
- (b) At all times the property around the dwelling to a distance of 10m is to be maintained as an inner protection area asset protection zone in accordance with the requirements of Planning for Bushfire Protection, 2006.
- (c) At all times the property access is to be maintained to comply with the requirements of Section 4.1.3(2) of Planning for Bushfire Protection, 2006.
- (d) inclusion of leafless guttering (with a minimum flammability index of 5), or other mechanical means to be installed on the structure to prevent build up of flammable material within the gutters
- (e) The building shall comply with the NSW Rural Fire Service document *Planning for Bushfire Protection 2006*.

<b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF WORKS OR ISSUE OF A CONSTRUCTION CERTIFICATE OR SECTION 68 APPROVAL</b>
--

**(5) Requirement for a Construction Certificate or Section 68 Approval**

Prior to the commencement of works or installation of the transportable dwelling the person acting with this consent shall either obtain approval from Council for its installation at the site in accordance with Section 68 of the Local Government Act 199, or obtain a Construction Certificate for the works being undertaken on-site from an Accredited Certifying Authority.

**Note:** A Construction Certificate issued by an Accredited Certifying Authority must be deposited with Council at least 48 hours prior to the



commencement of any earthworks, engineering or building work on the site.

**(6) Section 7.12 Contributions**

Prior to the issue of a Construction Certificate or Section 68 Approval pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$801.66 shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Section 68 Approval or Construction Certificate.

<b>MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE</b>
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**(7) BASIX Commitments**

Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. Details and plans demonstrating compliance with these requirements are to be submitted to the Certifying Authority for approval with the Construction Certificate.

In this condition:

(a) relevant BASIX Certificate means:

- i. a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- ii. if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

(b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

<b>CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT</b>
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**(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.

**(9) 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.

**(10) 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 to be used without the prior written approval from Council.

**(11) 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 objectives 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.

<b>CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE COMPLETION OF WORKS AND THE OCCUPATION OF THE PREMISES</b>
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**(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.

In the event that an approval under Section 68 of the Local Government Act 1993 is obtained and no Construction Certificate is issued for the building installation a Final Inspection must be carried out and a Final Inspection Letter must be obtained from Council in place of an Occupation Certificate prior to the Occupation of the building.

**(13) Bushfire**

Prior to the issue of any Occupation Certificate or a Final Inspection Letter all identified matters relating to bushfire damage prevention shall be addressed and implemented at the site in the development in accordance with the requirements of Condition 4 of this consent.

**(14) On-site Sewage Management**

The development will require an On-Site Sewage Management System. Such a system requires approval from Council to install, construct or modify under Section 68 of the Local Government Act 1993. A current Approval to Operate will also be required before an Occupation Certificate or Final Inspection Letter can be issued.

Applications to install a system must be accompanied by a Wastewater Management Plan including a Site and Soil Assessment prepared by a suitably qualified person.

**(15) Compliance with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds, and Moveable Dwellings) Regulation 2005**

Prior to the issue of any Final Inspection Letter a certificate from a practicing structural engineer encompassing the provisions of clause 143 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds, and Moveable Dwellings) Regulation 2005 is to be submitted to Council accompanied by evidence to show that a compliance plate, complying with the provisions of clause 159 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds, and Moveable Dwelling) Regulation 2005 has been attached to the manufactured home.

<b>CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES</b>
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**(16) Stormwater Disposal**

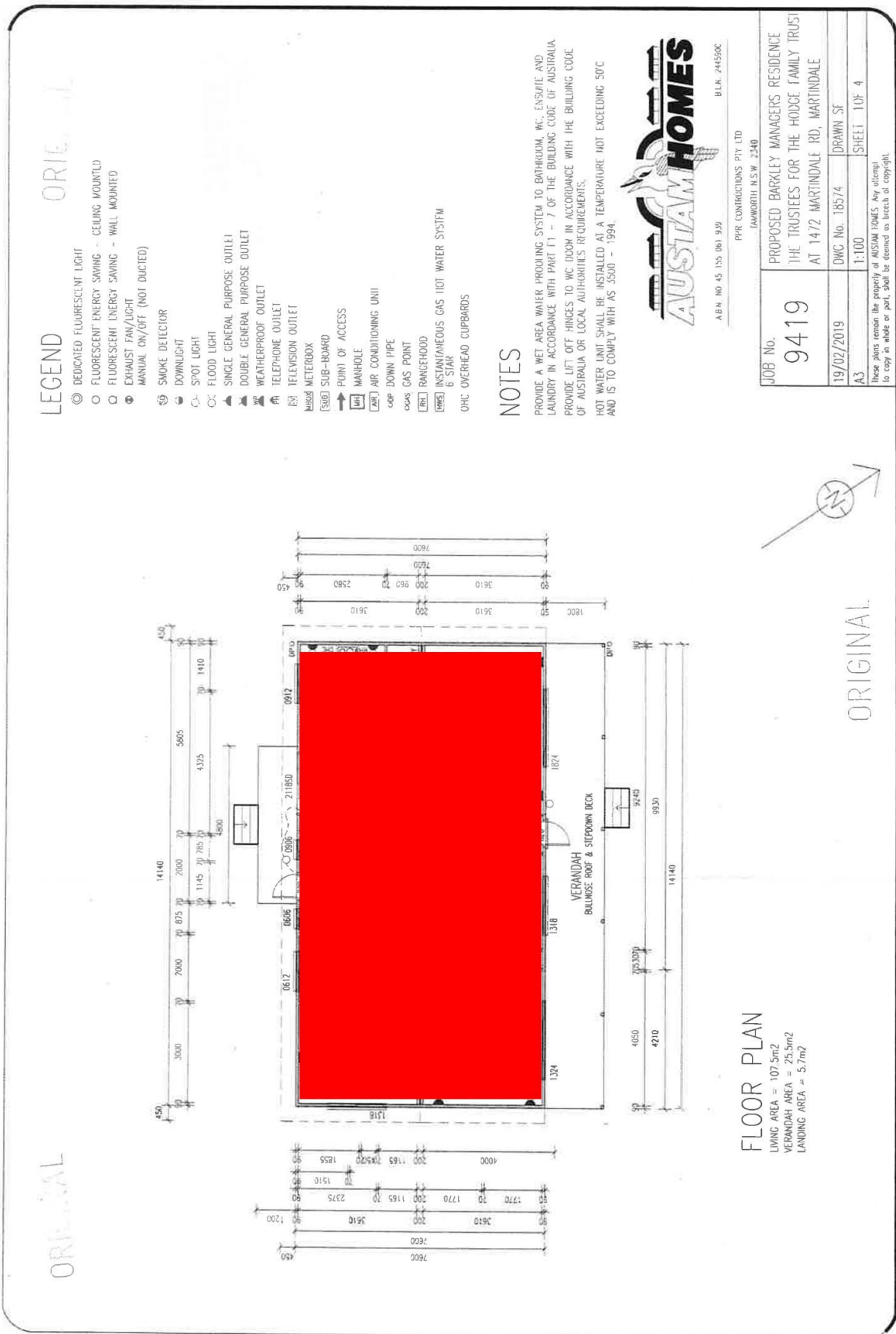
All stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of to an appropriately constructed discharge point at a distance of 6m clear of the proposed and any adjoining buildings. The discharge point shall be constructed to avoid erosion of the adjacent ground.

**(17) Land Access**

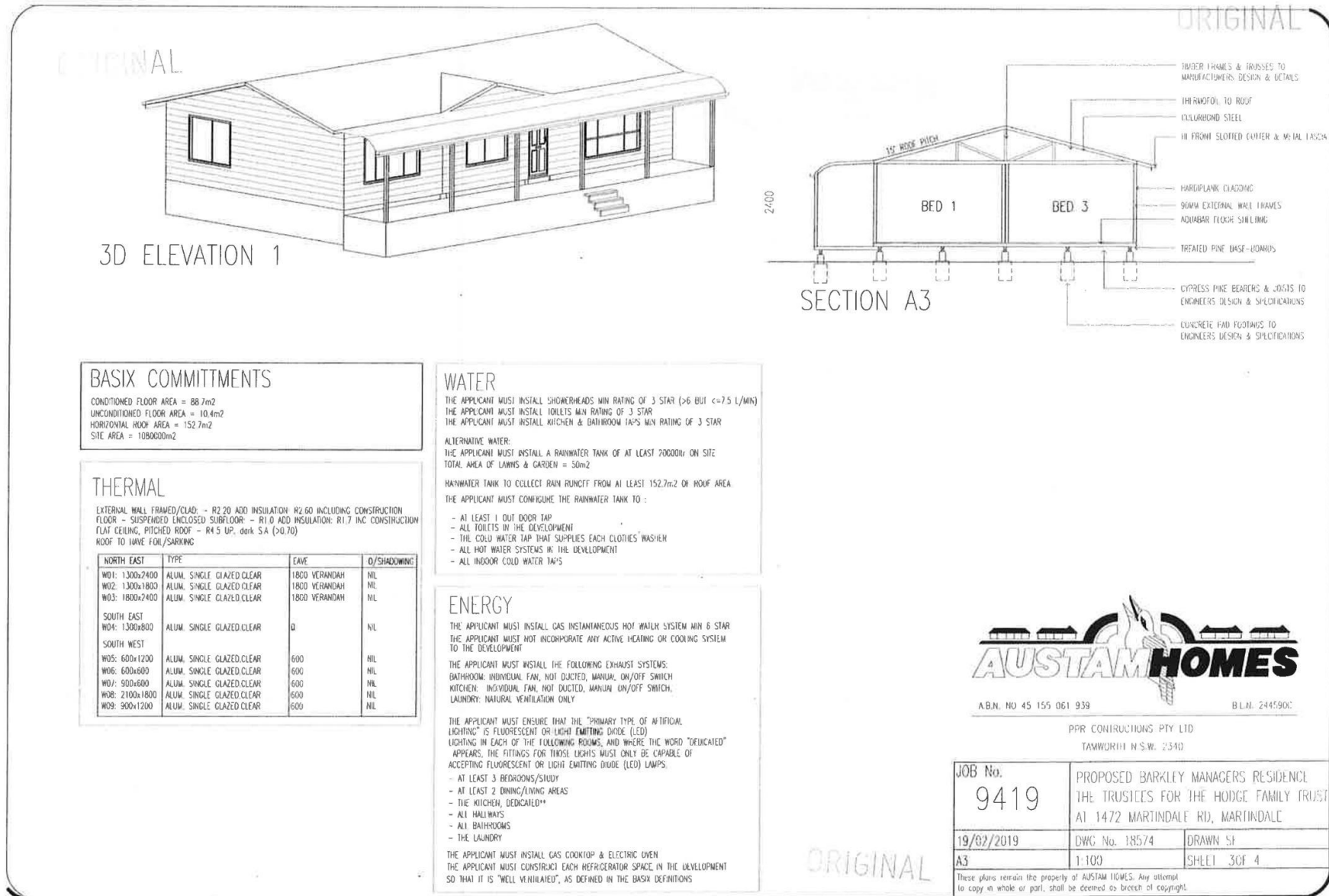
At all times the approved development will share a common access with the existing dwelling located on the land to be consolidated into the lot that comprises the approved development.

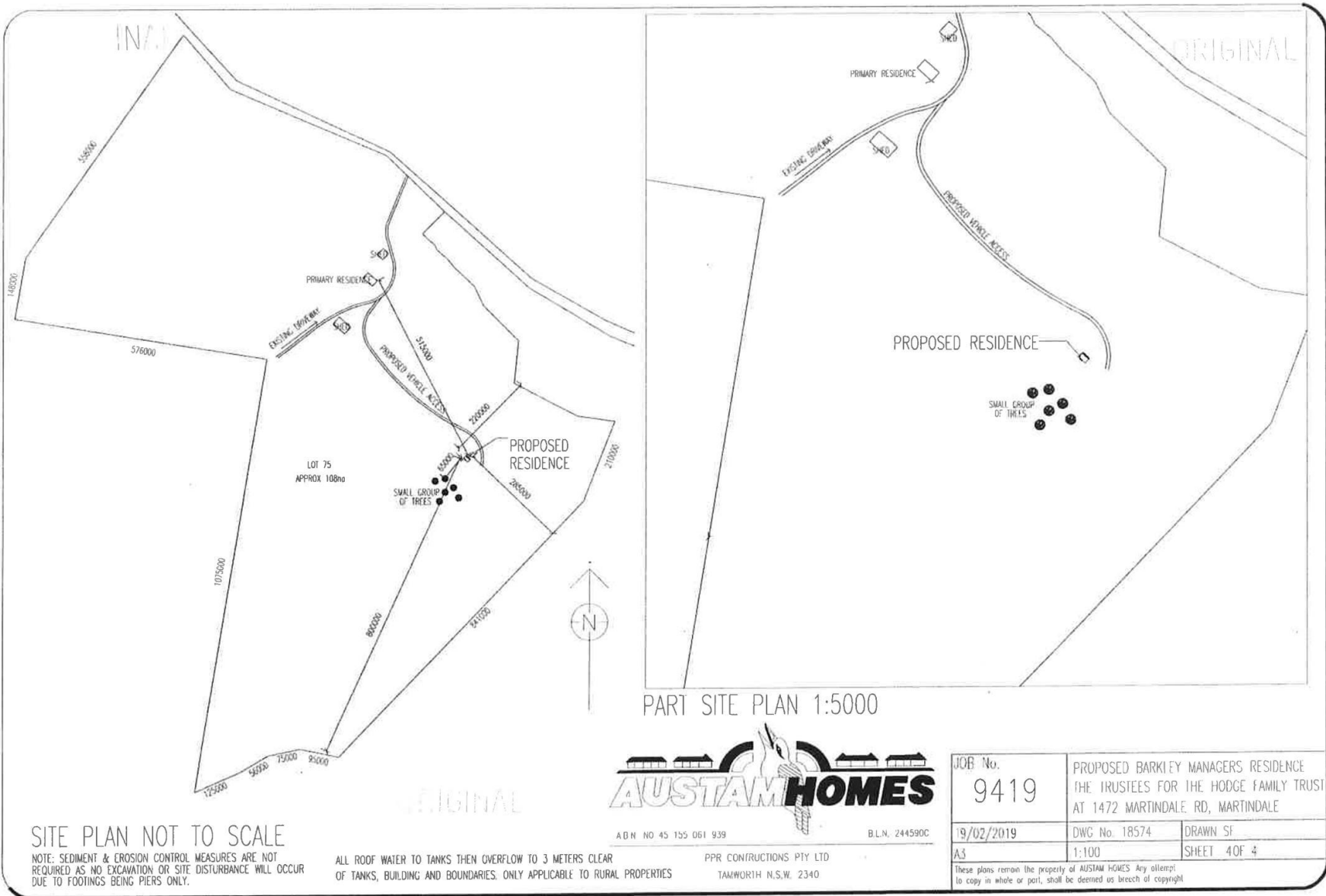
**(18) Rural Worker's Dwelling**

At all times the approved rural worker's dwelling is to be used in accordance with the related Muswellbrook Local Environmental Plan 2009 land use definition and is only to be occupied by persons employed for the purpose of agriculture or rural industry carried out on the land.









**Hamish McTaggart**

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**From:** Rebecca Riordan <RebeccaR@austamhomes.com.au>  
**Sent:** Thursday, 21 March 2019 1:58 PM  
**To:** Hamish McTaggart  
**Cc:** paul austam external  
**Subject:** Doc 980532

Good Afternoon Hamish

In response to your email this morning the proposed rural workers dwelling for the Hodge Family Trust at 1472 Martindale Road Martindale (DA 115-2018) complies with clause 7.3 of the Muswellbrook LEP 2009 for the following reasons:

(2a) The property has recently been purchased and an intensive equine breeding and agistment program has been established. At this stage approx 60 breeding horses are on site with an additional 15-20 mares to be added in the future. The property now employs 4 full time staff and there has been a considerable amount of upgrading to the infrastructure such as yards and fences.

(2b) Due to the 24 hour nature of equine breeding and agistment off-site accommodation for the rural workers is impractical and would have an adverse impact on the operation.

(2c) The submitted DA is for a single rural workers dwelling only not multiple dwellings so it is compatible with the scale of the expanded operation.

(2d) Both the existing owners residence and the proposed rural workers dwelling are both located on Lot 57 DP 706479 and the existing access from Martindale Road will be utilised by both dwellings (as noted on the revised site plan submitted 19/2/19)

If you require any clarification or have any further questions please contact Paul Williams on 0408 038 611

*Kind Regards*  
*Rebecca Riordan*  
*Austam Homes*  
67655 955

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**6.2 OUTSTANDING DEVELOPMENT APPLICATIONS - 22 MARCH, 2019**

<b>Attachments:</b>	<b>A. Outstanding Development Applications 22 March 2019</b>
<b>Responsible Officer:</b>	<b>Carolyn O'Brien - Acting Director - Environment &amp; Community Services</b>
<b>Author:</b>	<b>Hamish McTaggart - Co-Ordinator - Development</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Facilitate the inspection of all development sites subject to Development Application / Construction Certificate in accordance with statutory requirements.</i></b>

**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 22/03/2019

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000026.001	Ancillary Development - Shed	15 Cunningham ST MUSWELLBROOK LOT: 1003 DP: 1124616	Great Value Garages	\$14,000	15/03/2019	7	Notify Adjoining Owners
005.2019.00000025.001	Dwelling Alterations and Additions (Living Extension, Verandah, Deck and Shed)	58 Palace ST DENMAN LOT: 1 DP: 782847 58 Palace ST DENMAN LOT: 2 ALT: DP: 782847	Mr J N Buckley	\$146,500	11/03/2019	11	Notify Adjoining Owners
005.2019.00000024.001	New Dwelling and Ancillary Development (Shed)	15 Babbler CR MUSCLE CREEK LOT: 401 DP: 1197030	Mr B J Andrews	\$510,000	5/03/2019	17	Notify Adjoining Owners
005.2019.00000023.001	Home Business - Beauty Salon	40 Palace ST DENMAN LOT: 333 DP: 611202	Mr S V Bramley	\$5,000	28/02/2019	22	Notify Adjoining Owners
005.2017.00000038.003	S4.55 (2) Modification - Reduce Size of Garage	45 Sowerby ST MUSWELLBROOK LOT: 2 DP: 397640	Mrs L A Clift	\$0	28/02/2019	22	Notify Adjoining Owners
005.2019.00000022.001	Ancillary Development - Shed	7 Wilson ST MUSWELLBROOK LOT: 9 SEC: 1 DP: 15467	Great Value Garages	\$16,500	21/02/2019	29	Notify Adjoining Owners
005.2019.00000021.001	Alterations to Existing Retail Premises and Signage (Aldi)	31-35 Rutherford RD MUSWELLBROOK LOT: 1 DP: 1090457	Aldi Foods Pty Limited	\$92,000	20/02/2019	30	Advertisement - Proposal
005.2019.00000020.001	Change of Use to Pizza Shop and Associated Accessible Ramps and Steps	8 Ogilvie ST DENMAN LOT: 1 DP: 745860	Mr J DePetro	\$20,000	19/02/2019	31	Advertisement - Proposal
005.2019.00000019.001	Dwelling House	13 Finnegan CR MUSWELLBROOK LOT: 718 DP: 1174885	Mr N D Darby	\$366,350	19/02/2019	31	Advertisement - Proposal

## Development Assessment Committee - Outstanding DAs as at 22/03/2019

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000018.001	New Dwelling and Retaining Walls	7 Wilson ST MUSWELLBROOK LOT: 9 SEC: 1 DP: 15467	Mr M A Wilton	\$448,600	18/02/2019	32	Refer to Mine Subsidence Bo
005.2019.00000016.001	Information and Education Facility (Museum)	Turner ST DENMAN PRT: 231 DP: 729996 REF: FIELD	Denman & District Heritage Village Inc.	\$265,000	15/02/2019	35	Additional Info Required
005.2019.00000015.001	Recreation Facility (Indoor) - Gymnasium	Market LA MUSWELLBROOK LOT: 765 DP: 792621 REF: PCYC	Police & Community Youth Clubs NSW Ltd	\$176,018	14/02/2019	36	Refer to NSW Police
005.2019.00000013.001		8911 New England HWY MUSWELLBROOK LOT: 1300 DP: 1164893	Raj & Jai Construction Pty Ltd	\$5,142,236	14/02/2019	36	Notify Adjoining Owners
005.2019.00000012.001	Change of Use - Storage Shed to Dwelling for short-term staff accommodation (Denman Hospital)	53 Ogilvie ST DENMAN PT: 100 ALT: B DP: 1052165 REF: HOSPITAL	De Witt Consulting	\$190,000	12/02/2019	38	Additional Info Required
005.2019.00000011.001	Alterations and Additions to Muswellbrook Aquatic and Leisure Centre	Haydon ST MUSWELLBROOK LOT: 1 DP: 364120 Sydney ST MUSWELLBROOK LOT: 11 DP: 1058170 3 Wilkinson AVE MUSWELLBROOK LOT: 7010 DP: 93327 RES: 570025 1 Wilkinson AVE MUSWELLBROOK LOT: 1 DP: 903839 RES: 570025	Facility Design Group Pty Ltd	\$4,990,670	8/02/2019	42	Advertisement - Proposal
005.2019.00000009.001	Dwelling House Alterations and Additions	140 Martindale RD DENMAN LOT: 324 DP: 625169	Mr B J Burn	\$351,490	1/02/2019	49	Notify Adjoining Owners

## Development Assessment Committee - Outstanding DAs as at 22/03/2019

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000008.001	Dwelling House	515 Martindale RD DENMAN LOT: 101 DP: 1175783	Hi Tech Homes	\$112,000	24/01/2019	57	Notify Adjoining Owners
005.2019.00000006.001	Commercial Alterations and Additions (Royal Hotel Denman)	10 Ogilvie ST DENMAN LOT: 1 DP: 1068339 REF: HOTEL	Zizoom Pty Limited	\$22,500	21/01/2019	60	Notify Adjoining Owners
005.2019.00000005.001	Caravan Park Replacement of Amenities	9080 New England HWY MUSWELLBROOK LOT: 132 DP: 610464 REF: CARAVAN	Broadlands Gardens C/O Ben Tebutt	\$1,500,000	18/01/2019	63	Notify Adjoining Owners
005.2019.00000002.001	The construction of multi dwelling housing comprising of a total of tw	17 Bloodwood RD MUSWELLBROOK LOT: 210 DP: 1078158 15 Bloodwood RD MUSWELLBROOK LOT: 211 DP: 1078158 19 John Howe CCT MUSWELLBROOK LOT: 514 DP: 1089307	Raj & Jai Construction Pty Ltd	\$4,414,300	14/01/2019	67	Additional Info Required
005.2018.00000117.001	Commercial Alterations and Additions (Expansion of Bottle Shop)	36 Sydney ST MUSWELLBROOK LOT: 1 DP: 80963	Mr N Sakno	\$500,000	21/12/2018	91	Additional Info Required
005.2018.00000116.001	Dwelling House and Ancillary Development (Garage, Swimming Pool, Tennis Court and Pergola)	Bylong Valley Wy BAERAMI LOT: 8 DP: 755437 Bylong Valley Wy BAERAMI LOT: 109 DP: 755437	Mrs P Beak	\$800,000	20/12/2018	92	Additional Info Required
005.2018.00000115.001	Rural Worker's Dwelling	1472 Martindale Rd MARTINDALE LOT: 57 DP: 706479	Ms J Mealing	\$160,332	18/12/2018	94	Additional Info Required

## Development Assessment Committee - Outstanding DAs as at 22/03/2019

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2015.00000087.002	S4.55(1A) Modification - Subdivision of One (1) Lot into Nine (9) Lots Modification to carry out the Development in Two (2) Stages	Merriwa RD SANDY HOLLOW LOT: 31 DP: 1156452	Mr A P Thrift	\$0	17/12/2018	95	Notify Adjoining Owners
005.2018.00000112.001	Transportable Dwelling House	57 Ford ST MUSWELLBROOK LOT: 121 DP: 734598	Uniplan Group Pty Ltd	\$195,000	5/12/2018	107	Additional Info Required
005.2018.00000108.001	Storage Premises (Industrial Plant and Equipment)	9 Enterprise CR MUSWELLBROOK LOT: 3 ALT: DP: 1119843 REF:	Robson Civil Projects Pty Limited	\$80,000	22/11/2018	120	Advertisement - Proposal
005.2018.00000107.001	Storage Premises (Industrial Plant and Equipment)	11 Enterprise CR MUSWELLBROOK LOT: 4 ALT: DP: 1119843 REF:	Robson Civil Projects Pty Limited	\$80,000	22/11/2018	120	Advertisement - Proposal
005.2018.00000101.001	Resource Management Facility - Biorefinery	24 Carramere RD MUSWELLBROOK LOT: 22 DP: 1131270	Ethanol Technologies	\$28,617,649	13/11/2018	129	Additional Info Required
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	150	Additional Info Required

## Development Assessment Committee - Outstanding DAs as at 22/03/2019

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2018.00000078.001	Service Station (Operating Hours - 24 hours, 7 days a week) and Restau rant (Operating Hours - 6:00am to 10:00pm, 7 days a week)	147/151 Bridge ST MUSWELLBROOK	Inland Building and Construction	\$2,400,000	6/09/2018	197	Additional Info Required
		LOT: 1 DP: 159620					
		147 Bridge ST MUSWELLBROOK					
		LOT: 1 DP: 161784					
		147 Bridge ST MUSWELLBROOK					
005.2018.00000076.001	Installation of New Telecommunications Facility	LOT: 1 DP: 784361	Kordia Solutions Australia	\$200,000	14/08/2018	220	Notify Adjoining Owners
		153 Bridge ST MUSWELLBROOK					
		LOT: 1 DP: 794803					
005.2018.00000076.001	Installation of New Telecommunications Facility	Hill ST MUSWELLBROOK	Kordia Solutions Australia	\$200,000	14/08/2018	220	Notify Adjoining Owners
		LOT: 18 DP: 1075238 REF: PARK					

## Development Assessment Committee - Outstanding DAs as at 22/03/2019

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2018.00000054.001	Demolition of a Commercial Building and the Construction of a Two (2)	142 Bridge ST MUSWELLBROOK LOT: 1 DP: 11221 140 Bridge ST MUSWELLBROOK LOT: 2 DP: 11221 126 Bridge ST MUSWELLBROOK LOT: 7 DP: 71755 REF: LIBRARY 126 Bridge ST MUSWELLBROOK PT: 8 ALT: A SEC: 6 DP: 758740 REF: LIBRARY Bridge ST MUSWELLBROOK Lot: 400 DP:816923 Bridge ST MUSWELLBROOK Lot: 562 DP:747012 30 Brook ST MUSWELLBROOK LOT: 1 DP: 219503 30 Brook ST MUSWELLBROOK LOT: 6 DP: 219503 30 Brook ST MUSWELLBROOK LOT: 1 DP: 76058 83 Hill ST MUSWELLBROOK LOT: 5 DP: 11221 REF: TERTIARY ED* 85 Hill ST MUSWELLBROOK LOT: 4 DP: 11221 87 Hill ST MUSWELLBROOK 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	280	Notify Adjoining Owners

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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	295	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	387	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	387	Notify Adjoining Owners
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	396	Advertisement - Proposal
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	637	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	662	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	1074	Additional Info Required



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DAs Outstanding:	39					
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**7 DATE OF NEXT MEETING**

TBD

**8 CLOSURE**