



**muswellbrook
shire council**

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

SUPPLEMENTARY BUSINESS PAPER

9 APRIL 2019



Order of Business

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19.6	REQUEST TO INCREASE THE 18-19 BUDGET FOR LEGAL FEES <i>Item 19.6 is classified CONFIDENTIAL under the provisions of Section 10A(2)(g) of the local government act 1993, as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

10 ENVIRONMENTAL SERVICES

10.5 DA 116/2018 - DWELLING HOUSE AND ANCILLARY DEVELOPMENT (GARAGE, SWIMMING POOL, TENNIS COURT AND PERGOLA) - 3679 BYLONG VALLEY WAY, BAERAMI

Attachments:	A. DA 116/2018 Section 4.15 Assessment B. DA 116/2018 Recommended Conditions of Consent C. DA 116/2018 Proposed Plans D. DA 116/2018 Bushfire Threat Assessment
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Atef Kazi - Project 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>

PURPOSE

This report has been prepared to inform the Committee in determining Development Application (DA) 116/2018. This Development Application has been assessed by Council Officers and a copy of 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

A waterway identified as Hawkers Gully within the Goulbourn River catchment.

The development application was reported to the Development Assessment Committee's 8 April 2019 but was deferred to this Council Meeting for a decision to allow for the inclusion of an additional condition relating to the provision of legal and practical access to the site. A condition related to this matter has been included in the recommended conditions of consent.

This report has been prepared to inform Council in its assessment and determination of the development application.

RECOMMENDATION

That Development Application No. 116/2018, involving the erection of a dwelling house and ancillary development (garage, swimming pool, tennis court and pergola) at, Lot 8 & 109 DP 755437 known as 3679 Bylong Valley Way, Baerami, be approved subject to the recommended conditions contained in Appendix B.

Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development relates to 3679 Bylong Valley Way, Kerrabee. The property description for the site is Lot 8 & 109 DP 755437.

The subject site in relation to this development application is currently vacant. A search of Council's records system did not identify any other development applications recently lodged in relation to the land.

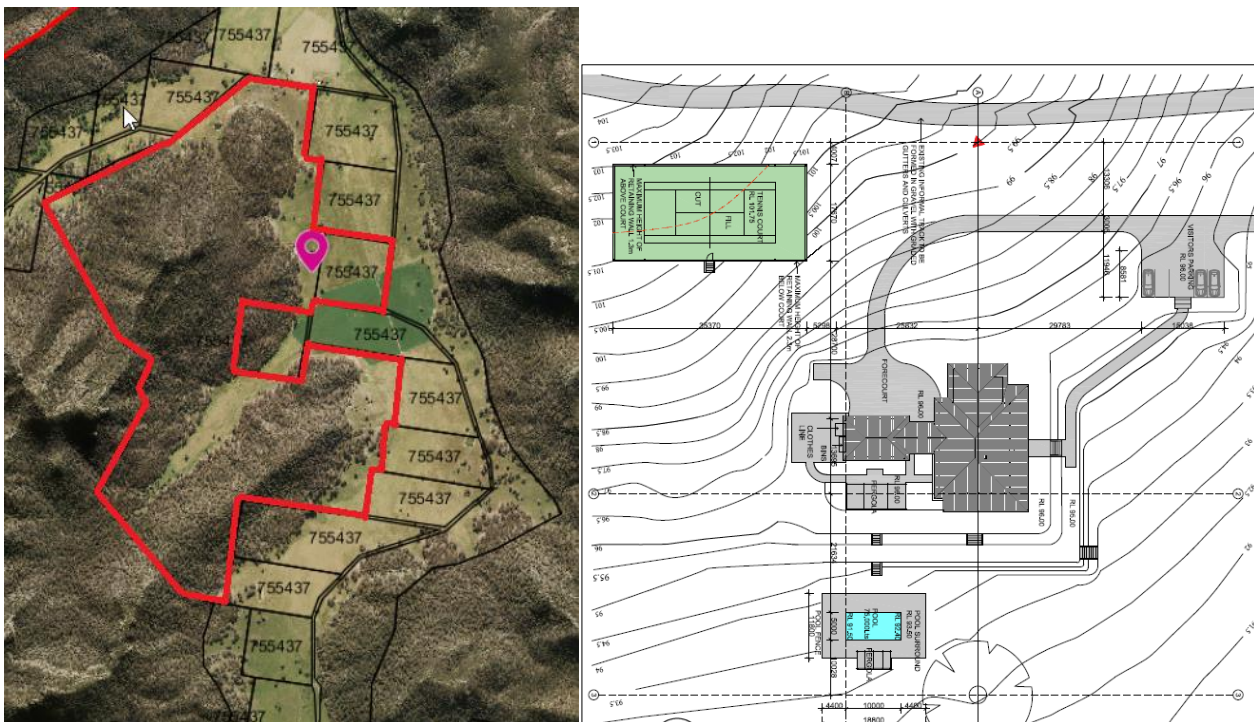
An aerial image that identifies the properties subject to this development application has been included below.

There is no dwelling currently located on either of the lots subject to this development application and the area of the lots concerned comfortably exceeds the 80ha minimum lot size relevant to the land under the Muswellbrook LEP 2009. The lots subject to this development application have a combined area of approximately 361.4ha.

The land subject to this development application is identified as bushfire prone land by Council's bushfire mapping information.

The proposed development involves the construction of a dwelling, shed tennis court and pool in the immediate vicinity of the boundary between Lots 109 and 8 DP 755437. The majority of the development would be located on Lot 109 with the pool and associated buildings being located on Lot 8.

The image below illustrates the dwelling and associated structures proposed under this development application.



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 Council Officers

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 has been considered against the dwelling entitlement provisions prescribed by Clause 7.3 of the Muswellbrook LEP 2009. Council Officers are satisfied that the land subject to this development application has a dwelling entitlement pursuant to this Clause due to the subjects lots being lots created before the commencement of the Muswellbrook LEP 2009 with an area that exceeds the 80ha minimum lot size prescribed to the land of 80ha. The Lots subject to this development application have a total combined area of approximately 361.4ha.
- 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 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

Surrounding properties were notified of the development proposal between 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. the notification period.

OPTIONS

Council 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.

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 116/2018 has been reported to Council as it involves the development of a parcel of land that encompasses a waterway. Therefore, the determination of this development application is outside the function delegated to Council Officers by Council. This application was reported to the Development Assessment Committee for determination who have referred the matter to Council for determination.

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 116/2018 subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	LOT: 8 DP: 755437, LOT: 109 DP: 755437 Bylong Valley Way BAERAMI
APPLICATION No:	116/2018
PROPOSAL:	Dwelling House and Ancillary Development (Garage, Swimming Pool, Tennis Court and Pergola)
OWNER:	Kerrabee Park Pty Ltd
APPLICANT:	Mr D Beak & Mrs P Beak C/- Michael Bell Architects Pty Ltd C3/372-428 Wattle Street ULTIMO NSW 2007
AUTHOR:	Mr A Kazi
REVIEWED BY:	Mr H McTaggart
DATE LODGED:	20 December 2018
DATE OF REPORT:	18 March 2019

SUMMARY

SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

The address of the land subject is 3679 Bylong Valley Way, Baerami.

The properties subject to this development application are formally identified as Lots 8 & 109 in DP 755437.

These lots are held in the same ownership as a number of adjoining properties which form part of a larger rural holding.

Legal vehicle access to the site is available from Bylong Valley Way. Lot 8 DP 755437 adjoins the Bylong Valley Way Road Reserve. However, there is no formed road in the road reserve adjacent the site. Although the Bylong Valley Way road pavement does not extend to the site practical access is available to the site via an internal property access track that traverses other land in the same ownership and connects with the Bylong Valley Way Road north of the site. Accordingly, the subject land is considered to have both legal and practical access to Bylong Valley Way.

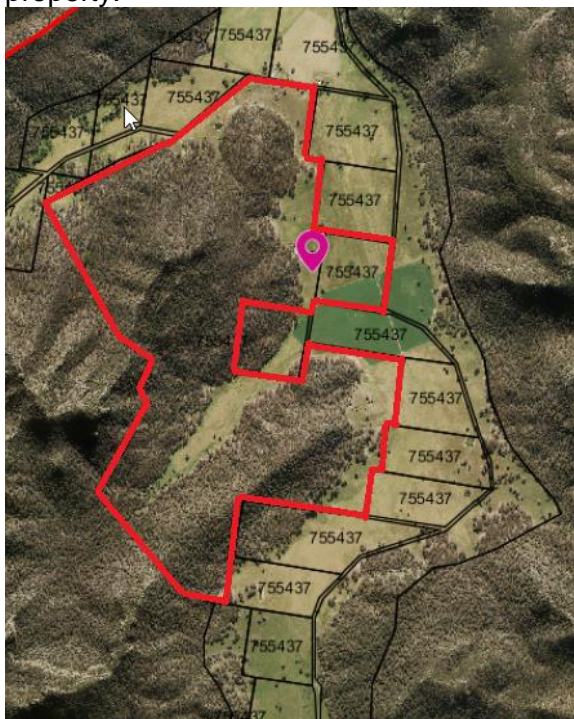
The dwelling and associated structures proposed under this application would be constructed in the vicinity of the boundary of the two lots, with the majority of the development constructed on Lot 109 and a pool landscaping and minor structures located on Lot 8.

There is no dwelling currently located on either of the lots subject to this development application. However, based on aerial images of the larger property holding, it is understood that a dwelling is located on property north of the site held in the same ownership and managed as part of the same agricultural holding (Lot 31 DP 755437).

The land that this development application relates to has a total area of approximately 361.4ha and is identified as bushfire prone by Council's Bushfire Information Mapping.

The part of the site on which the proposed dwelling and associated structures is proposed has a gentle slope toward the east.

The Hawkers Gully waterway, which feeds the Kerabee Arm catchment, traverses the property.



2.0 DESCRIPTION OF PROPOSAL

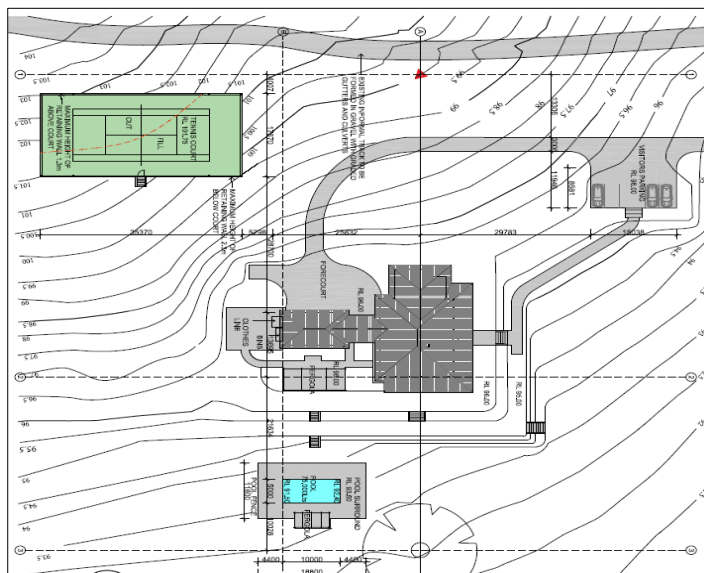
The proposed development involves the erection of a four (4) bedroom, single storey dwelling, a pool, tennis court, shed, and carport.

As referenced above the proposed development would be situated in the vicinity of the property boundary between Lot 109 and Lot 8. The development would predominately be situated on Lot 109 with the swimming pool, associated structures and landscaping being situated on Lot 8. To ensure that the dwelling and associated structures are located on a single title it would be necessary for the two properties to be consolidated into a single Lot as part of the development.

The land on which the development is located has a notable slope toward the east as can be observed on the contour plans submitted with the development. To support the development of the land, cut and fill works would need to be carried out across the site. The depth and height of the cut and fill works would vary across the site. These works would be focused around the dwelling pad and tennis court. Fill placed around the tennis court would be held in place by a 2.250m retaining wall and fill located adjacent the dwelling finished with a batter.

The land on which the development is proposed to be located appears to have been historically used for extensive agricultural in the form of grazing. When inspecting the site Council Officers observed that the proposed development would be located on is generally clear of significant established vegetation and this is reflected on the proposed plans and site survey.

The image below illustrates the extent of the development proposed and provides an indication of the earthworks proposed.



Referrals

The proposed development did not require referral to any external Government Agencies and was referred internally to Council's Environmental Health Officer. Council's Environmental Health Officer recommended conditions be imposed on any consent, regarding the installation and operation of a wood heater proposed as part of the development and the on-site sewage management system. These requirements have been reviewed and incorporated into conditions of consent.

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 E3 Environmental Management and RU1 Primary Production under MLEP 2009. The proposed development involves development for the primary purpose of a Dwelling House.

Development for the purpose of dwelling houses is permissible with consent under the Muswellbrook LEP 2009 land use tabled for E3 Environmental Management and RU1 Primary Production zoned land. Accordingly, the proposed development is considered to be permissible with development consent under the provisions of the Muswellbrook LEP 2009.

Objectives of the E3 Environmental Management Zone

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 E3 Environmental Management and RU1 Primary Production zones are as follows:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To maintain, or improve in the long term, the ecological values of existing remnant vegetation of significance including wooded hilltops, river valley systems, major scenic corridors and other local features of scenic attraction.*
- *To limit development that is visually intrusive and ensure compatibility with the existing landscape character.*
- *To allow agricultural activities that will not have an adverse impact on the environmental and scenic quality of the existing landscape.*
- *To promote ecologically sustainable development.*
- *To ensure that development in this zone on land that adjoins land in the land zoned E1 National Parks and Nature Reserves is compatible with the objectives for that zone.*

Objectives of the RU1 Primary Production Zone

- *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 not alter use of the majority of the property or the capacity for rural zoned land to be used for agricultural purposes, or impact on the ecological qualities of E3 zoned land. Accordingly, the proposed development is considered to be compatible with the requirements of the relevant land use zone objectives and the requirements of this clause.

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 land uses which are permissible with consent are listed under the land use table of the MLEP 2009. The proposed development is permissible with consent within both E3 Environmental Management and RU1 Primary production zones under the land use table of the MLEP 2009. complies
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.3 Height of buildings</i>	MLEP 2009 specifies a maximum building height of 12m in relation to the land. The proposal does not involve building works over 10m which is compliant with this part of the MLEP 2009. Complies
<i>4.4 Floor space ratio</i>	MLEP 2009 does not specify any floor space requirements for the subject site. This complies with the LEP. Not Relevant
<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 objectives of this clause are in regards to the protection, maintenance and improvement of the diversity of landscapes including: the biological diversity of native fauna and flora, ecological continued existence and recovery of threatened species and habitats. This applies to land which is identified as "Biodiversity" on the <i>Terrestrial Biodiversity Map</i> . The subject site is not identified as 'biodiversity' by Council's Biodiversity Mapping. Hence this part of the MLEP 2009 is not applicable to this assessment. Not relevant

<p>7.5 Erection of dwelling houses on land in certain rural and environmental protection zones</p>	<p>This Clause of the Muswellbrook LEP 2009 restricts development for the purpose of dwelling house on land zoned RU1 Primary Production and E3 Environmental Management.</p> <p>The land subject to this development application is zoned a mixture of RU1 Primary Production and E3 Environmental Management and therefore the provisions of this Clause are relevant to the assessment of the proposed dwelling house.</p> <p>Under this clause development for the purpose of a dwelling is restricted unless the lot which relates to the development application meets one of the following criteria:</p> <p>[the lot is]</p> <ul style="list-style-type: none"> a) a lot created in accordance with clause 4.1, or b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or c) a lot created before this Plan commenced that is at least the minimum lot size specified for that lot by the Lot Size Map, or d) a lot for which subdivision approval was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible immediately before that commencement, or e) an existing holding. <p>In relation to the above Council Officers are satisfied that the land subject to this application would comply with the provisions of (c) which relate to the erection of a dwelling. The lots subject to this development application were created prior to the commencement of the Muswellbrook LEP 2009, while under the LEP the land is affected by a minimum lot size of 80ha.</p> <p>Lot 109 (the property on which the bulk of the development is proposed has an area of approximately 344ha which comfortably exceeds the 80ha minimum lot size. While the combined area of Lot 109 and Lot 8 is approximately 361ha.</p> <p>In accordance with the above Council Officers are satisfied that the erection of a dwelling house on the land subject to this development application as this application relates to the erection of a dwelling on land created before the plan commenced with a total area that exceeds the 80ha minimum lot size. Complies</p>
<p>7.6 Earthworks</p>	<p>This Objective of this Clause is as follows :</p> <p><i>‘to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land’.</i></p> <p>While the clause also establishes a number of matters that a consent authority is required to consider prior to granting consent to a development application involving earthworks.</p> <p>These matters for consideration are as follows:</p> <ul style="list-style-type: none"> a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, b) the effect of the proposed development on the likely future use or redevelopment of the land, c) the quality of the fill or of the soil to be excavated, or both, d) the effect of the proposed development on the existing and likely amenity of adjoining properties, e) the source of any fill material or the destination of any excavated material, f) the likelihood of disturbing relics, g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

	<p>Council Officers have considered the matters for consideration prescribed by this clause as they relate to the proposed development and the Clause objective.</p> <p>Council Officers have observed that the proposed development would involve the carrying out of notable earthworks to shape the land below and around the footprint of the development. These earthworks would exceed Council's DCP development standards for the carrying out of cut and fill, however when the scope of the earthworks are considered in context with the rural attributes of the site and adjoining landscape Officers are satisfied that the earthworks would not contravene the LEP requirements relating to soil disturbance, drainage patterns or the amenity of the locality. With regard to the possibility of the works disturbing relics or items of cultural significance Council Officers have observed that the site of the proposed development has been heavily disturbed through its use for agricultural grazing. outcome of its agricultural use. In the outcome that items of cultural significance are identified through the carrying out of works the person carrying out the works would have a legislated obligation to report any material disturbed to the Office of Environment and Heritage. This obligation will be re-enforced with a condition of consent should this application be approved.</p> <p>Complies</p>
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2. State Environmental Planning Policy No. 55 – Remediation of Land

The land subject to this development application is vacant. It is understood that the land has been used over time for extensive agriculture.

Council Officers are unaware of any activities which have carried out on the site likely to have caused the contamination of the land. No visual evidence of any contamination was observed by Council Officers during an inspection of 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.

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

The objective of the relatable clause under this SEPP is '*to minimise potential land use conflict between existing and proposed development on land in the zones under a relevant EPI that are equivalent to the rural, residential or environment protection zones concerned (particularly between residential land uses and other rural land uses)*'. Pursuant to schedule 4, part 2 of SEPP (Primary Production and Rural Development) 2019, it is considered that the proposed development is consistent with adjoining rural land uses and will not significantly diminish the agricultural potential of the subject land.

4. 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.

The area of the site subject to this development application exceeds 1 hectare. Accordingly, the provisions of the SEPP are relevant to the assessment of the proposed development.

The proposed development would be located in a cleared area which is predominately used for grazing. The proposed development would not disturb or cause for the removal of any koala feed trees. Council Officers are satisfied that the land subject to this application is unlikely to comprise a potential koala habitat and that the proposed development does not

require further consideration against the provisions relating to land that is a core koala habitat.

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
8.1 Introduction	
8.2 Built Form	
8.2.1 Scenic Protection and Building Location	<p>The controls of this part of the MDCP 2009 state the following; The roofline of the building must not protrude above natural ridge or tree lines when viewed from public areas and public roads; substantial remnant vegetation is protected; outbuildings are to be located in proximity and to the rear of the main dwelling house; the dwelling house site is suitable for construction and free from contamination, flooding and bushfire risk; the privacy and views of neighbouring houses are reasonably retained.</p> <p>(i) The proposed development does not involve works which would protrude above the natural ridge or tree lines and would not be viewable from public areas or public roads due to its locality within the subject site. (ii) Substantial remnant vegetation would not be disturbed by the proposed development. (iii) There are no outbuildings being proposed in the proposal. (iv) The subject site would be suitable for construction and is free from contamination and flooding. The land is situated within a bushfire prone area and the relevant Level 1 construction standard of AS 3959 – 1999 is applicable in this instance as the proposal would involve the construction of buildings in bush fire-prone areas. (v) The privacy of the owners and views of the neighbouring houses would be minimally affected as the proposal would be situated on a large lot well setback from neighbouring dwellings and property.</p> <p>Complies</p>
8.2.2 Setbacks	<p>The relevant setback controls of this part of the MDCP 2009 are as follows; buildings are setback a minimum of 50m from any public road; buildings are not located within 10m of any property boundary; a</p>

	<p>suitable buffer area is established in the vicinity of agricultural operations that may occur on adjoining land; separation fencing is provided between development land and any adjoining rail corridor.</p> <p>(i) The proposal would be setback well over 50m from any public road.</p> <p>(ii) As the Lots subject to this development application have been consolidated the proposed development would not be located within 10m of any property boundary.</p> <p>(iii) A suitable buffer area would be established in the vicinity of agricultural operations that may occur on adjoining land.</p> <p>(iv) There is no adjoining rail corridor in relation to the subject site.</p> <p>(v) Not applicable.</p> <p>Complies</p>
8.2.3 Colours and Materials	<p>The applicable controls listed in this part of the MDCP 2009 are; the use of natural colours, muted and earth tones for major areas of the building; the use of factory pre-coloured materials with low reflective properties, avoiding the extensive use of highly reflective glass, highly reflective metal cladding (such as Zinalume and white Colorbond) and plastics on the exterior of buildings. A condition of consent should be included to ensure corrugated sheet cladding used in the development is non-reflective in order to comply with the requirements of this part. complies</p>
<p>8.2.4 Car Parking and Access</p> <p>Controls:</p> <p>(i) Generally access roads to serve specific developments provide direct access to a public road under the care and control of Council, comprising all weather access for a two wheel drive vehicle.</p> <p>(ii) Car parking provided on site complies with any relevant requirements within section 16 of this DCP, and where car parking requirements apply, access roads are designed and constructed in accordance with relevant AS2890.1 & AUS-PEC requirements relative to the projected traffic flows.</p> <p>(iii) Entry gateways are set back sufficiently from the front boundary to allow vehicles to pull up off the public road carriageway.</p> <p>(iv) Access directly from a sealed road is to incorporate a sealed section between the road seal and the boundary alignment to minimise gravel being deposited on the road surface.</p> <p>(v) Rural property accesses shall be designed to comply with Council's specifications for Rural Property Access.</p> <p>(vi) Rural property access is to be designed so that stormwater flows do not discharge down the access carrying sediment and debris onto Council's roads. To accommodate this requirement the road shall be designed to include measures such as mitre drains, pipe culverts, causeways, diversion banks, or other similar water management devices.</p>	<p>(i) There is an existing access road which provides access to a public road to the subject site. The proposal does include an access trail which would meet the requirements of this control.</p> <p>(ii) The proposed car parking spaces for the proposal would meet the relevant requirements of section 16. Should the proposal be approved the car parking spaces would not need to comply with the provisions of AS2890.1 as the proposal is for residential purpose. As the locality of the subject site is in a remote area traffic AUS-PEC requirements would not be applicable.</p> <p>(iii) The current entry gateway for 3679 Bylong Valley Way complies with this control.</p> <p>(iv) Access directly from a sealed road does currently exist to the boundary alignment of the subject site.</p> <p>(v) Should this application be approved, a condition of consent should be implemented for property accesses to be designed in order to comply with Council's specifications for Rural Property Access.</p> <p>(vi) The proposed access way does not involve direct correlation to Council roads as there is an existing access way which runs onto Lot 109. As the proposed access way would be well setback from the nearby Council road it is considered that this control would not be applicable in this instance.</p> <p>Complies</p>
8.3 Environmental Matters	
8.3.1 Topography	<p>The topographical controls which relate to this proposal and subject site are as follows; the completion of a site evaluation during the assessment of development applications to ensure consistency with surrounding areas and the existing topography; the erection of structures are to utilise materials and colours which are relevant to the surrounding rural landscape and which protect the visual amenity of the area; the consideration of landform relevant issues</p>

	<p>(such as existing water and drainage relevant to the site) during the assessment of the proposed developments.</p> <p>A site evaluation during the assessment process of this development application was completed. The evaluation found that although there would be considerable alterations to the natural topography of the subject site, in the context of the locality of the proposal there would be minimal implications to approving a development of this nature as it would be well setback from impeding on the surrounding areas. Should the proposal be approved, a condition of consent would be implemented to ensure the materials and colours utilised are relevant to the surrounding rural landscape with regard to the protection of the visual amenity of the area. There is currently no existing council drainage, water supply or reticulated sewage which is accessible on site.</p> <p>Complies</p>
8.3.2 Vegetation	<p>The relevant required control of this part of the MDCP 2009 is as follows: identification and control of developments which are expected to impact areas of remnant vegetation as mapped by Council's native vegetation mapping layer. Significant clearing of vegetation would not occur should the proposal be approved. This complies with the requirements of this part of the MDCP 2009. Complies</p>
8.3.3 Riparian Buffers	<p>Not applicable in this instance as there is no waterway located near the subject site. This complies with the requirements of this part. Not relevant</p>
8.3.4 Management of Rivers, Creeks, Streams and Drainage	<p>There are no rivers, creeks or streams which are in the vicinity of the proposal and thereby this section of the MDCP is not applicable to the subject site. For a detailed drainage assessment see section 25. The proposal would not have any negative impacts towards the management of any rivers, creeks, streams or drainage. Thereby the proposed development complies with this part of the MDCP 2009. complies</p>
8.3.5 Services	<p>The requirements of this part of the MDCP 2009 are as follows; a suitable area is available for perpetual on-site disposal of wastes in accordance with section 23; an adequate water supply.</p> <p>The subject site is not located in an area where Council services are accessible. A condition of consent should be implemented for onsite sewerage management system and stormwater drainage to be in accordance with Council's standard requirements. An adequate water supply should be conditioned through a rainwater tank requirement. This would be compliant with the abovementioned controls.</p> <p>Complies</p>
8.4 Frost Control Fans	

Section 20 – Erosion and Sediment Control

The relevant controls of this section state that; areas of disturbance 250 m² to 1000m² must submit Erosion and Sediment Control Plan and a schedule of works with a development application; existing vegetation must not be cleared in areas not relevant to direct impact from the development; all conditions must be consistent with the *Managing Urban Stormwater: Soils and Construction* manual prepared by Landcom. An erosion and sediment control plan has been provided in accordance with the MDCP 2009 requirements.

Section 23 – On-site Sewage Management Systems

A condition of consent is recommended requiring that an on-site sewage management system be installed in accordance with Council's requirements listed within the MDCP 2009.

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. Accordingly it is recommended that a Waste Management Minimisation Plan be provided in accordance with the DCP objectives through the imposition of a condition for the minimisation and management of waste associated with the development which must be provided prior to the issue of a Construction Certificate.

Section 94A Contributions Plan 2009

The total project value of the proposed development would be \$800,000.

A developer contribution of \$8,000 will apply to the proposed development should the Application be approved.

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

Section 1 - Introduction	Section 2 – Submitting an application
Section 5 – Subdivision	Section 6 – Residential Development
Section 7 – Village Zones	
Section 9 – Local Centre Development	Section 10 – Industrial Development
Section 11 – Extractive Industries	Section 12 – Tourist Facilities and Accommodation
Section 13 – Flood Prone Land	Section 14 – Outdoor signage
Section 15 – Heritage Conservation	Section 16 – Carparking and Access
Section 17 – Sex Services Premises	Section 18 – Child Care Centres
Section 19 – Use of Public Footpaths	
Section 21 – Contaminated Land	Section 22 – Land Use Buffers
	Section 24 – Waste Management
	Section 26 – Site Specific controls
Section 27 – West Denman Urban Release Area	

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
Built Form
Potential Impact on Adjacent Properties
Access, Traffic and Transport
Public Domain
Utilities
Heritage
Other land resources
Water
Soils
Air & microclimate
Flora & fauna

Waste
Energy
Noise and Vibration
Natural hazards
Technological hazards
Safety, Security, and Crime Prevention
Social Impact on Locality
Economic Impact on the Locality
Site Design and Internal Design
Construction
Cumulative Impacts

Key areas of consideration for the assessment of the proposed development related to technological hazards affecting the land, specifically its bushfire affection. These issues have been considered under the heading below.

Technical Hazards – bushfire protection

The proposed development relates to land identified as bushfire prone land.

The provisions of Planning for Bushfire Protection 2006 are therefore relevant to the assessment of the proposed development pursuant to Section 4.14 of the Environmental Planning and Assessment Act 1979.

A Bushfire Threat Assessment has been prepared in relation to the proposed development by BPAD, Bushfire Planning and Design. The Assessment Report recommends a number of bushfire protection measures including the construction of the proposed dwelling to a Bushfire protection Level of BAL 12.5. Council Officers have reviewed this Bushfire Threat Assessment and its recommendations and incorporated its recommendations into the recommended conditions of consent to ensure that the development complies with the provisions of Planning for Bushfire Protection 2006.

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 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

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED) the Development Assessment Committee grant development consent to DA 116/2018 subject to standard conditions of consent and the conditions of consent recommended by this 4.15 Assessment.

Signed by:

Atef Kazi
Project Planner

RECOMMENDED CONDITIONS OF CONSENT – LOT 8 & 109 DP755437 ADDRESS 3679 BYLONG VALLEY WAY, KERRABEE.

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.	Revision	Drawn by	Drawing Date	Received
Site Plan (A0)	2	Michael Bell Architects PTY LTD	26 June 2018	7 February 2019
Landscaping Section (A08)	2	Michael Bell Architects PTY LTD	26 June 2018	7 February 2019
Floor Plan Part 1 (A01)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Floor Plan Part 2 (A02)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Roof Plan Part 1 (A03)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Roof Plan Part 2 (A04)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
North & South Elevations (A05)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
East & West Elevations (A06)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Sections (A07)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Locality Plan (A09)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Site Analysis (A10)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Storm Water Plan (A11)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Sitting Room Fireplace Plan & Elevation (A12)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Sitting Room Fireplace Typical Section (A13)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Notification Plan (A14)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Sediment Control Plan (A15)	1	Michael Bell Architects PTY LTD	26 June 2018	3 January 2019
Landscape Plan	-	Michael Bligh & Associates PTY LTD	3 December 2018	3 January 2019
Plan of Partial Detail and Contour Survey	-	MM Hyndes Bailey & Co.	7 August 2018	3 January 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

All bushfire protection measures specified by the Bushfire Threat Assessment prepared by Bushfire Planning and Design dated 10 October 2018 along with the following requirements 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) The entire property which the dwelling is to be situated is to be established and managed as an inner protection area (IPA) in accordance with Section 4.1.3, Appendix 2 and Appendix 5 of the NSW Rural Fire Service's document planning for Bushfire Protection, 2006.
- (c) The dwelling is to be designed and constructed in accordance with the requirements of AS3959-1999 to achieve the Bushfire Attack Levels (BALs) specified below:
 - i. **a minimum BAL rating of BAL-12.5**
- (d) The property around the dwelling, to a distance of 56 metres, shall be maintained to the requirements of an Inner Protection Area (IPA) in accordance with the recommendations of the Bushfire Threat Assessment and Appendix 2 of that document.
- (e) The property access shall be maintained at all times to comply with the requirements of Section 4.1.3(2) of Planning for Bushfire Protection, 2006.

REQUIREMENTS PRIOR TO THE COMMENCEMENT OF WORKS OR ISSUE OF A CONSTRUCTION CERTIFICATE

(5) Requirement for a Construction Certificate

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.

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.

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

(6) Section 7.12 Contributions

Prior to the issue of a Construction Certificate 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 \$8000.00 shall be paid to Muswellbrook Shire Council.

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

(7) Bushfire Attack Level Design

Prior to the issue of any Construction Certificate the person acting with this consent shall provide the Principle Certifying with construction plans to demonstrate that the

component of the development for which a Construction Certificate is being sought has been designed in accordance with the relevant Bushfire Attack Level Construction requirement.

The bushfire attack level construction of the building shall be in accordance with the Bushfire Attack Levels specified by the approved Bushfire Threat Assessment and condition 4 of this consent (BAL-12.5).

(8) Waste Management Plan

A Waste Management Plan is to be submitted prior to the issue of any Construction Certificate. The plans should include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, all landfill removed from the site, haulage routes, design of on-site wind proof waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

(9) 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.

(10) Consolidation of Lots

Prior to the issue of a Construction Certificate the person acting with this consent shall provide the relevant Certifying Authority with adequate documentary evidence to the satisfaction of that authority to demonstrate that a Registered Surveyor has been engaged to survey the land subject to this development application and prepare a plan of consolidation for Lots 8 and 109 DP 755437.

(11) Installation of wood heater

Prior to the issue of any Construction Certificate where a wood fire heater is to be installed as a part of the development the person acting with this consent shall obtain approval from Council under Section 68 of the Local Government Act 1993 for the

installation of a domestic oil or solid fuel heating appliance and provide the Certifying Authority with documentary evidence confirming that this approval has been obtained.

Council will require the following information with any Section 68 Application for the installation of the woodfired heater:

1. Details confirming that the wood fired heater would be designed and installed in accordance with Australian/New Zealand Standard 2918:2018 'Domestic solid fuel burning appliances—Installation'.
2. Plans of the proposed development identifying the heater and flue dimensions (including height), specifications of the heater and confirmation that the heater meets relevant Australian Standards (AS 4013 for pollution emissions, AS 2918 for installation).

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT AND DURING BUILDING WORKS
--

(12) 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.

(13) 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.

(14) 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.

(15) 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.

(16) Erosion and Sediment Plan

Prior to the commencement of works the Sediment & Erosion control measures shown on the approved plans are to be implemented at the site. All Sediment and Erosion control measures are to be maintained on the site until building work has been completed.

(17) Protection of Aboriginal relics

Should Aboriginal relics be discovered work shall cease immediately and application be made for an Aboriginal Heritage Impact Permit under the provisions of the NSW National Parks and Wildlife Act 1974.

(18) Earthwork Batters

Unless otherwise approved in writing by Council where retaining walls are not used to hold the fill in place, the edges of the fill shall have a gradient that does not exceed 1:5.

All fill batters is to be stabilised and maintained to prevent surface erosion which may affect the stability of the site or create dust hazards for adjoining properties. All fill is to be sourced from a reputable supplier. No soil subject to contamination is to be used as fill in conjunction with this development.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE
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(19) 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.

(20) Bushfire

Prior to the issue of any Occupation Certificate 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.

(21) 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 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. The On-Site Sewage Management System must be pursuant to Section 23 of the Muswellbrook Shire Development Control Plan 2009.

(22) Consolidation of Land

Prior to the issue of an Occupation Certificate Lot 8 DP 755437 and Lot 109 DP 755437 are to be consolidated (amalgamated) and a Deposited Plan lodged with the NSW Land Registry Services for registration.

(23) Consolidation of Land (Where Interim Occupation Certificate is sought)

Prior to the issue of any Interim Occupation Certificate documentary evidence is to be provided to the Principle Certifying demonstrating that a plan of consolidation of Lot 8 DP 755437 and Lot 109 DP 755437 has been prepared and that plan of consolidation lodged with the NSW Land Registry Services for registration.

(24) Provision of legal and practical Access

Prior to the issue of an Occupation Certificate, the person acting with this consent shall ensure that both legal and practical access has been provided to the

development by demonstrating one or a combination of the following to the satisfaction of the Principle Certifying Authority:

- A right of way is to be registered over the Kerrabee internal property access road which provides vehicle access between the subject site and Bylong Valley Way. The right of way is to burden all relevant lots excluding any road reserves within which this internal access is located and is to be in favour of the land subject to this development application.
- The vehicle access is to be extended within the unformed and unmaintained Crown Road Reserve which connects the subject site to Bylong Valley Way.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

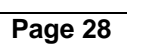
(25) Stormwater Disposal

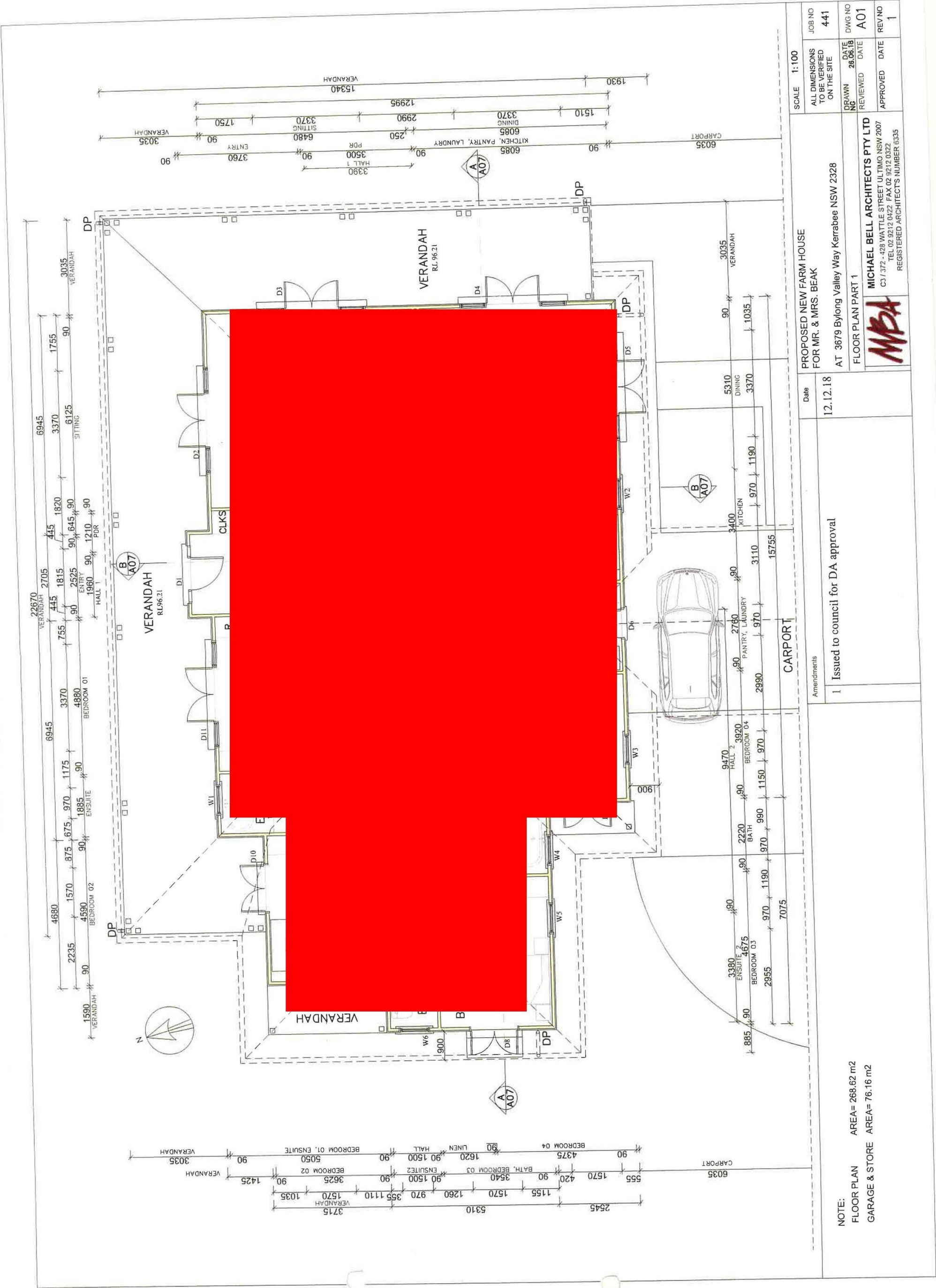
All stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of to:-

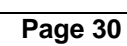
- (a) By way of a suitable rock mattress rubble drain with dimensions of 1m wide by 1m deep the length to be determined by allowing 1m for every 100m² of stormwater collection area. The rubble drain must be a minimum of 6m clear of the approved and any other building on site or an adjoining property and should direct stormwater toward swale drain shown on the approved plans.

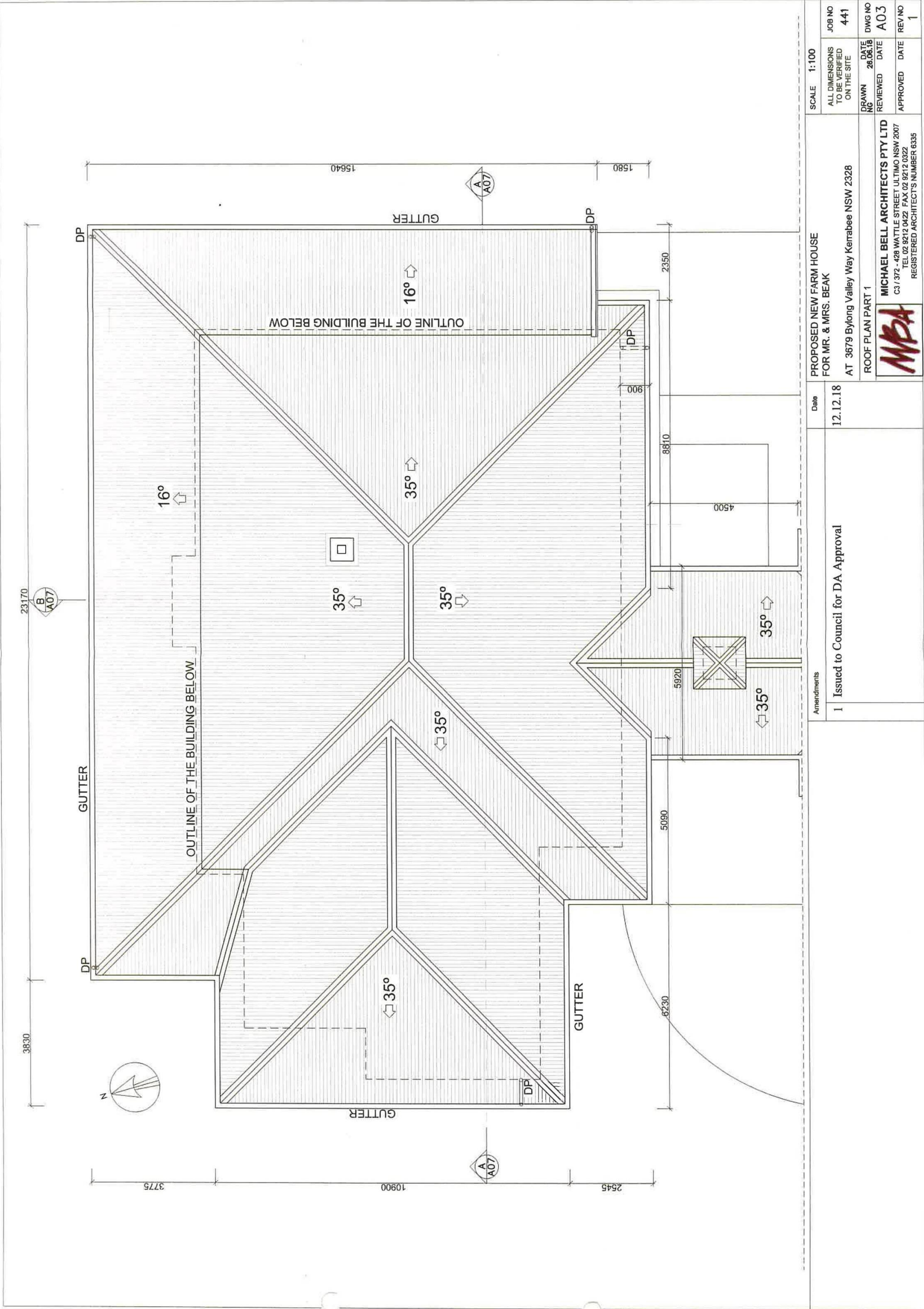
(26) Operation of wood heater

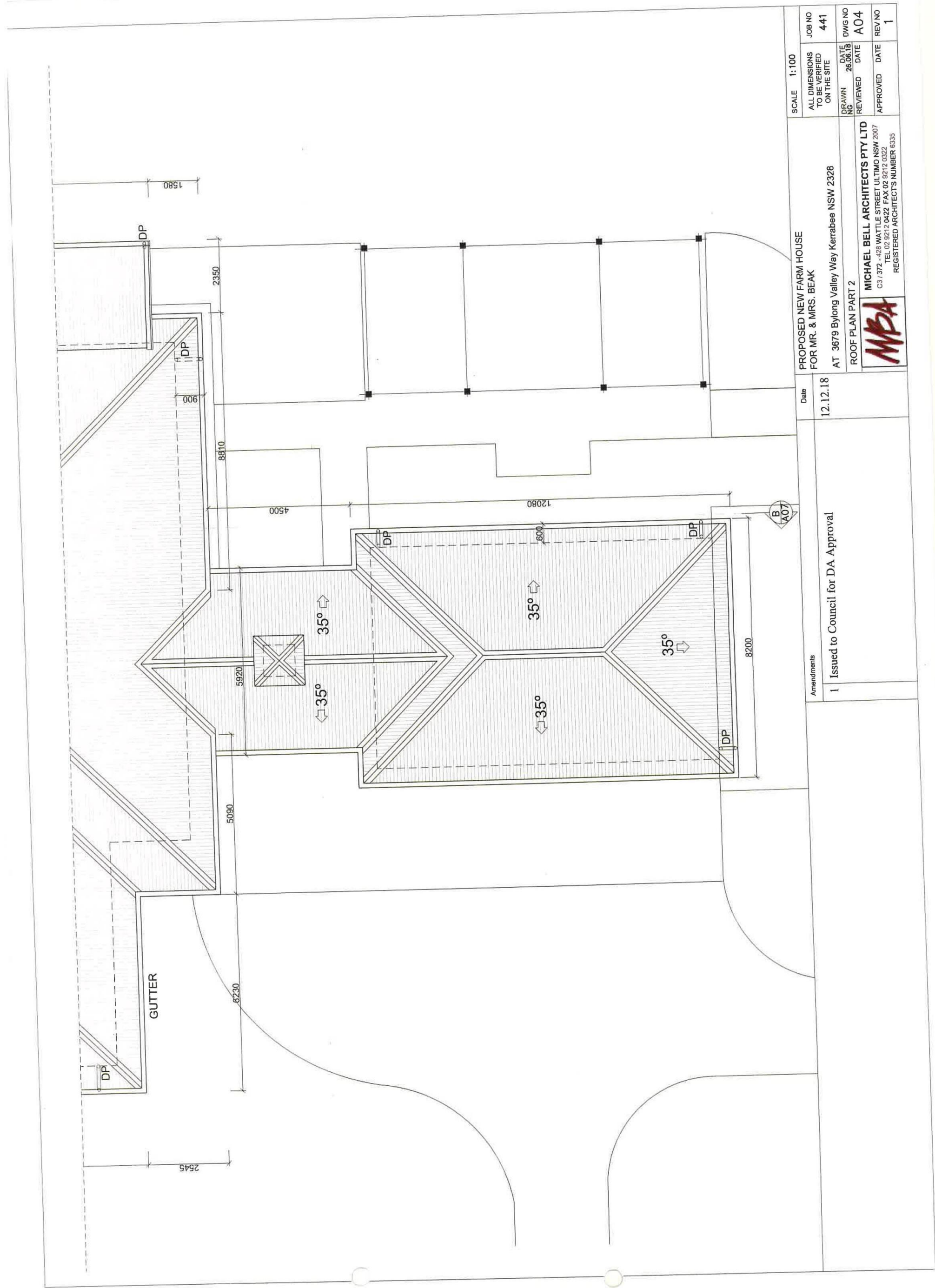
At all times the wood fire heater is to be operated and maintained in accordance with the requirements of any Section 68 Approval issued by Council and the manufacturer's guidelines.











SCALE	1:100
ALL DIMENSIONS TO BE VERIFIED ON THE SITE	JOB NO 441
DRAWN NG	DATE 26.06.18
REVIEWED	DATE
APPROVED	DATE
REV NO	1

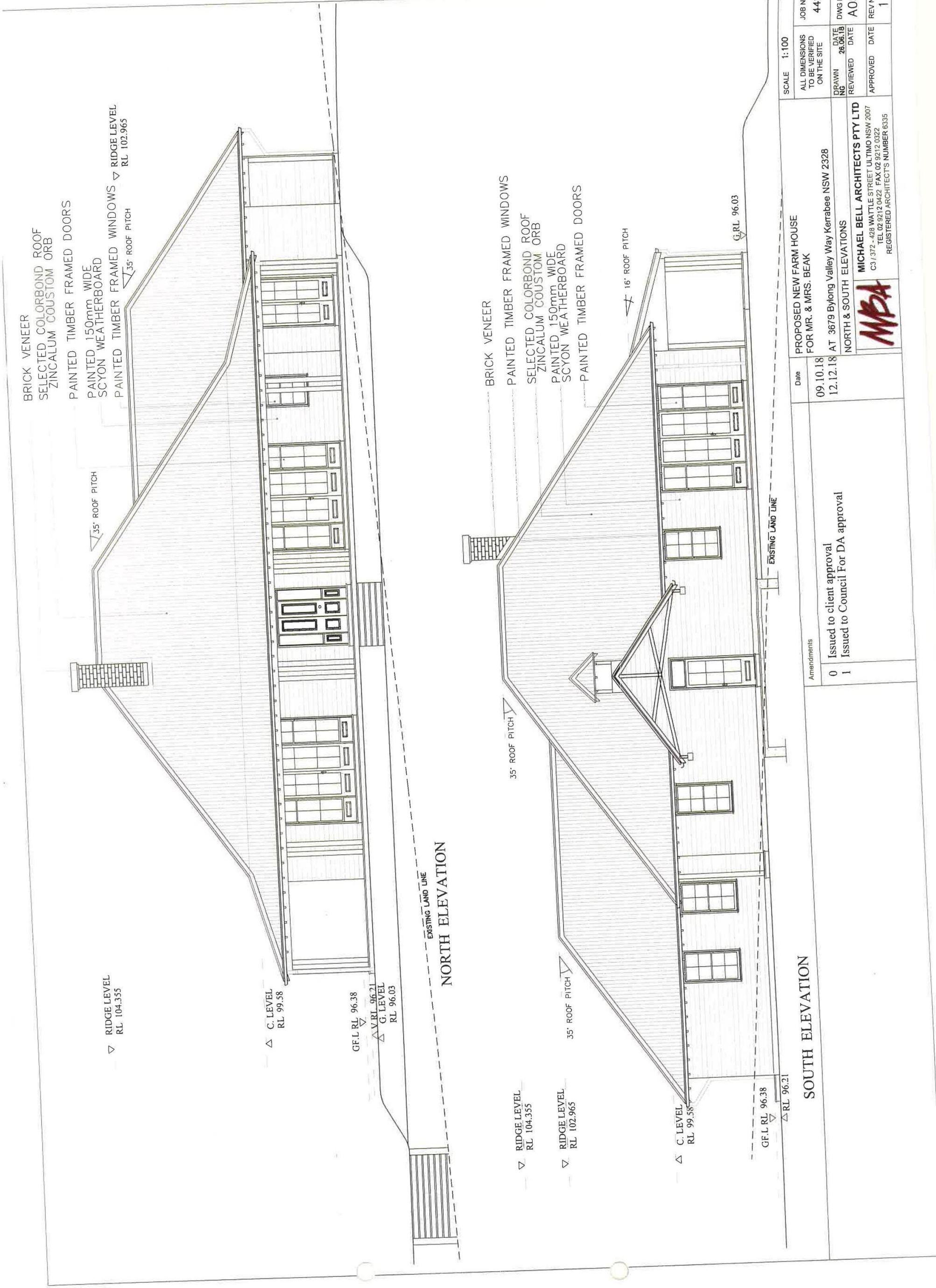
PROPOSED NEW FARM HOUSE
FOR MR. & MRS. BEAK
AT 3679 Bylong Valley Way Kerrabee NSW 2328

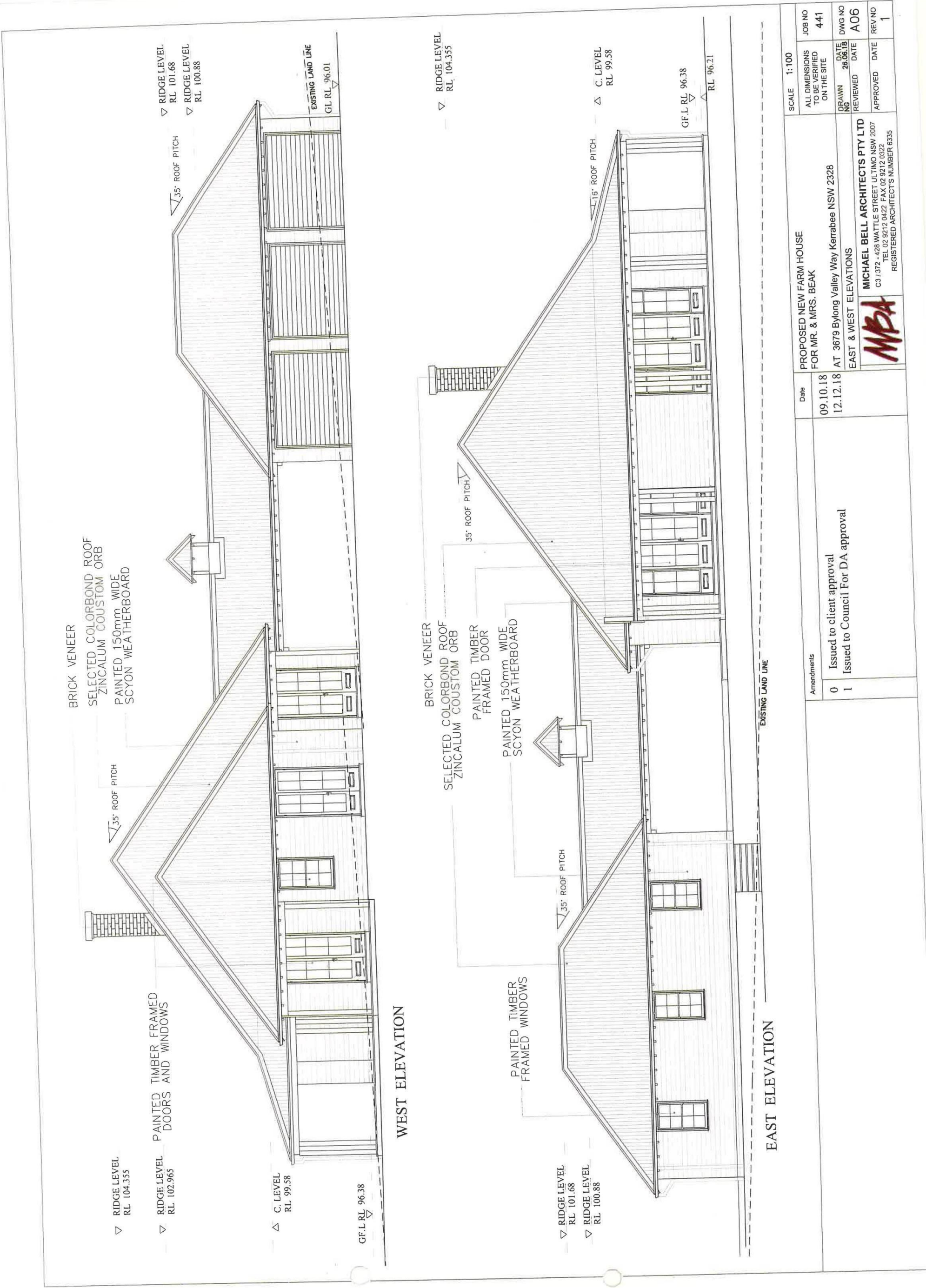
ROOF PLAN PART 2

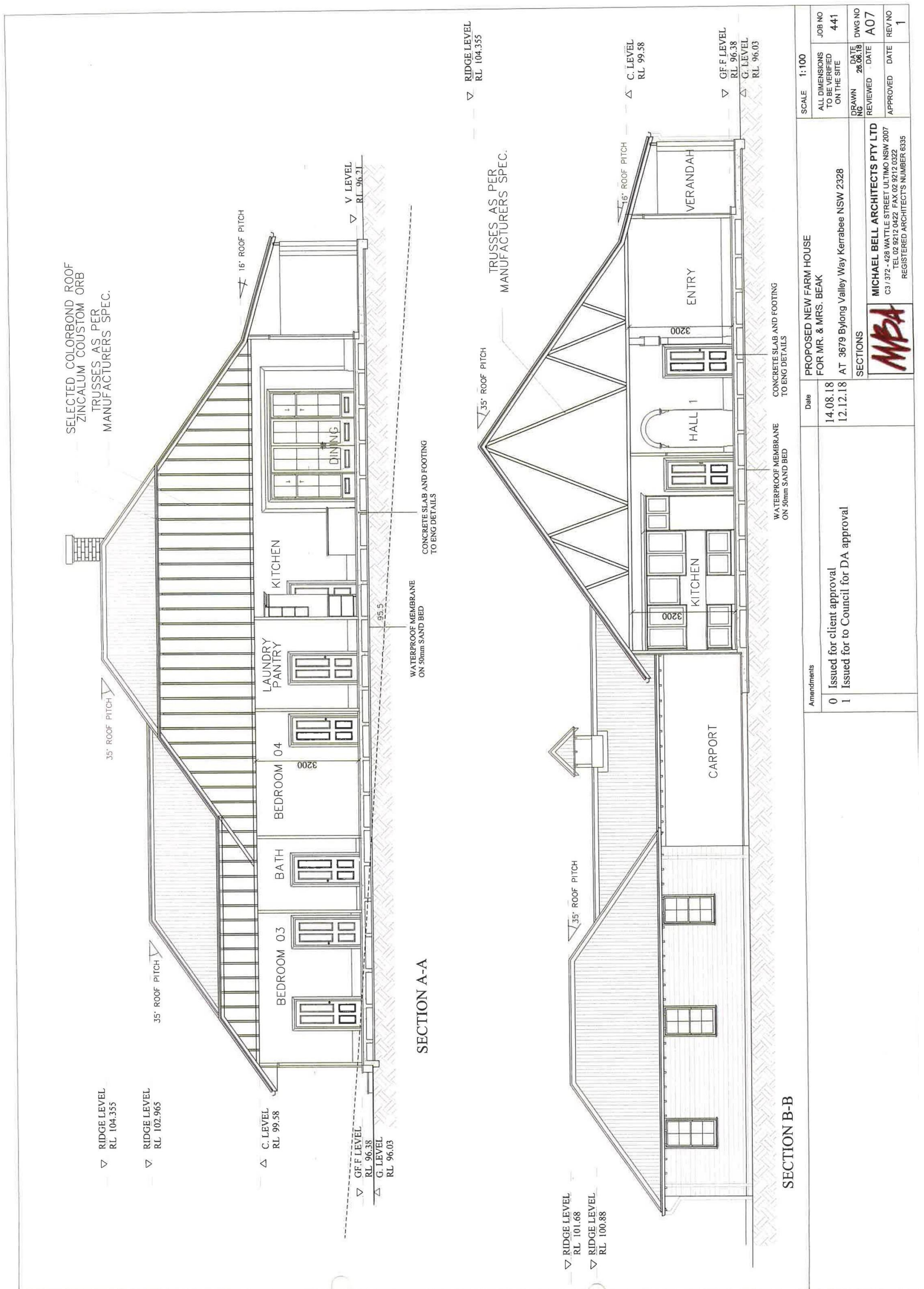
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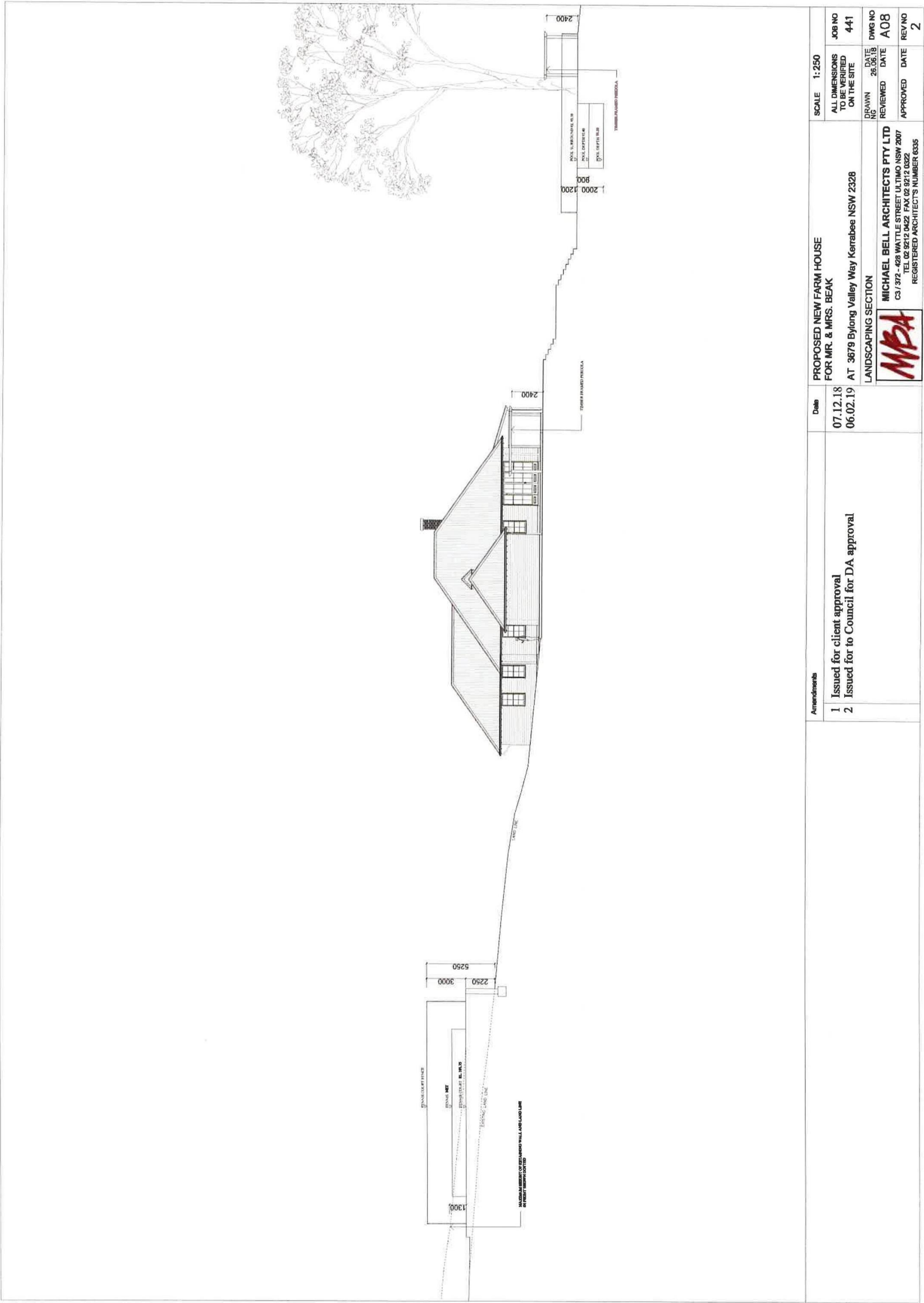
MICHAEL BELL ARCHITECTS PTY LTD
C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007
TEL 02 9212 0422 FAX 02 9212 0322
REGISTERED ARCHITECT'S NUMBER 6335

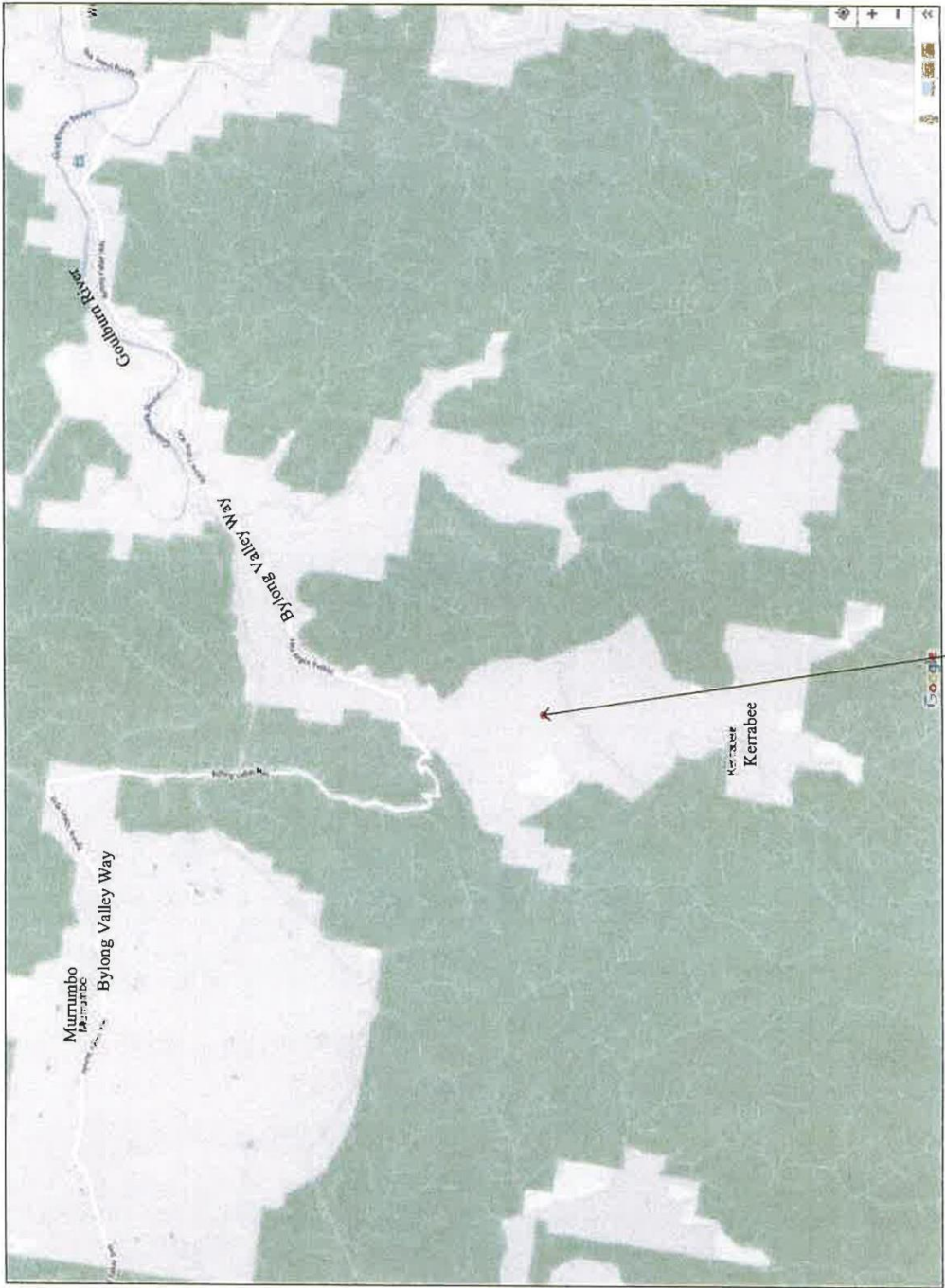
Amendments	Date
1 Issued to Council for DA Approval	12.12.18











LOCALITY MAP, NTS

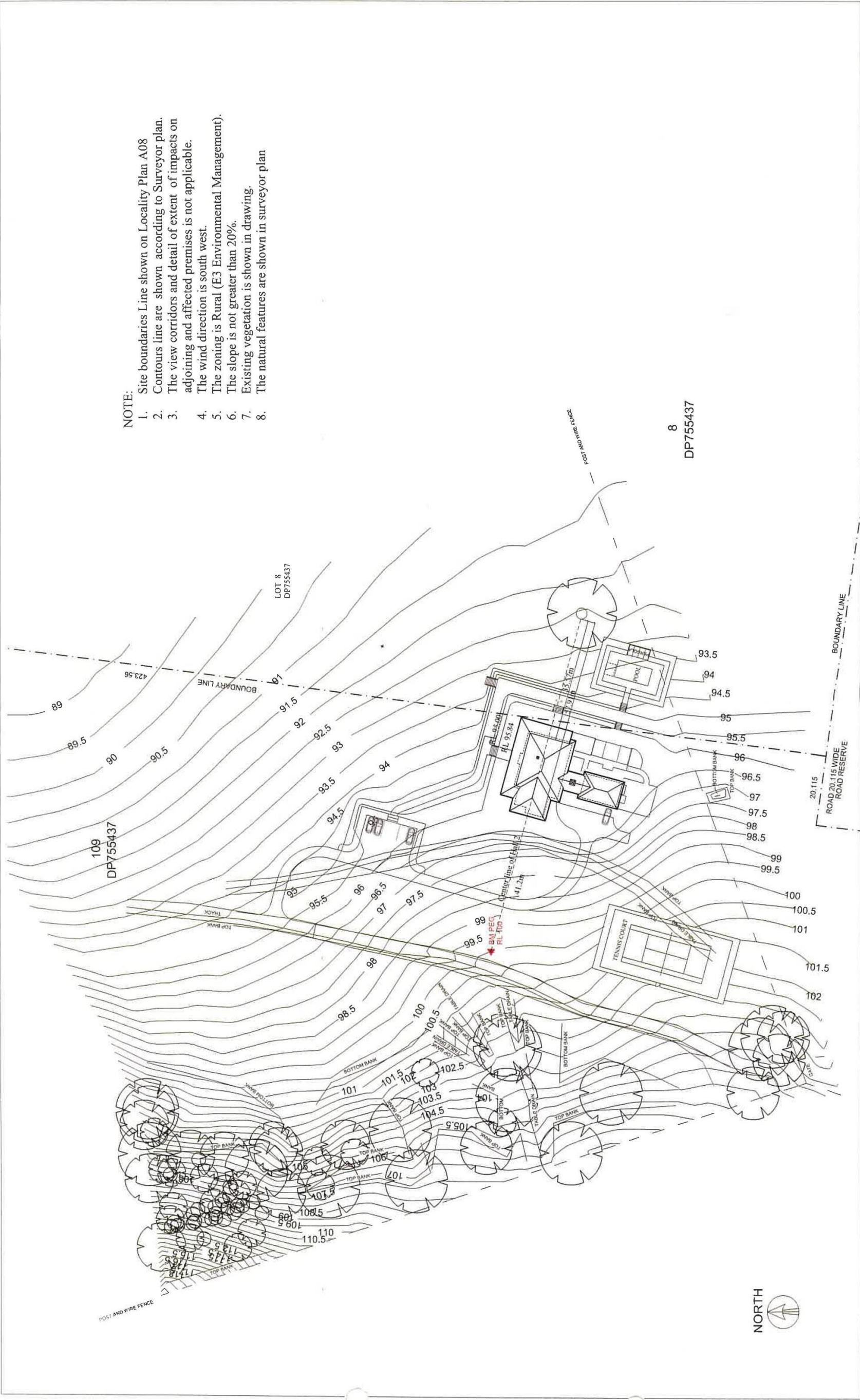
PROPOSED NEW FARM HOUSE

BOUNDARY LINE

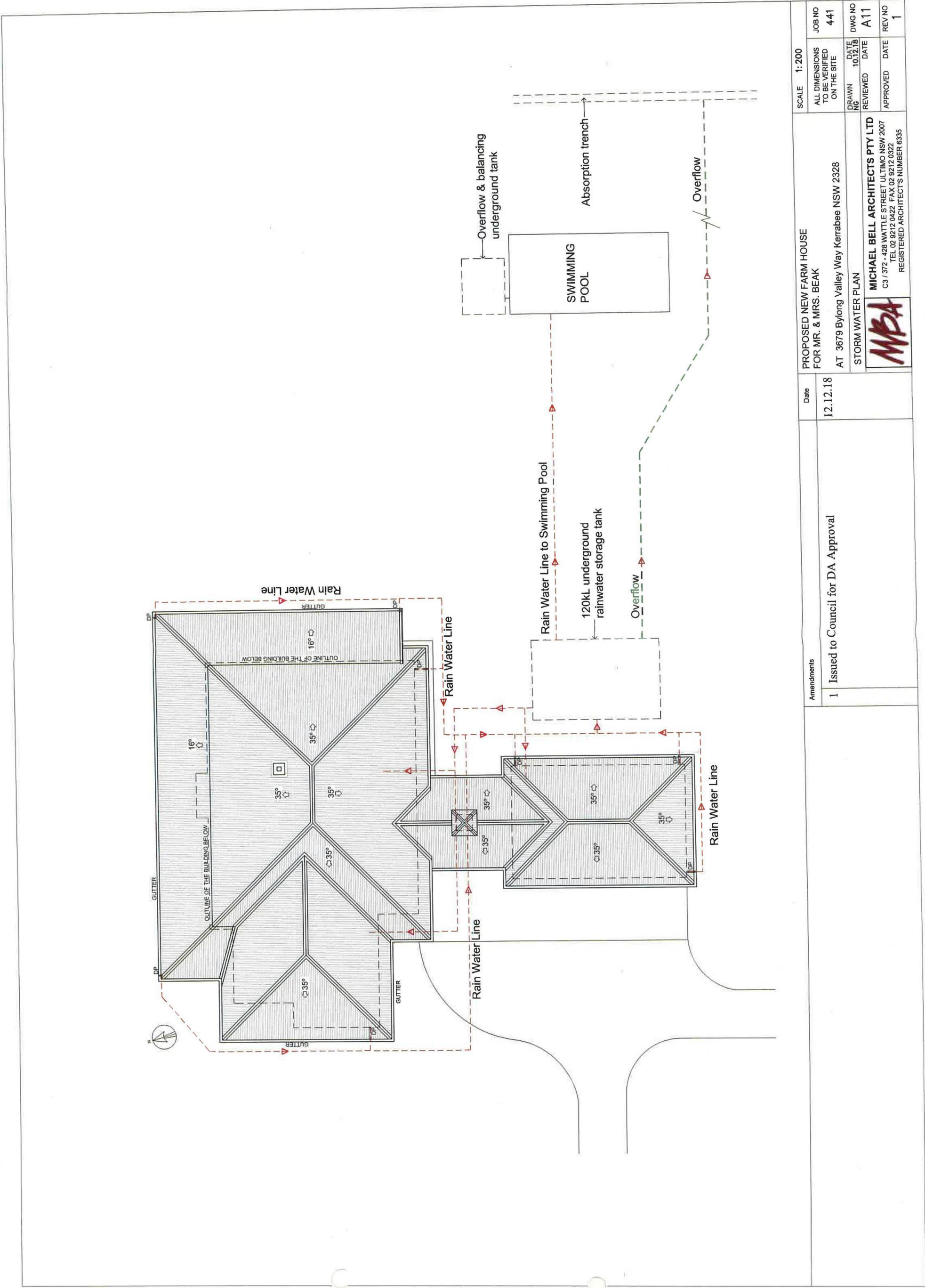


AERIAL PHOTO VIEW, NTS

Amendments		Date	PROPOSED NEW FARM HOUSE FOR MR. & MRS. BEAK AT 3679 Bylong Valley Way Kerrabee NSW 2328		SCALE	NTS	JOB NO
1	Issued to council for DA approval	12.12.18			ALL DIMENSIONS TO BE VERIFIED ON THE SITE		441
			LOCALITY PLAN		DRAWN NG	DATE 07.12.18	DWG NO A09
					MICHAEL BELL ARCHITECTS PTY LTD C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007 TEL 02 9212 0422 FAX 02 9212 0322 REGISTERED ARCHITECT'S NUMBER 6335		REV NO 1



Amendments		Date	SCALE	1:1000	JOB NO	441	DWG NO	A10	REV NO	1
1		12.12.18	PROPOSED NEW FARM HOUSE FOR MR. & MRS. BEAK		ALL DIMENSIONS TO BE VERIFIED ON THE SITE		DRAWN DATE 24.08.18		REVIEWED DATE	
Issued to council for DA approval			AT 3679 Bylong Valley Way Kerrabee NSW 2328		SITE ANALYSIS		MICHAEL BELL ARCHITECTS PTY LTD		CJ / 372 - 428 WATTLE STREET ULTIMO NSW 2007 TEL 02 9212 0422 FAX 02 9212 0322 REGISTERED ARCHITECT'S NUMBER 6335	



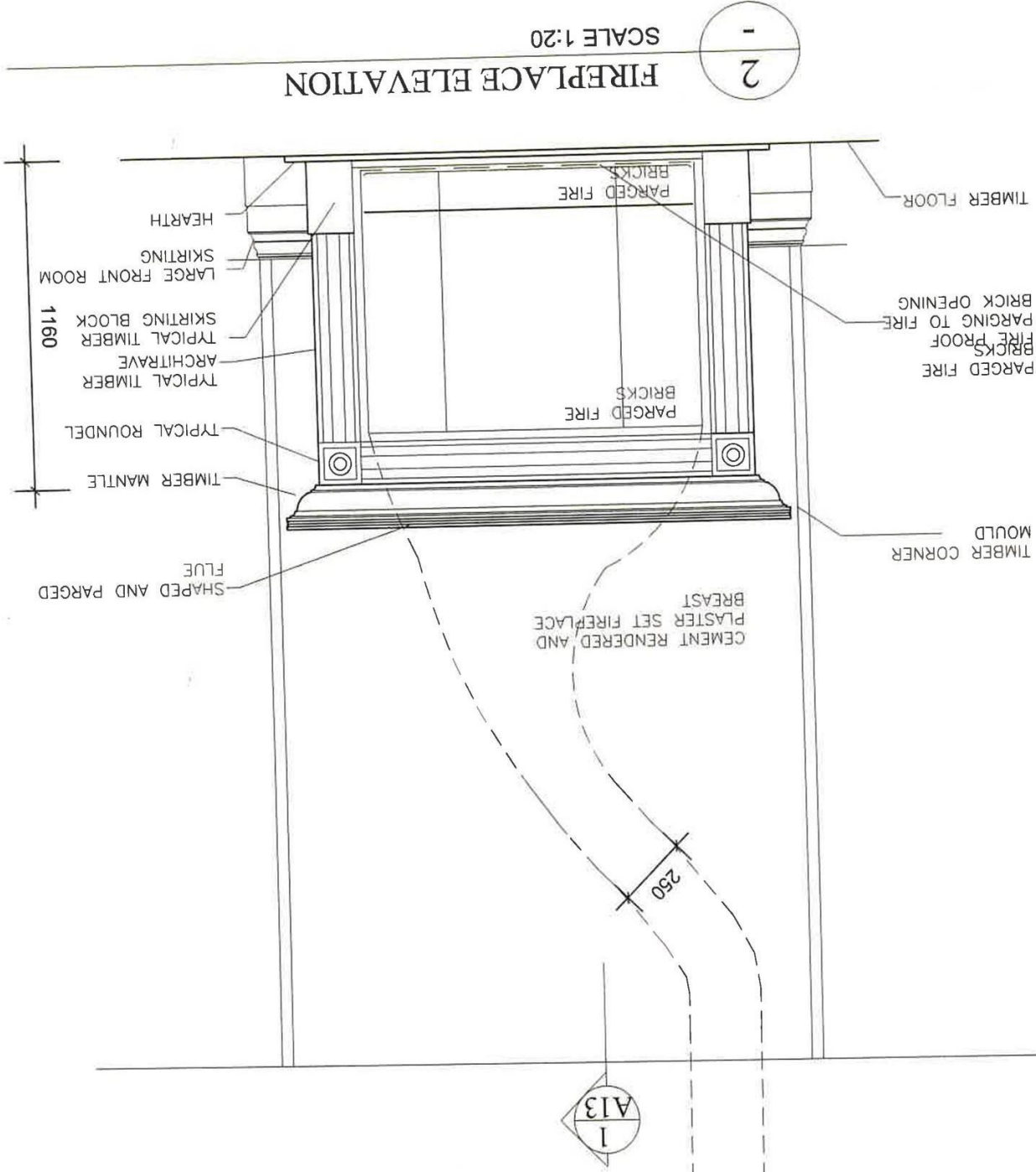
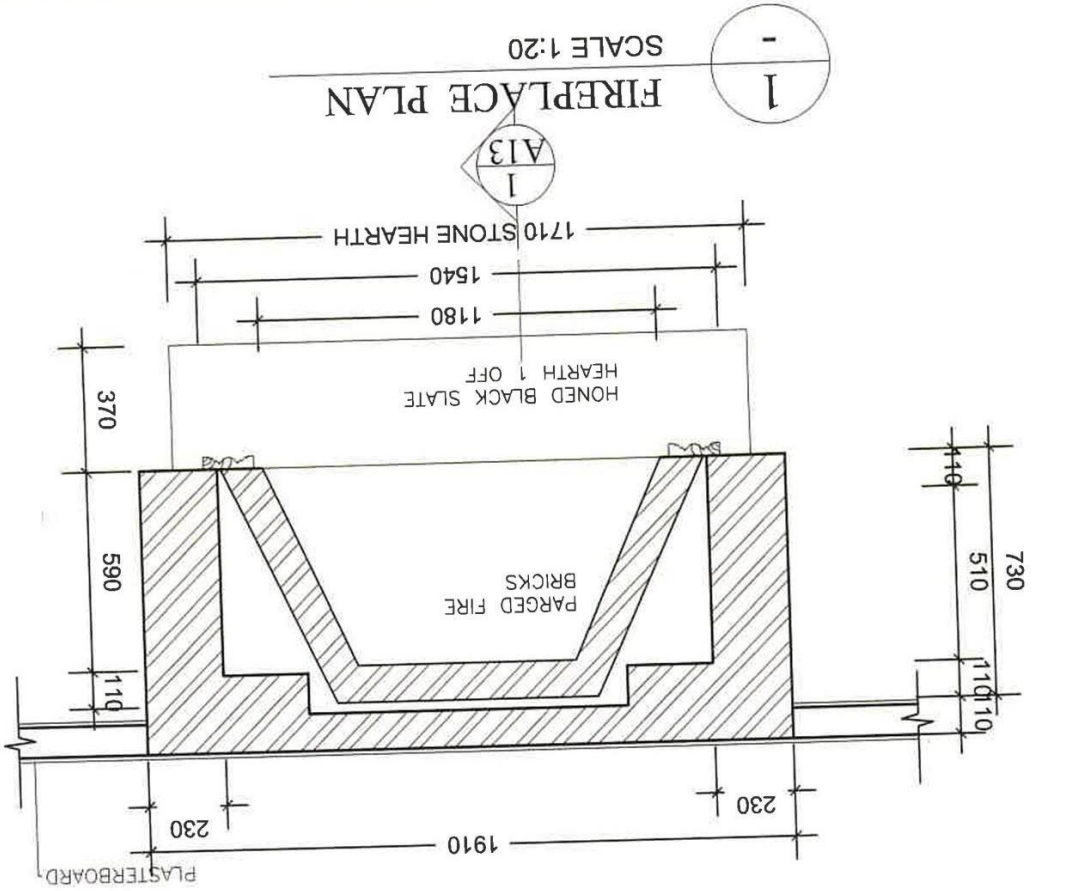
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ALL DIMENSIONS TO BE VERIFIED ON THE SITE	JOB NO 441
DRAWN NG	DATE 10/12/18
REVIEWED	DATE 10/12/18
APPROVED	DATE 10/12/18
REV NO 1	


PROPOSED NEW FARM HOUSE FOR MR. & MRS. BEAK	Date 12.12.18
AT 3679 Bylong Valley Way Kerrabee NSW 2328	
STORM WATER PLAN	
MBA	MICHAEL BELL ARCHITECTS PTY LTD C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007 TEL 02 9212 0422 FAX 02 9212 0322 REGISTERED ARCHITECT'S NUMBER 6335

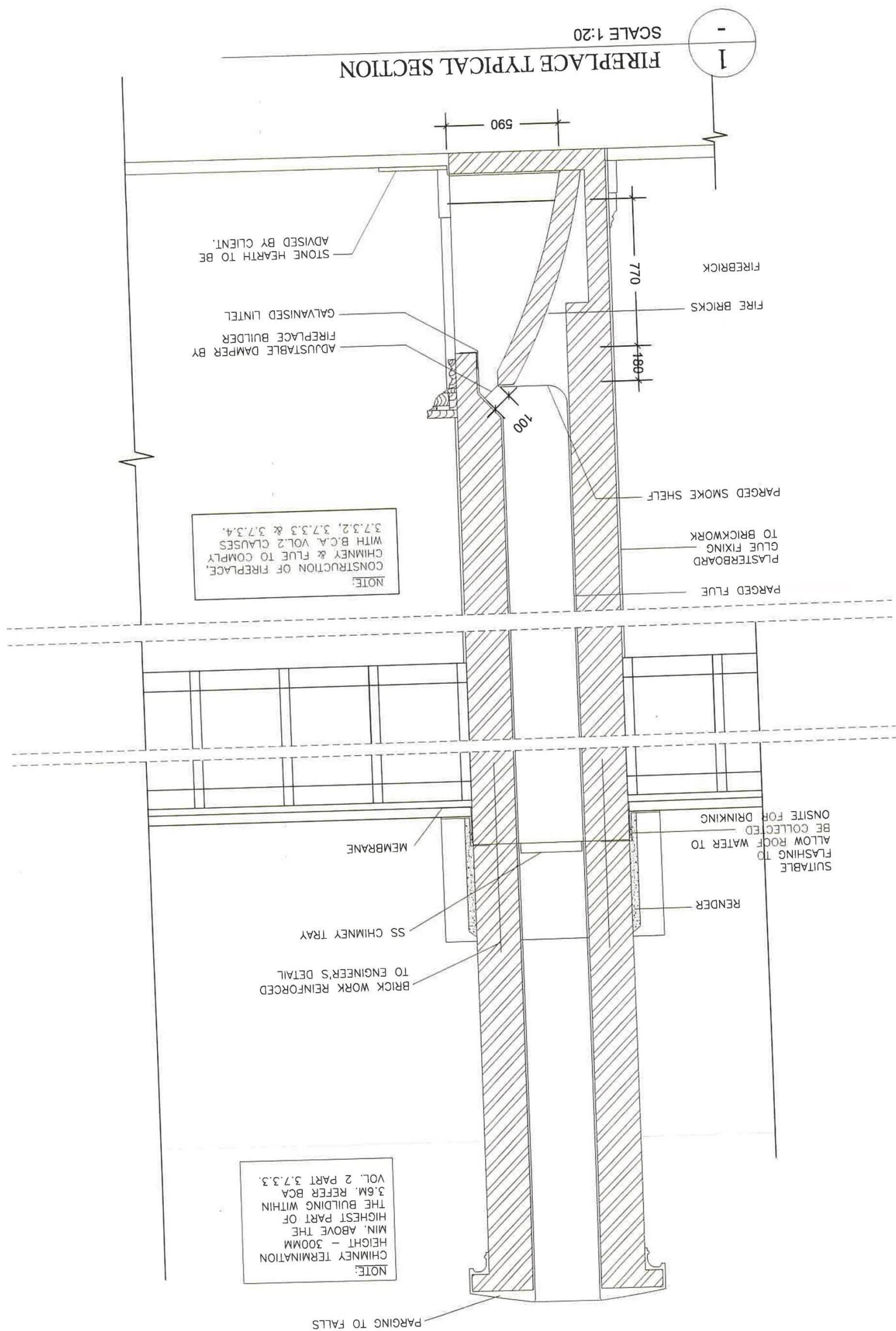
Amendments	1 Issued to Council for DA Approval
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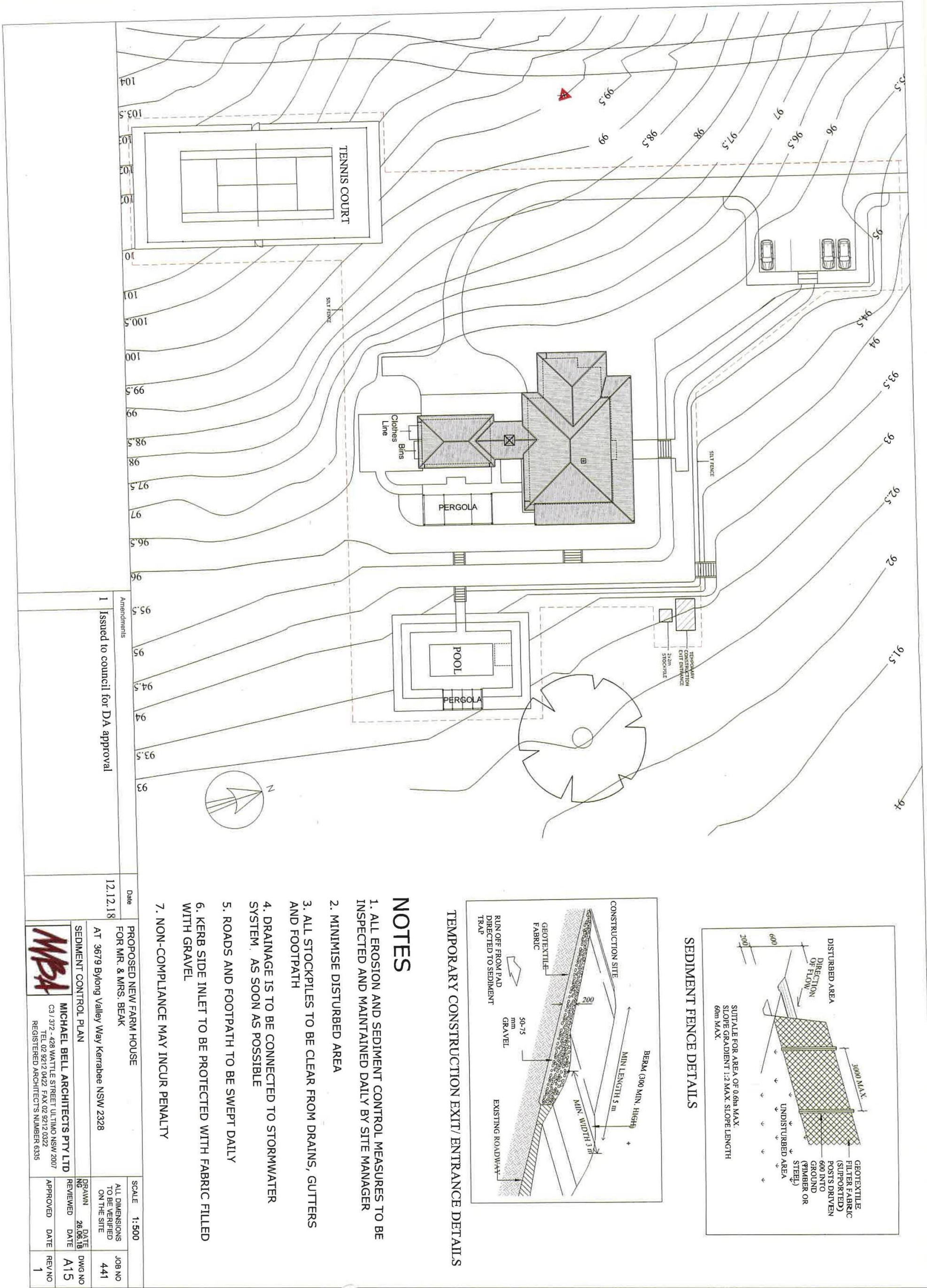
Amendments		1 Issued for to Council for DA approval
Date	12.12.18	FOR MR. & MRS. BEAK
PROPOSED NEW FARM HOUSE		
AT 3679 Bylong Valley Way Karabee NSW 2328		
SITTING ROOM FIREPLACE PLAN & ELEVATION		
MICHAEL BELL ARCHITECTS PTY LTD		
C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007		
REGISTERED ARCHITECTS NUMBER 6336		
REV NO	DATE	APPROVED
1		
DWG NO	DATE	REVIEWED
A12	12.12.18	
JOB NO	DATE	ON THE SITE
267		
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SCALE 1:20		

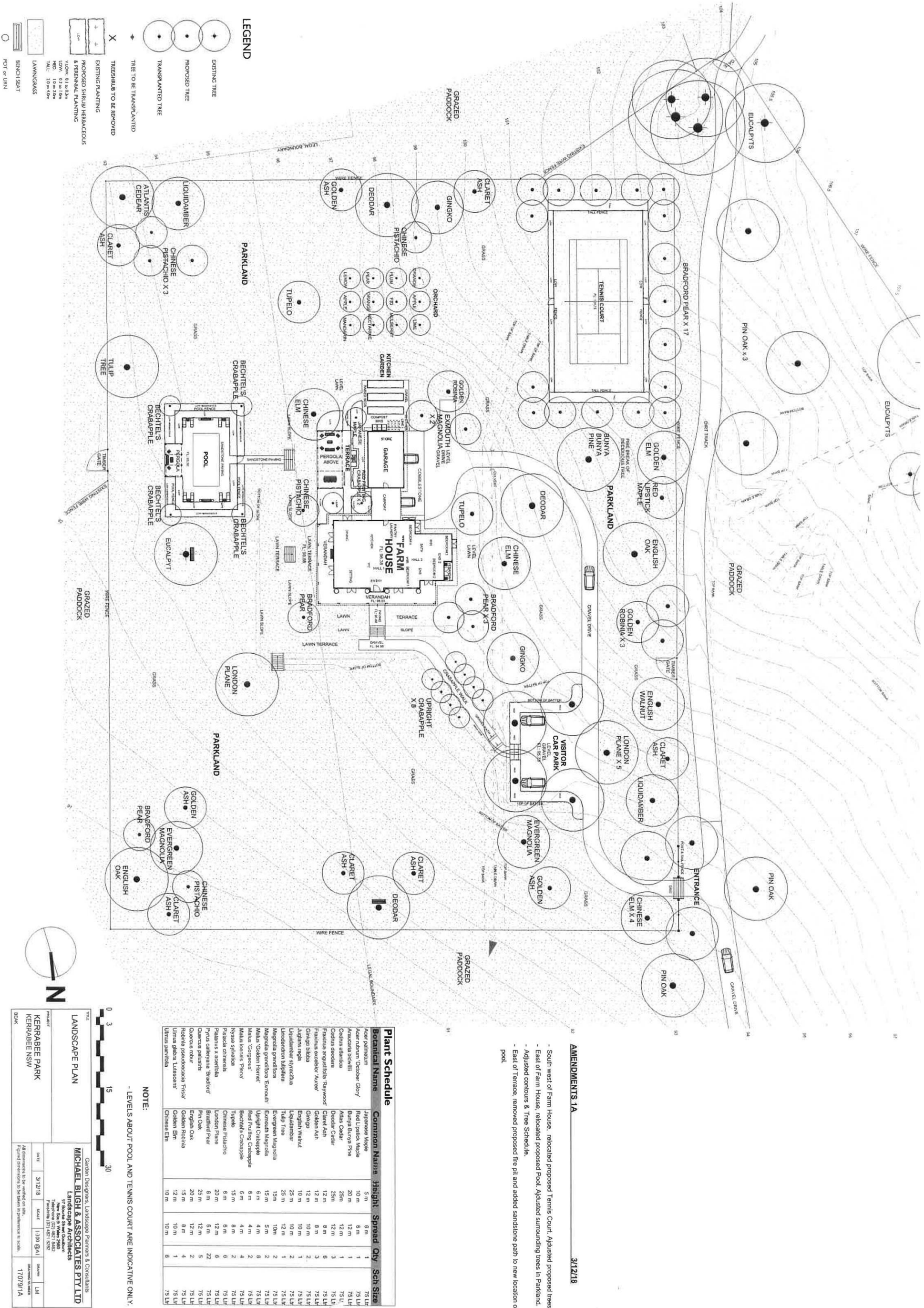
NOTE:
CONSTRUCTION OF FIREPLACE,
TO COMPLY WITH AUSTRALIAN
STANDARD SAA HB33-1992

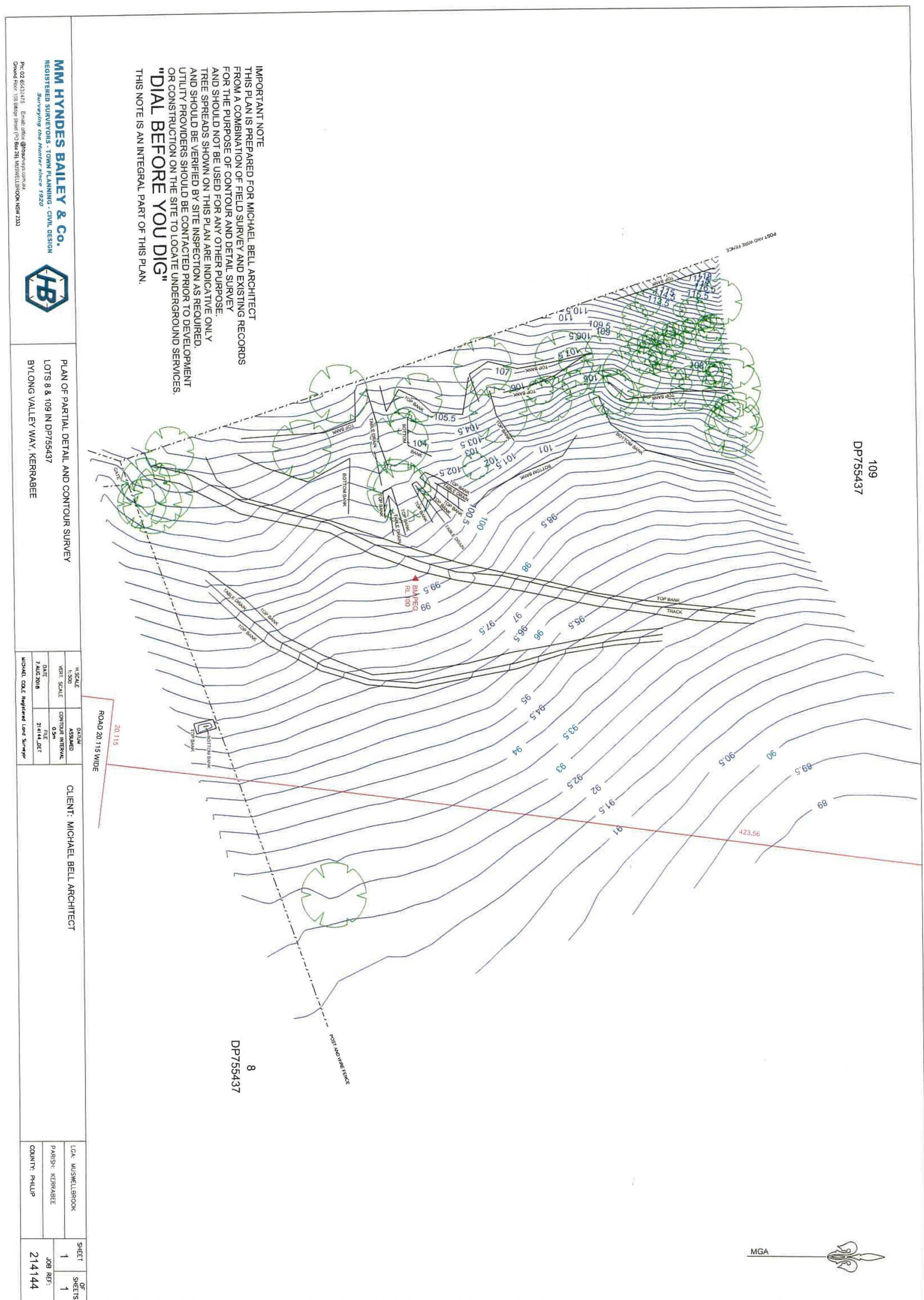


Amendments		1 Issued for to Council for DA approval		12.12.18	Date 12.12.18 FOR MR. & MRS. BEAK AT 3679 Bylong Valley Way Kerribee NSW 2328 SITTING ROOM FIREPLACE TYPICAL SECTION DRAWN DATE 12.12.18 DWG NO A13 REV NO 1
PROPOSED NEW FARM HOUSE SCALE 1:200A3 ALL DIMENSIONS TO BE VERIFIED ON THE SITE JOB NO 267		MICHAEL BELL ARCHITECTS PTY LTD C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007 TEL 02 9212 0422 FAX 02 9212 0322 REGISTERED ARCHITECTS NUMBER 6335			











BushFire Consultant Pty. Ltd.

FPA Bronze Corporate Member

34 Regent Street

New Lambton

NSW 2305

M. 0402 027 376

P. 02 4952 7376

W. bushfireconsultant.com.au

E. bushfireconsultant@gmail.com

BUSHFIRE THREAT ASSESSMENT REPORT

FOR

Pippa & David Beak

3679 Bylong Valley Way

Kerrabee

NSW 2328

Job #0349 V1.0 10/10/2018



Job #0349 V1.0



Disclaimer

The report is prepared in accordance with current accepted practice as described in Australian Standard AS 3959 - 2009 and amendments thereto "Construction of Buildings in Bushfire Prone Areas" and N.S.W. Rural Fire Services guide "Planning for Bushfire Protection 2006" and amendments thereto and other relevant regulations.

Due to the unpredictable nature of bushfires and of weather conditions at the time of a bushfire this report cannot be taken as a guarantee that the recommended bushfire mitigation measures will protect the property from damage in every possible bushfire condition or circumstance. Ultimately the responsibility is on the owner to accept the risks associated with development in or near a bushfire prone area.

This report is for the use only of Pippa & David Beak for whom it was prepared and their financial or business associates with whom they may share the report in its entirety and for no other purpose.

No responsibility is accepted for any third party who may use or rely on the whole or any part of the content of this report.

Neither the whole nor any part of this report nor any reference thereto maybe included in part or full in any way without my written approval for the form and context in which it may appear.



Barry Cleary AFSM 10/10/2018

BPAD 19741

Post Grad Dip. Design for Bushfire Prone Areas. UWS

Certificate IV Public Safety - Firefighting Supervision

BushFire Consultant Pty. Ltd.

FPA Bronze Corporate Member

34 Regent Street

New Lambton

NSW 2305

M. 0402 027 376

P. 02 4952 7376

W. bushfireconsultant.com.au

E. bushfireconsultant@gmail.com



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LIST OF ABBREVIATIONS

APZ	ASSET PROTECTION ZONE
BAL	BUSHFIRE ATTACK LEVEL (MEASURED AS kW/m ²)
BCA	BUILDING CODE OF AUSTRALIA
BFRMP	BUSHFIRE RISK MANAGEMENT PLAN
BFSA	BUSHFIRE SAFETY AUTHORITY
DA	DEVELOPMENT APPLICATION
DCP	DEVELOPMENT CONTROL PLAN
DECC	DEPARTMENT OF ENVIRONMENT AND CLIMATE CHANGE
POM	PLAN OF MANAGEMENT
EP&A ACT	ENVIRONMENTAL PLANNING & ASSESSMENT ACT
ESD	ECOLOGICALLY SUSTAINABLE DEVELOPMENT
FDI	(FOREST) FIRE DANGER INDEX (ALSO FFDI)
IPA	INNER PROTECTION AREA
kW/m ²	KILOWATTS PER SQR. METRE (being a measure of radiant heat)
LEP	LOCAL ENVIRONMENT PLAN
MSC	MUSWELLBROOK SHIRE COUNCIL
OPA	OUTER PROTECTION AREA
PBP 2006	PLANNING FOR BUSHFIRE PROTECTION 2006
RFS	RURAL FIRE SERVICE
RHF	RADIANT HEAT FLUX
ROS	RATE OF SPREAD
SEPP	STATE ENVIRONMENTAL PLANNING POLICY
SWS	STATIC WATER SUPPLY
=	EQUAL TO
<	LESS THAN
>	GREATER THAN
≤	LESS THAN OR EQUAL TO
≥	GREATER THAN OR EQUAL TO

EXECUTIVE SUMMARY

In New South Wales local councils are bound by the Environmental Planning and Assessment Act Sect 4.14 to ensure that all habitable developments in bushfire prone areas conform to 'Planning for Bushfire Protection' (NSW RFS, 2006). To determine the required levels of construction, this assessment adheres to the methodology and procedures outlined in Addendum: Appendix 3 2010 – 'Site Bushfire Attack Assessment' in Planning for Bushfire Protection (RFS, 2006) (now referred to in this report as PBP 2006).

Accordingly this report has been compiled by Mr. Barry Cleary AFSM, BPAD 19741. It will employ the empirical method of assessment for the development and its relationship with the bushland to the West using the methodology of PBP 2006 and its amended Appendix 3 and assess the development and its fabric in the context of the requirements of AS 3959-2009.

The assessment, carried out using the revised methodology, as outlined in Addendum: Appendix 3 2010 PBP 2006, concludes BAL-12.5 is the expected maximum attack level. The proposal is to construct a new Class 1A dwelling, at the address known as 3679 Bylong Valley Way, Kerrabee. NSW 2328. The calculated attack level for the West exposure is BAL-12.5. Accordingly the choice of materials and construction methods for this exposure will be compliant with AS 3959-2009 Section 5, BAL-12.5. Generally all elements used in the construction of the remainder of the proposal shall comply with AS 3959-2009 BAL-12.5 as per clause 3.5 of the standard, Reduction in Construction Requirements Due To Shielding.

Although the proposal has a potential second access, this access is not considered a safe option as it traverses heavily timbered and hilly terrain. Accordingly, the proposal cannot comply with the acceptable solution for Access Requirements as stipulated in PBP2006 Section 4.3.5. The primary access for the proposal is >200 metres from a public road but does not pass through wooded or timbered areas. This road can accommodate both responding appliances and evacuating residents simultaneously. To further mitigate the risk, the proposal will provide APZ's which will allow it to adopt a BAL-12.5 construction standard. It will also be provided with ≥20,000 L of static water supply for firefighting purposes. In recognition of the isolated nature of the proposal it will also be recommended that the water supply be connected to a ≥3kW (5hp) (minimum) petrol/diesel portable fire pump set. A 19 mm (internal diameter) fire hose and reel(s) shall be connected to the pump. Should more than 1 hose reel be required, hose lengths should be able to reach and cross over one another.

Bushfire protection measures, used in combination, will minimise the risk of bushfire attack and provide protection for emergency services personnel, residents and others assisting with firefighting activities. Accordingly recommendations have been put forward to mitigate the threat posed by possible mechanisms of attack that can be expected in the event of a fire in this bushland with certain wind conditions.

Section 6 of this report contains a detailed list of these bushfire protection measures, as well as recommendations and the reasons for them.

“It should be borne in mind that the measures contained in this standard cannot guarantee that a building will survive a bushfire event on every occasion. This is substantially due to the unpredictable nature and behaviour of fire and extreme weather conditions”

Extract from AS 3959 2009 Construction of buildings in bushfire-prone areas P.7

1.0 INTRODUCTION

SITE CADASTRE	
Determined BAL	BAL-12.5
FDI	100
Address	3679 Bylong Valley Way, Kerrabee. NSW 2328
Lot Number	109
Deposited Plan	DP755437
Area of Parcel	>10,000 m ² Approx.
LGA	Muswellbrook Shire Council (MSC)
Zoning	E3 Environmental Management
LEP & Mapping	NSW Planning Portal
10/50 Code Area	Yes
BPL Mapping	NSW Planning Portal
Fire Danger Index	100 @ 1:50 year event
Vegetation type	Forest
Canopy Height	10 - 15 Metres
Separation Distance	≥56 Metres
Effective Slope	0° upslope
Elevation	Approx. 95m AHD
Sited Visited	5/10/2018

Table 1.1 Site Cadastre

“In NSW all development on Bushfire Prone land must satisfy the aims and objectives of PBP 2006. The aim of PBP 2006 is to use the NSW development assessment system to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bushfire, while having due regard to development potential, on-site amenity and protection of the environment.” (PBP 2006 P.1)

Being mindful of the above statement, the following report has been drafted for the construction of a new Class 1A dwelling at 3679 Bylong Valley Way, Kerrabee. NSW 2328.

The proposed development is classed as ‘Infill’ and as such it is to be assessed under Sect. 4.14 of the EP&A Act. This requires compliance with Planning for Bushfire Protection 2006 (PBP 2006) and AS 3959 - 2009.

2.0 DESCRIPTION

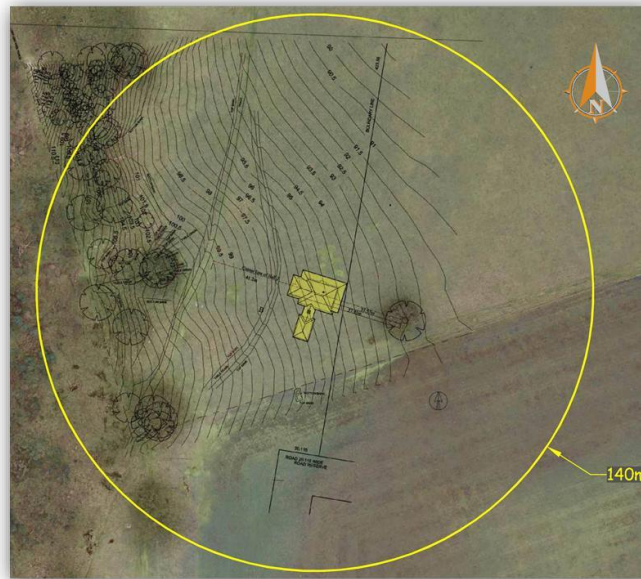


Fig. 2.1 Over-view of the site (see Appendix 1)

2.1 General Description

The yellow shaded area in the centre of the photo indicates the subject block. It is an area >10,000 m² being part of a combined holding primarily used for grazing. Situated on the Southern side of Bylong Valley Way, the subject block is part of a smaller valley which runs upslope gently from Bylong Valley Way to the South. The block is irregular in shape being part of a large grazing property with driveway access to Bylong Valley Way.

2.2 Topographic Description

Specifically, the land is described as “Undulating rises, ranging in elevation from 160 – 500 m. The slopes are smooth and generally less than 10% with lengths ranging from 100 – 250 m. There are some outcrops of sandstone. There are also narrow flat benches on sandstone with small broken scarps. Shallow valleys 20 – 40 m deep are cut into adjacent hills. Terraced sandy or gravelly alluvium occurs in the major valleys along streams. ”. (Kovak & Lawrie 1991.)

2.3 Vegetation Description

“Savannah woodlands with yellow box, forest red gum, narrow-leaved ironbark, narrow leaved apple and strands of black cypress pine. Mostly cleared in major valleys, native vegetation survives on surrounding slopes. Unimproved pastures are common with some viticulture” (Kovak & Lawrie 1991.)

3.0 BUSHFIRE PRONE LAND MAP

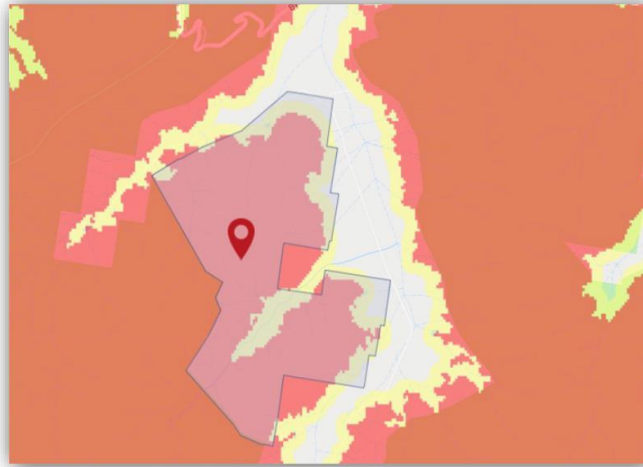
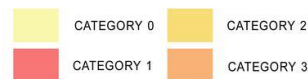


Fig. 3.1 Extract of MSC's Bushfire Prone Land Map
Note: the highlighted area denotes the approximate block location.



3.1 Category 0

Category 0 vegetation appears as the yellow layer on the map and the buffer zone which extends out away from the vegetation. Buffer distances vary in width according to the vegetation category.

3.2 Category 1

Category 1 vegetation appears as red on the map and represents forests, woodlands, heathlands, pine plantations and wetlands. Land within 100 metres of this category (indicated by the yellow layer on the map) is also captured by the Bushfire Prone Land Map due to the likelihood of bushfire attack.

3.3 Category 2

Category 2 vegetation appears as light orange on the map and represents rainforests and lower risk parcels of bushfire prone vegetation. Land within 30 metres of this category (indicated by the yellow layer on the map) is also captured by the Bushfire Prone Land Map due to the likelihood of bushfire attack.

3.4 Category 3

Category 3 vegetation appears as orange on the map and represents medium risk vegetation such as grasslands, freshwater wetlands and arid shrublands. Land within 30 metres of this category (indicated by the yellow layer on the map) is also captured by the Bushfire Prone Land Map due to the likelihood of bushfire attack.

3.5 Context of the map

The map is generally in accordance with the vegetation communities found in the Area.

4.0 PHOTOGRAPHIC REVIEW OF THE LOCALITY



Fig. 4.1 View to the North



Fig. 4.2 View to the South



Fig. 4.3 View to the East



Fig. 4.4 View to the West



Fig. 4.5 View of vegetation community to the West extending to the North



Fig. 4.6 View of vegetation community to the West looking West



Fig 5.2 View showing the slope

5.0 METHODOLOGY

Determination of Bushfire Attack Level (BAL) shall follow the Site Assessment Methodology found in Addendum: Appendix 3 2010 PBP 2006. A3.5 sets out the following:

1. Determine all vegetation formations within 140m of the development
2. Determine the distance between each formation and the edge of the building
3. Determine the effective slope under each vegetation group
4. Determine the relevant FDI for the council area in which the development is to take place
5. Match the relevant FDI, vegetation group, separation distance and the effective slope using the relevant tables found in AS 3959 2009 Section 2.

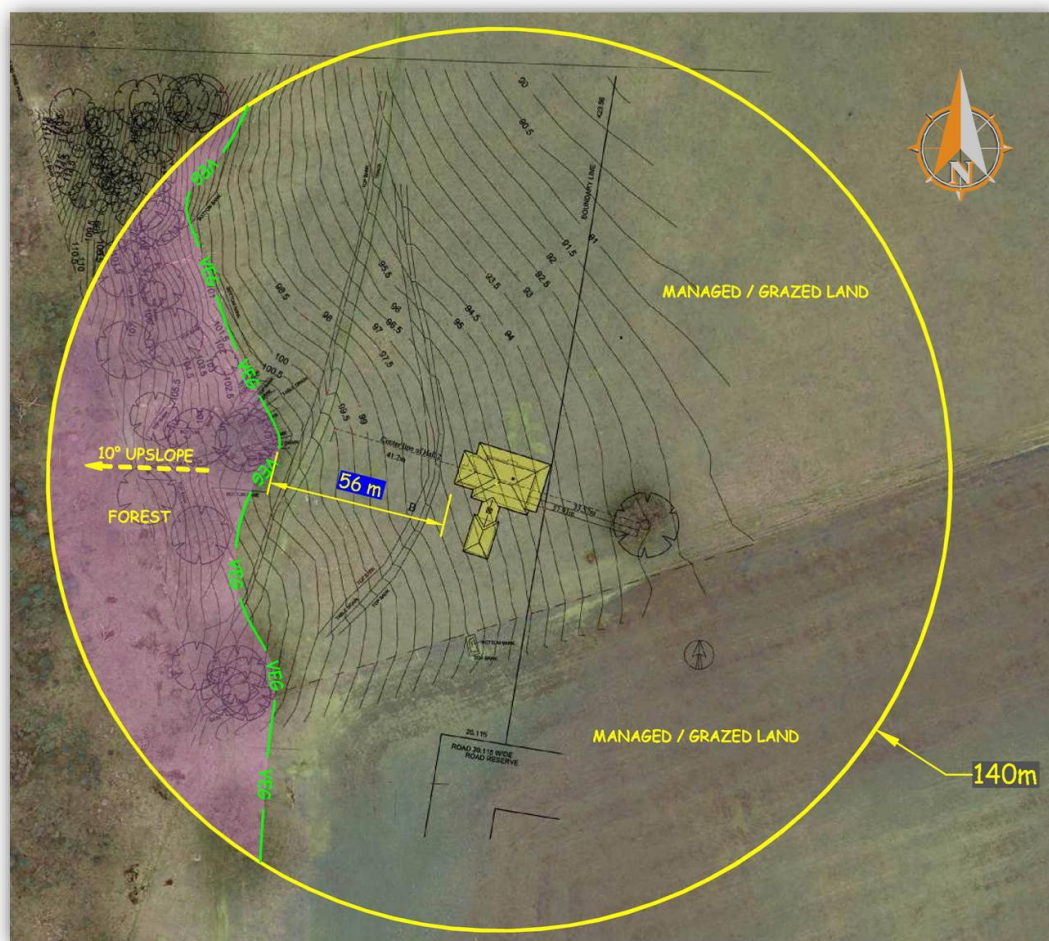


Fig 5.1 Vegetation formations within 140 m (See Appendix 1)

5.1 Threat Assessment West

Summary Threat Assessment Data West		
1	Determine all vegetation formations within 140m of the development	Forest - Trees over 10-20 m high; 30–70% foliage cover (may include understorey ranging from rainforest and tree ferns to low trees and tall shrubs). Typically dominated by eucalypts. (AS 3959-2009 Table 2.3)
2	Determine the distance between each formation and the edge of the building	Typically ≥ 56 metres
3	Determine the effective slope under each vegetation group	Typically 0° - upslope
4	Determine the relevant FDI for the council area	FDI = 100 (PBP 2006)
5	Match the relevant FDI, vegetation group, separation distance and the effective slope using the relevant tables found in AS 3959 2009 Section 2.	BAL-12.5

Table 5.1 Summary of Threat Assessment West

Determination of Bushfire attack level (BAL) - FDI 100 (1090K)					
	BAL-FZ	BAL-40	BAL-29	BAL-19	BAL-12.5
Vegetation Classification	Distance (m) of site from the predominant vegetation class				
	All upslopes and flat land (0 degrees)				
A. Forest	<19	19-<25	25-<35	35-<48	48-<100
B. Woodland	<12	12-<16	16-<24	24-<33	33-<100
C. Shrubland	<7	7-<9	9-<13	13-<19	19-<100
D. Scrub	<10	10-<13	13-<19	19-<27	27-<100
E. Mallee/Mulga	<6	6-<8	8-<12	12-<17	17-<100
F. Rainforest	<8	8-<11	11-<16	16-<23	23-<100
G. Grassland	<6	6-<9	9-<13	13-<19	19-<50

Table 5.2 Extract from AS 3959-2009 Table 2.4.2

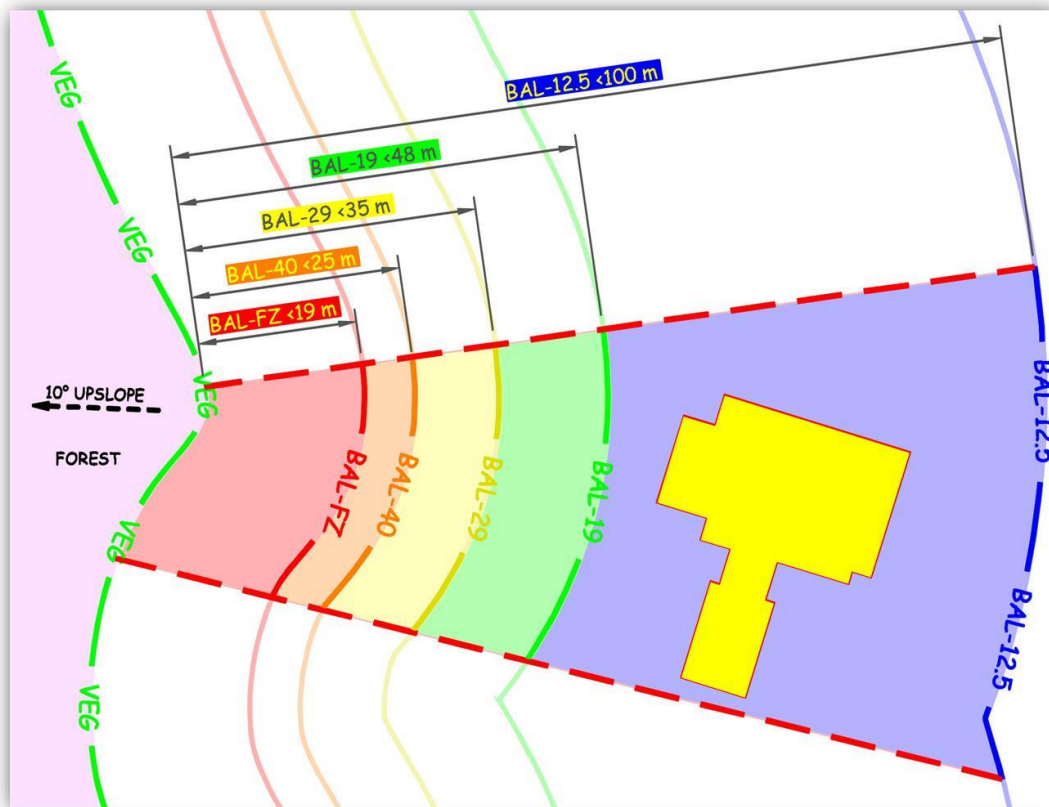


Fig 5.3 Threat assessment output demonstrated as a BAL-Map (see Appendix 1)

Fig. 5.3 above shows the output of the threat assessment. It clearly shows the proposed structure (red border/yellow fill) is in the BAL-12.5 zone. This diagram also illustrates the importance of maintaining the current separation distances. Since all exposed elevations are to be constructed to BAL-12.5 it is critical that the APZ be maintained. If the APZ is allowed to diminish due to poor maintenance, the BAL graduations will effectively move toward the dwelling with the West elevation possibly being subjected to a radiant heat flux beyond its design capacity.

5.2 Fire History

An inspection of the adjacent bushland revealed no indication of wild fire in this bushland in the past 25 years. Small low intensity fires may have occurred in the area occasionally. This will have had an indirect effect of hazard reduction in the existing bushland.

The last major bushfire in this area was in December 2015 (Newcastle Herald) It burned 27 ha of bushland East of the Kerrabee homestead.

6.0 BUSHFIRE PROTECTION MEASURES & RECOMMENDATIONS

The overall intention of bushfire protection measures should be to prevent flame contact to a structure, reduce radiant heat to below the ignition thresholds for various elements of a building, to minimise the potential for wind driven embers to cause ignition and reduce the effects of smoke on residents and firefighters. (*PBP 2006 P.70*)

There are six bushfire protection measures that can be used to reduce the attack mechanisms of a bushfire. They are:

-  Asset Protection Zones
-  Siting and design
-  Construction standards
-  Access requirements
-  Water and utility services
-  Landscaping

Each of these mechanisms work in combination to achieve a resilient development. The following section describes how the proposal will address each of these measures.

6.1 Asset Protection Zones (APZ)

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
The intent may be achieved where:	
<i>In relation to APZ's</i>	APZ is determined in accordance with Appendix 2
A defensible space is provided on site.	
An APZ is provided and maintained for the life of the development	
Performance Criteria met?	Yes

"Often referred to as a fire protection zone. Its aim is to protect human life, property and highly valued public assets and values. It is an area surrounding a development, managed to reduce the bushfire hazard to an acceptable level. The width of the APZ will vary with slope, vegetation and construction level. The APZ, consists of an area maintained to achieve minimal fuel loads and for subdivision, comprising a combination of perimeter road, fire trail, rear yard or a reserve, so that a fire path is not created between the hazard and the building." (PBP 2006)

The proposal is effectively situated downslope from the bushfire threat. It will have separation from the threat via a mowed and managed grassed area ≥ 56 m in length. This area will be managed as an inner protection area for the life of the development.

The minimum APZ stipulated by PBP 2006 (table A2.4) for Forest with a 0° to upslope is 20 metres. This proposal exceeds this criteria (see Table 5.1 this report).

6.2 Siting and Design

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
The intent may be achieved where:	
<i>In relation to Siting and design</i>	Buildings are designed and sited in accordance with the siting and design principles in chapter 4 PBP 2006
Buildings are sited and designed to minimise the risk of bushfire attack	
Performance Criteria met?	Yes

The design of a building can be of critical importance in terms of the potential for accumulation of debris and exposure of the building to bushfire attack. The bushfire mechanisms that will be prominent will be some radiant heat, wind, smoke and embers.

The design employs simplified geometry. This helps prevent leaf litter and debris buildup in re-entrant corners and the subsequent ignition of this debris from piloted ignition. The external fabric of the proposal which has an exposure to the bushfire threat shall consist of building elements which are compliant with BAL-12.5.

Overall the siting and design can improve the outcome for the proposed dwelling in the event of a bushfire.

6.3 Construction Standards

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
The intent may be achieved where:	
<i>In relation to Construction Standards</i>	Construction determined in accordance with Addendum: Appendix 3 2010 and the requirements for attached garages and other structures in this section
It is demonstrated that the proposed building can withstand bushfire attack in the form of wind, smoke, embers, radiant heat and flame contact.	
Performance Criteria met?	Yes

Since the proposal is to construct a new Class 1A dwelling, it must conform to the performance criteria of PBP 2006 4.3.5. Accordingly the proposed new works shall comply with AS 3959-2009 Section 5, BAL-12.5 for all the exposed elevations of the structure. The remainder of the proposal shall be constructed to the requirements of AS 3959-2009 Section 5, BAL-12.5. This provision is in accordance with AS 3959-2009 Section 3.5 'Reduction in Construction Requirements Due to Shielding'.

The owner/builder should consult the actual standard before commencing construction. As stated previously in this report, construction of exposed facades to AS 3959-2009 Section 5, BAL-12.5 will increase the structure's survivability in the event of a bushfire attack.

Generally the structure shall be constructed from a selection of materials which comply with the prescribed requirements of AS 3959 2009. Appendix 3 of this report is an abridged version of AS 3959-2009 BAL-12.5 requirements. It is a guide only and a full reading of the standard should be undertaken by the builder before commencement of construction.

Elevation / Exposure	Minimum Construction Standard
North	BAL-12.5
South	BAL-12.5
East	BAL-12.5
West	BAL-12.5

Table 6.1 Construction standard for each elevation

6.4 Access Requirements

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
The intent may be achieved where:	
<i>In relation to access requirements</i>	Compliance with PBP 2006 Sect. 4.1.3 for property access roads
Safe operational access is provided (and maintained) for emergency services personnel engaged in suppressing a bushfire while residents are seeking to relocate, in advance of a bushfire.	
Performance Criteria met?	No

It is the aim of this requirement to provide safe operational access for emergency services personnel in suppressing a bushfire, while residents are accessing or egressing an area.

PBP 2006 Section 4.3.5 sets out the performance criteria and acceptable solutions for infill development. In relation to access requirements, satisfying the intent and performance criteria of section 4.1.3 is the acceptable solution for property access. PBP 2006 4.1.3 Access (2) requires at least one alternative property access road be provided for individual dwellings that are located more than 200 metres from a public through road. The proposal is approximately 2.7 kilometres from the Bylong Valley Way which is the nearest public road. This proposal does have access to an alternative access. This is the Kerrabee Trail. This track traverses extremely heavily forested and hilly terrain for a distance of approximately six kilometres to the Widden Valley. For this reason it is not considered an acceptable alternative.

The existing primary access route is an all weather road which:

- 🔥 has no water crossings
- 🔥 has a minimum carriageway of ≥4 metres
- 🔥 has numerous passing opportunities
- 🔥 does not pass through any heavily wooded or forested areas
- 🔥 has no vertical clearance issues
- 🔥 all curves have an inner radius >6 metres and outer radius >12 metres

🔥 has grades $\leq 5^\circ$

The following photos illustrate the existing road from the proposal to Bylong Valley Way.



Fig 6.1 The existing road



Fig 6.2 The existing road



Fig 6.3 The existing road



Fig 6.4 The existing road



Fig 6.5 The existing road

Vehicular access to the property is available to both light and heavy (firefighting) vehicles. There will be good access around the periphery of the dwelling for emergency personnel to lay out hoses and other firefighting equipment. The property will offer safe refuge for firefighters and occupants in and around the dwelling depending on the direction of the attack.

Bylong Valley Way is a major thoroughfare road which connects Denman with Rylstone.

This address is in Baerami RFS operational area. This station is an RFS Fire Station. It is 26 km from the subject block. It is 25 min drive time and about 35 - 40 min response time depending on staff availability. This is a Volunteer Station i.e. they have a combined staff of approx. 20 Firefighters who only attend the station for calls and drills. At other times the station is unmanned.

This next nearest station is Bylong RFS. It is 28 km from the subject block. It is approximately 28 min drive time and about 30-40 min response time depending on staff availability. This is a Volunteer Station i.e. they have a combined staff of approx. 20 Firefighters who only attend the station for calls and drills. At other times the station is unmanned.

6.5 Water and Utilities

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
The intent may be achieved where:	
<i>In relation to Water and utilities</i>	Compliance with PBP 2006 Sect. 4.1.3 for water and utilities
Adequate water supplies and electricity services are provided for firefighting operations	
Gas & electricity services are located so as to not contribute to the risk of fire to a building	
Performance Criteria met?	Yes

It is the aim of this measure to provide adequate water services for the protection of buildings during and after the passage of a bushfire, to locate gas and electricity so as not to contribute to the risk of fire to buildings.

Section 6.4 of this report Although the proposal has a potential second access, this access is not considered a safe option as it traverses heavily timbered and hilly terrain. Accordingly, proposal cannot comply with the acceptable solution for Access Requirements as stipulated in PBP2006 Section 4.3.5. The primary access for the proposal is >200 metres from a public road but does not pass through wooded or timbered areas. This road can accommodate both responding appliances and evacuating residents simultaneously. To further mitigate the risk, the proposal will provide APZ's which will allow it to adopt a BAL-12.5 construction standard. It will also be provided with ≥20,000 L of static water supply for firefighting purposes. In recognition of the isolated nature of the proposal it will also be recommended that the water supply be connected to a ≥3kW (5hp) (minimum) petrol/diesel portable fire pump set. A 19 mm (internal diameter) fire hose and reel(s) shall be connected to the pump. Should more than 1 hose reel be required, hose lengths should be able to reach and cross over one another.

Occupants are to conduct regular drills with the pump set to ensure operational readiness.

Electricity supply is aerial, and will not hinder bushfire fighting operations.

Any proposed gas service, either natural gas or bottled LPG, shall be provided in accordance with the following recommendations:

reticulated or bottled gas is installed and maintained in accordance with AS 1596 and the requirements of relevant authorities. Metal piping is to be used.

all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on the hazard side of the installation.







If gas cylinders need to be kept close to the building, the release valves are directed away from the building and at least 2 metres away from any combustible material, so that they do not act as a catalyst to combustion. Connections to and from gas cylinders are to be metal.

polymer sheathed flexible gas supply lines to gas meters, adjacent to buildings, are not to be used.




6.6 Landscaping

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTION
The intent may be achieved where:	
<i>In relation to landscaping</i>	Compliance with PBP 2006 Appendix 5
It is designed and managed to minimise flame contact and radiant heat to buildings, and the potential for wind driven embers to cause ignitions.	
Performance Criteria met?	Yes

The principles of landscaping for bush fire protection aim to:

-  Prevent flame impingement on the dwelling:
-  Provide a defensible space for property protection:
-  Reduce fire spread:
-  Deflect and filter embers:
-  Provide shelter from radiant heat: and
-  Reduce wind speed.

These principles are achieved by:

-  Removal of flammable materials from around the house
-  Breaking up fuel continuity
-  Careful selection, placement and continued maintenance of trees

The proposed gardens and grass areas should be well maintained. Gardens should be planned to take advantage of species with a higher moisture content.

Once established, gardens will require regular maintenance to ensure maximum fire resistance. Fallen leaf litter and overhanging branches should be removed as soon as possible.

Shrubbery that is in contact with the dwelling should be maintained to avoid wicking of any fire to the structure.

Appendix 2 provides detailed maintenance and planting strategies for bushfire prone areas.

6.7 Recommendations

List of recommendations	
North elevation	Compliance with requirements of AS 3959 2009 Section 5 BAL-12.5
South elevation	Compliance with requirements of AS 3959 2009 Section 5 BAL-12.5
East elevation	Compliance with requirements of AS 3959 2009 Section 5 BAL-12.5
West elevation	Compliance with requirements of AS 3959 2009 Section 5 BAL-12.5
Proposed gardens to be maintained as per Appendix 2 and kept free of litter.	
Provide functioning garden hoses long enough to cross over each other, to each principle corner of the structure i.e. 4 hoses with nozzles.	
This is an isolated rural development > 10,000 m ² . No reticulated water supply is available. Accordingly the proposal shall provide a ≥20,000 litre firefighting capacity in accordance with PBP 2006 Table 4.2. This capacity can be comprised of dams, swimming pools, tanks or other static sources (RFS Fast Fact 3/08). Tanks shall have a 65 mm storz fitting with a gate or ball valve shutoff. The supply can be plumbed into the domestic supply, conditional on a mechanism or method preventing the domestic use from using the firefighting capacity. The tank shall be non-combustible and on the non hazard side of the block. It shall have a hardstand all-weather road allowing a 15 tonne water tanker to within 4 metres of the tank. All above ground piping shall be metal.	
Underground tanks shall have an access hole of 200 mm to allow a 15 tonne water tanker to refill directly from the tank. A hardened ground surface for appliance access is to be supplied within 4 metres of the access hole. If the topography allows, a gravity fed standpipe fitted with a shutoff valve and 65mm storz fitting may be used. The stand pipe shall be on the non hazard side if the structure not less than 10 metres from the dwelling.	
Provide a 3kW (5hp) (minimum) petrol/diesel portable fire pump set shall be made available to the water supply. A 19 mm (internal diameter) fire hose and reel(s) shall be connected to the pump. Should more than 1 hose reel be required, hose lengths should be able to reach and cross over one another. Occupants are to conduct regular drills with the pump set to ensure operational readiness.	
Place an SWS (Static Water Supply) sign in a prominent position near the front entrance to the property to alert responding firefighters to the presence of a firefighting water supply. An SWS marker should also be affixed adjacent to the most appropriate access for the water supply.	
All above ground water and gas pipes shall be metal.	
Gas cylinders, piping and fittings shall comply with AS 1596:2008. Relief vents shall be faced away from the structure.	
Provide a 4.5Kg Dry Chemical Powder (DCP) extinguisher. Provide a fire blanket in the vicinity of cooking appliances.	
Develop an appropriate emergency bushfire action plan. Additional information can also be found on either http://www.fire.nsw.gov.au/page.php?id=883 or http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=4074	

Table 6.2 Recommendations

7.0 CONCLUSION

The proposed development is classed as 'Infill' and as such it is to be assessed under Sect. 4.14 of the EP&A Act. Because of the subject property's location in relationship to the bushfire threat and its position on the MSC's "Bushfire Prone Land Map", the proposal must conform to PBP 2006 and AS 3959 2009.

Although the proposal has a potential second access, this access is not considered a safe option as it traverses heavily timbered and hilly terrain. Accordingly, proposal cannot comply with the acceptable solution for Access Requirements as stipulated in PBP2006 Section 4.3.5. The primary access for the proposal is >200 metres from a public road but does not pass through wooded or timbered areas. This road can accommodate both responding appliances and evacuating residents simultaneously. To further mitigate the risk, the proposal will provide APZ's which will allow it to adopt a BAL-12.5 construction standard. It will also be provided with ≥20,000 L of static water supply for firefighting purposes. In recognition of the isolated nature of the proposal it is also recommended that the water supply be connected to a ≥3kW (5hp) (minimum) petrol/diesel portable fire pump set. A 19 mm (internal diameter) fire hose and reel(s) shall be connected to the pump. Should more than 1 hose reel be required, hose lengths should be able to reach and cross over one another..

The analysis of the development indicates BAL-12.5 for the West elevation. The remainder of the proposal, may be constructed to BAL-12.5. This is as per AS 3959-2009 Clause 3.5. 'Reduction in Construction Requirements Due to Shielding'.

The implementation of Bushfire Protection Measures, as set-out in PBP 2006 and detailed within this report, must improve the outcome for the occupants, firefighters and the structure itself.

The recommendations in Section 6.7 of this report will enhance the chances of occupant and building survival as well as outcomes for adjacent neighbours. It does not increase the fire management and maintenance responsibility of its neighbours.

It is the aim of this report to provide for the protection of human life (including firefighters) and to minimise impacts on the proposal from the threat of bushfire, while having due regard to development potential, on-site amenity and protection of the environment. (PBP 2006 P.1)

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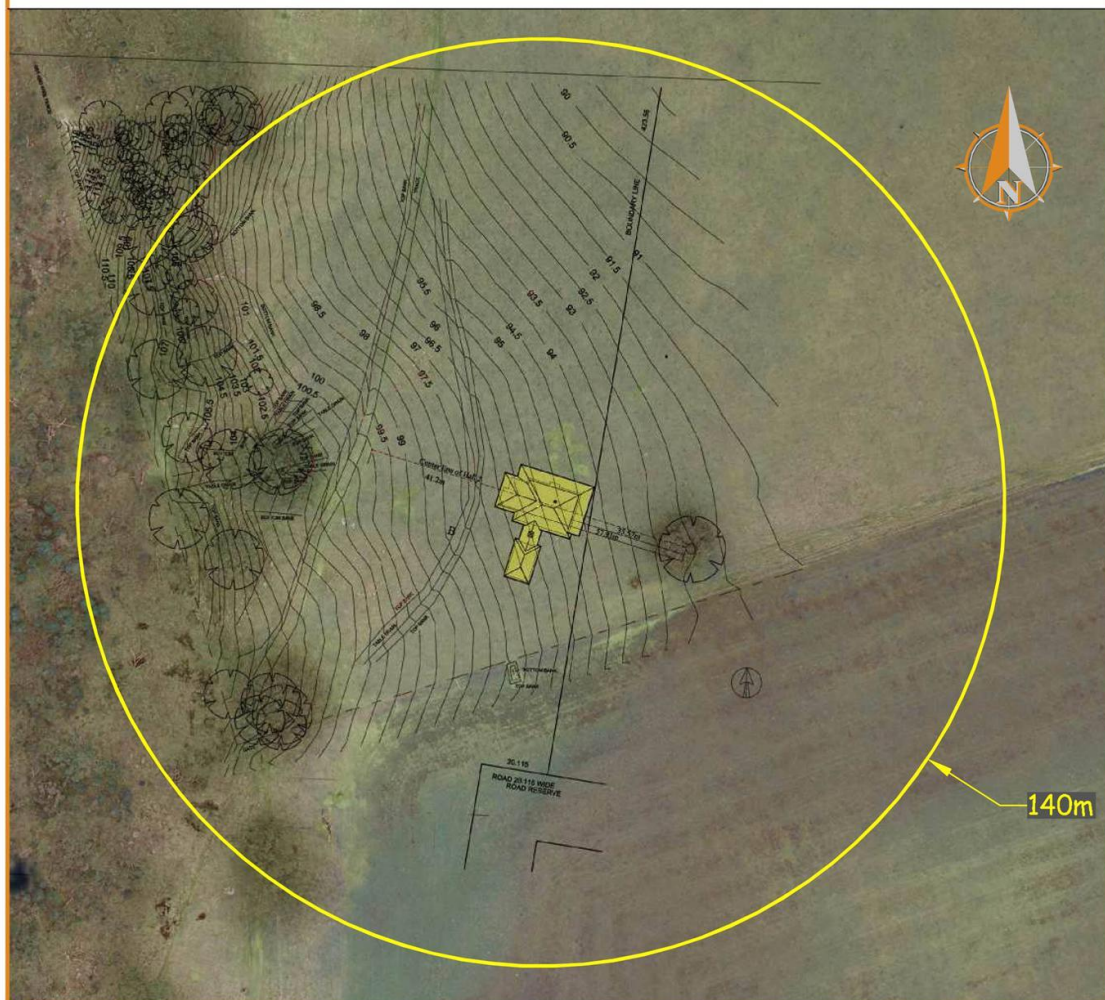
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All measurements and slopes determined on site using Nikon Forestry Pro Range finding Hypsometer.

APPENDIX 1



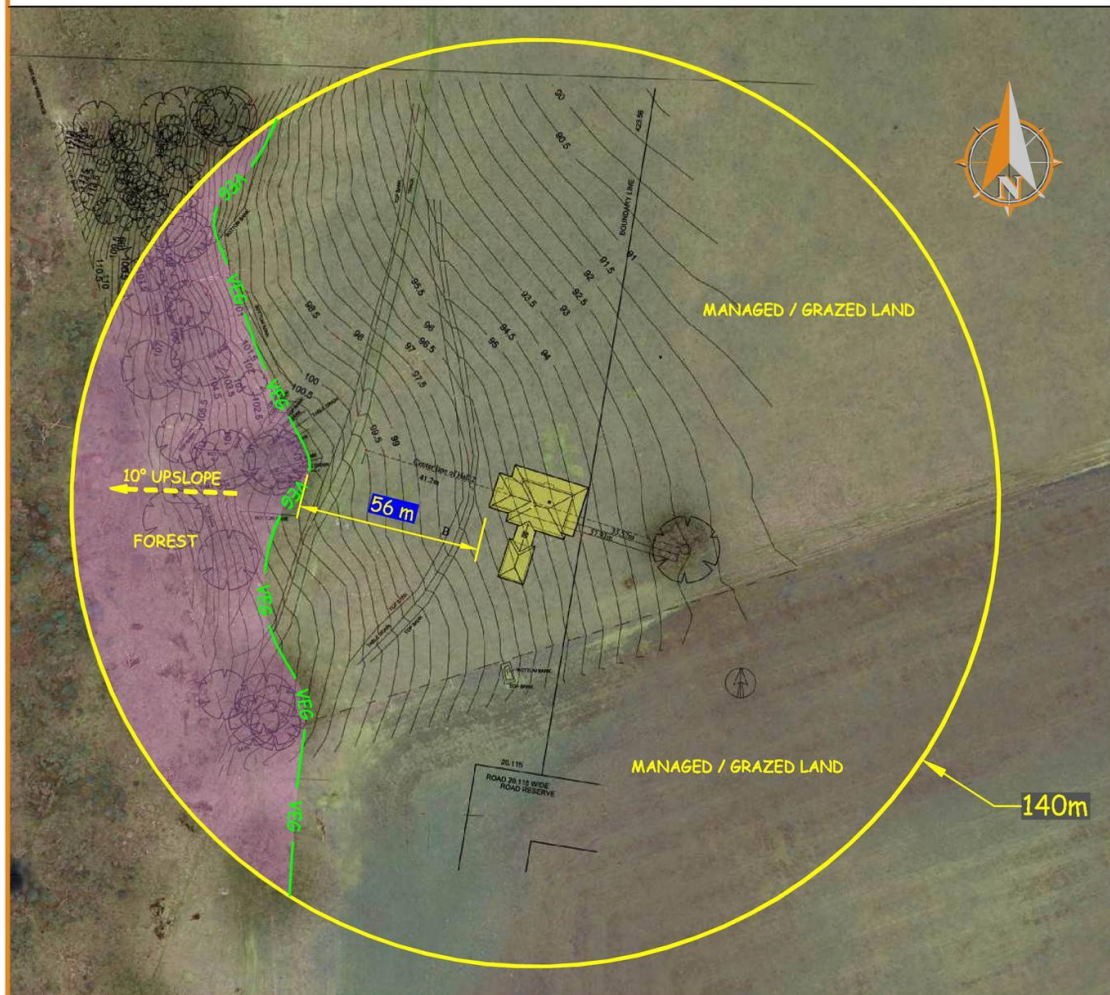
SITE OVERVIEW 140m
NOT TO SCALE

Drawn by: BJC
Not to scale
06-10-2018

Note: This drawing is indicative only. It does not purport to be a surveyed work nor does it constitute a surveyed work. Bushfire Consultant Pty Ltd assumes no responsibility for any reliance on this as a surveyed work.

 BushFire CONSULTANT BUSHFIRE THREAT ASSESSMENT REPORTS PRE-PURCHASE INSPECTION REPORTS BUSHFIRE ATTACK LEVEL MAPPING T: 02 4952 7376 F: 02 4957 9476 M: 0402 027 376 E: bushfireconsultant@gmail.com		3679 Bylong Valley Way Kerrabee NSW 2328	
		Site Overview to 140 m	
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Date:	Version	Sheet	
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APPENDIX 1

**VEGETATION & SLOPE ANALYSIS TO 140m**

NOT TO SCALE

VEGETATION ASSESSED USING AS 3959-2009

VEGETATION ASSESSED WITHIN 140M OF THE SITE.

ALL SLOPES RELATIONAL TO THE SUBJECT SITE.

PREDOMINANT VEGETATION ASSESSED AS FOREST

CANOPY = 15 - 20m HIGH
SOME INDIVIDUALS ≥ 25 m

DOMINANT SPECIES = EUCALYPTS

UNDERSTOREY = ACACIA AND OTHER SPECIES

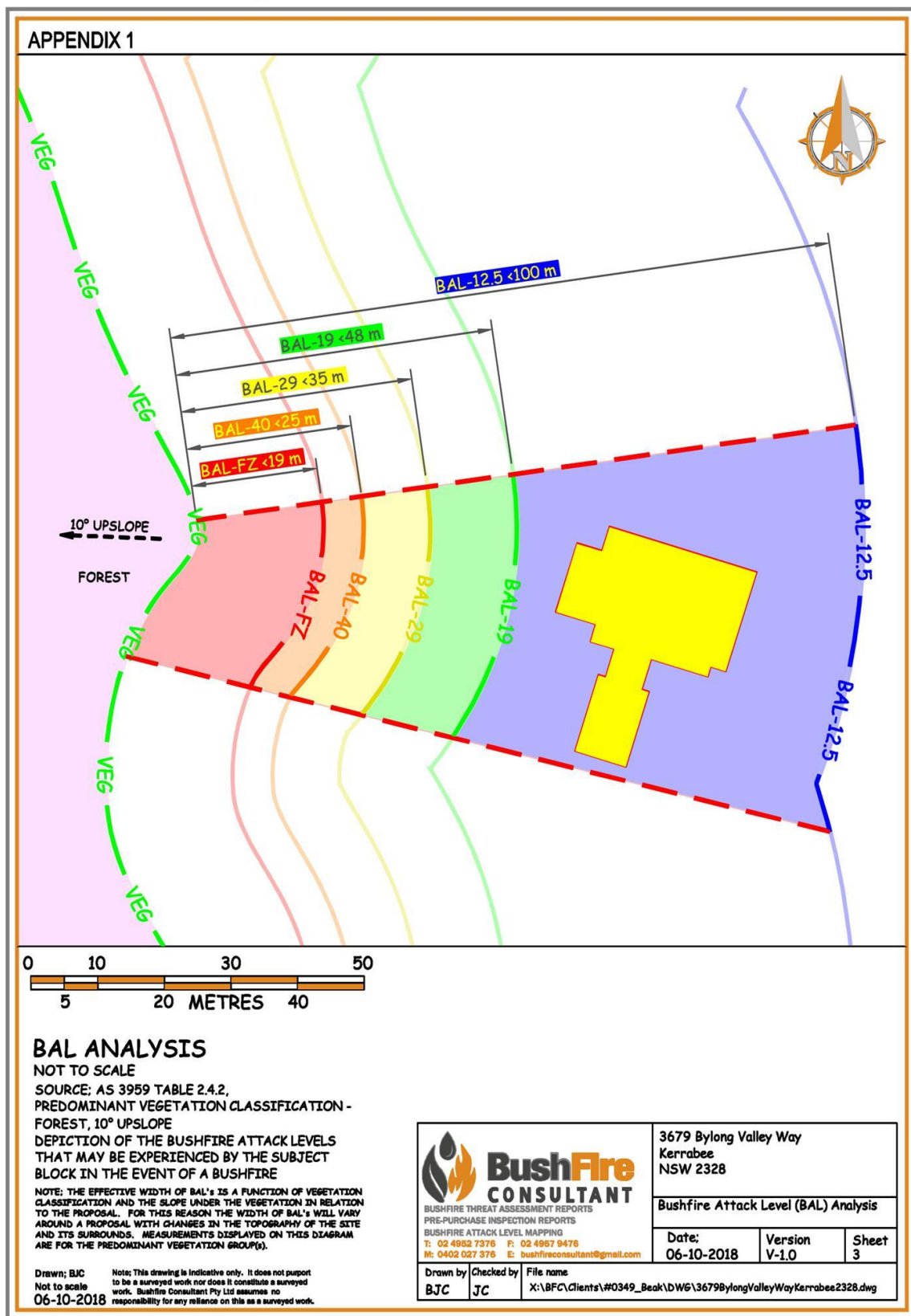
GROUND COVER = MIXTURE OF NATIVE
SPECIES AND GRASSESDrawn by: BJC
Not to scale
06-10-2018

Note: This drawing is indicative only. It does not purport to be a surveyed work nor does it constitute a surveyed work. Bushfire Consultant Pty Ltd assumes no responsibility for any reliance on this as a surveyed work.

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BUSHFIRE ATTACK LEVEL MAPPING
T: 02 4952 7376 F: 02 4957 9476
M: 0402 027 376 E: bushfireconsultant@gmail.com3679 Bylong Valley Way
Kerrabee
NSW 2328

Vegetation & Slope Analysis to 140 m

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APPENDIX 2

standards

for asset protection zones

protection

NSW RURAL FIRE SERVICE



APPENDIX 2**STANDARDS FOR ASSET PROTECTION ZONES**

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WHERE SHOULD I PUT AN APZ?	4
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APPENDIX 2

INTRODUCTION

For thousands of years bush fires have been a natural part of the Australian landscape. They are inevitable and essential, as many Australian plants and animals have adapted to fire as part of their life cycle.

In recent years developments in bushland areas have increased the risk of bush fires harming people and their homes and property. But landowners can significantly reduce the impact of bush fires on their property by identifying and minimising bush fire hazards. There are a number of ways to reduce the level of hazard to your property, but one of the most important is the creation and maintenance of an Asset Protection Zone (APZ).

A well located and maintained APZ should be used in conjunction with other preparations such as good property maintenance, appropriate building materials and developing a family action plan.

WHAT IS AN ASSET PROTECTION ZONE?

An Asset Protection Zone (APZ) is a fuel reduced area surrounding a built asset or structure. This can include any residential building or major building such as farm and machinery sheds, or industrial, commercial or heritage buildings.

An APZ provides:

- a buffer zone between a bush fire hazard and an asset;
- an area of reduced bush fire fuel that allows suppression of fire;
- an area from which backburning may be conducted; and
- an area which allows emergency services access and provides a relatively safe area for firefighters and home owners to defend their property.

Potential bush fire fuels should be minimised within an APZ. This is so that the vegetation within the planned zone does not provide a path for the transfer of fire to the asset either from the ground level or through the tree canopy.

WHAT WILL THE APZ DO?

An APZ, if designed correctly and maintained regularly, will reduce the risk of:

- direct flame contact on the asset;
- damage to the built asset from intense radiant heat; and
- ember attack on the asset.

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WHERE SHOULD I PUT AN APZ?

An APZ is located between an asset and a bush fire hazard.

The APZ should be located wholly within your land. You cannot undertake any clearing of vegetation on a neighbour's property, including National Park estate, Crown land or land under the management of your local council, unless you have written approval.

If you believe that the land adjacent to your property is a bush fire hazard and should be part of an APZ, you can have the matter investigated by contacting the NSW Rural Fire Service (RFS).

There are six steps to creating and maintaining an APZ. These are:

1. Determine if an APZ is required;
2. Determine what approvals are required for constructing your APZ;
3. Determine the APZ width required;
4. Determine what hazard reduction method is required to reduce bush fire fuel in your APZ;
5. Take measures to prevent soil erosion in your APZ; and
6. Landscape and regularly monitor in your APZ for fuel regrowth.

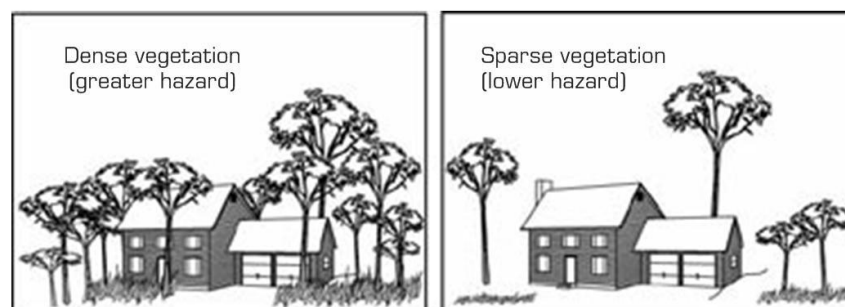
STEP 1. DETERMINE IF AN APZ IS REQUIRED

Recognising that a bush fire hazard exists is the first step in developing an APZ for your property.

If you have vegetation close to your asset and you live in a bush fire prone or high risk area, you should consider creating and maintaining an APZ.

Generally, the more flammable and dense the vegetation, the greater the hazard will be. However, the hazard potential is also influenced by factors such as slope.

- A large area of continuous vegetation on sloping land may increase the potential bush fire hazard.
- The amount of vegetation around a house will influence the intensity and severity of a bush fire.
- The higher the available fuel the more intense a fire will be.



Isolated areas of vegetation are generally not a bush fire hazard, as they are not large enough to produce fire of an intensity that will threaten dwellings.

This includes:

- bushland areas of less than one hectare that are isolated from large bushland areas; and
- narrow strips of vegetation along road and river corridors.

If you are not sure if there is a bush fire hazard in or around your property, contact your local NSW Rural Fire Service Fire Control Centre or your local council for advice.

APPENDIX 2

STEP 2. DETERMINE WHAT APPROVALS ARE REQUIRED FOR CONSTRUCTING YOUR APZ

If you intend to undertake bush fire hazard reduction works to create or maintain an APZ you must gain the written consent of the landowner.

Subdivided land or construction of a new dwelling

If you are constructing an APZ for a new dwelling you will need to comply with the requirements in *Planning for Bushfire Protection*. Any approvals required will have to be obtained as part of the Development Application process.

Existing asset

If you wish to create or maintain an APZ for an existing structure you may need to obtain an environmental approval. The RFS offers a free environmental assessment and certificate issuing service for essential hazard reduction works. For more information see the RFS document *Application Instructions for a Bush Fire Hazard Reduction Certificate* or contact your local RFS Fire Control Centre to determine if you can use this approval process.

Bear in mind that all work undertaken must be consistent with any existing land management agreements (e.g. a conservation agreement, or property vegetation plan) entered into by the property owner.

If your current development consent provides for an APZ, you do not need further approvals for works that are consistent with this consent.

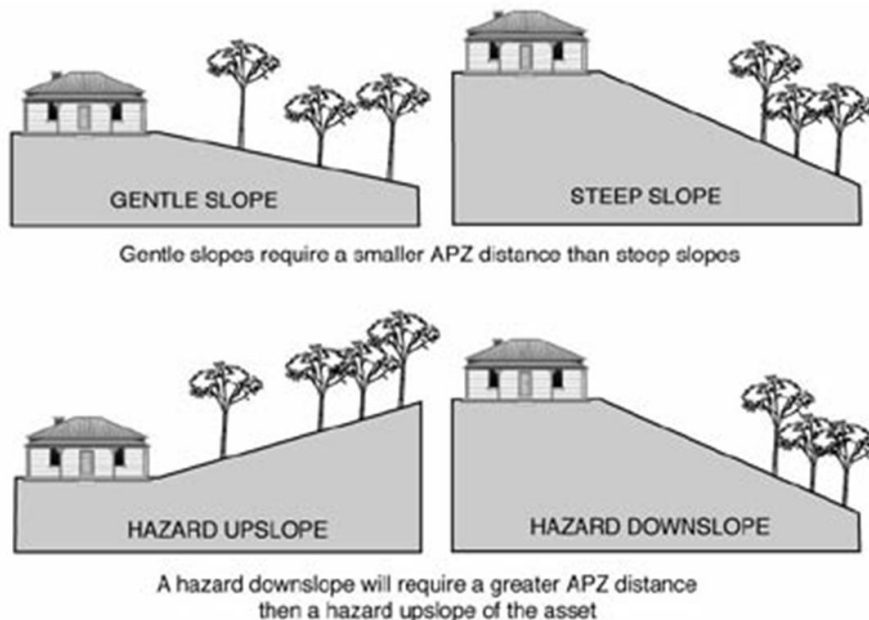
If you intend to burn off to reduce fuel levels on your property you may also need to obtain a Fire Permit through the RFS or NSW Fire Brigades. See the RFS document *Before You Light That Fire* for an explanation of when a permit is required.

STEP 3. DETERMINE THE APZ WIDTH

The size of the APZ required around your asset depends on the nature of the asset, the slope of the area, the type and structure of nearby vegetation and whether the vegetation is managed.

Fires burn faster uphill than downhill, so the APZ will need to be larger if the hazard is downslope of the asset.

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Different types of vegetation (for example, forests, rainforests, woodlands, grasslands) behave differently during a bush fire. For example, a forest with shrubby understorey is likely to result in a higher intensity fire than a woodland with a grassy understorey and would therefore require a greater APZ width.

A key benefit of an APZ is that it reduces radiant heat and the potential for direct flame contact on homes and other buildings. Residential dwellings require a wider APZ than sheds or stockyards because the dwelling is more likely to be used as a refuge during bush fire.

Subdivided land or construction of a new dwelling

If you are constructing a new asset, the principles of *Planning for Bushfire Protection* should be applied. Your Development Application approval will detail the exact APZ distance required.

Existing asset

If you wish to create an APZ around an existing asset and you require environmental approval, the Bush Fire Environmental Assessment Code provides a streamlined assessment process. Your Bush Fire Hazard Reduction Certificate (or alternate environmental approval) will specify the maximum APZ width allowed.

For further information on APZ widths see *Planning for Bushfire Protection* or the *Bush Fire Environmental Assessment Code* (available on the RFS website), or contact your local RFS Fire Control Centre.

STEP 4. DETERMINE WHAT HAZARD REDUCTION METHOD IS REQUIRED TO REDUCE BUSH FIRE FUEL IN YOUR APZ

The intensity of bush fires can be greatly reduced where there is little to no available fuel for burning. In order to control bush fire fuels you can reduce, remove or change the state of the fuel through several means.

Reduction of fuel does not require removal of all vegetation, which would cause environmental damage. Also, trees and plants can provide you with some bush fire protection from strong winds, intense heat and flying embers (by filtering embers) and changing wind patterns. Some ground cover is also needed to prevent soil erosion.

Fuels can be controlled by:

1. raking or manual removal of fine fuels

Ground fuels such as fallen leaves, twigs (less than 6 mm in diameter) and bark should be removed on a regular basis. This is fuel that burns quickly and increases the intensity of a fire.

Fine fuels can be removed by hand or with tools such as rakes, hoes and shovels.

2. mowing or grazing of grass

Grass needs to be kept short and, where possible, green.

3. removal or pruning of trees, shrubs and understorey

The control of existing vegetation involves both selective fuel reduction (removal, thinning and pruning) and the retention of vegetation.

Prune or remove trees so that you do not have a continuous tree canopy leading from the hazard to the asset. Separate tree crowns by two to five metres. A canopy should not overhang within two to five metres of a dwelling.

Native trees and shrubs should be retained as clumps or islands and should maintain a covering of no more than 20% of the area.

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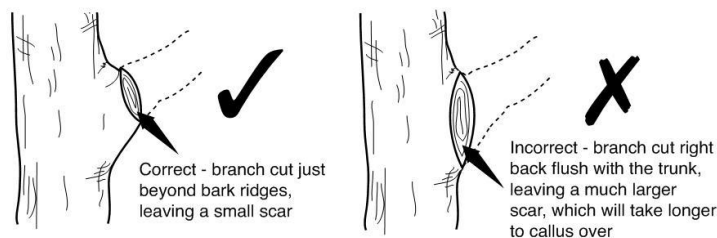
When choosing plants for removal, the following basic rules should be followed:

1. Remove noxious and environmental weeds first. Your local council can provide you with a list of environmental weeds or 'undesirable species'. Alternatively, a list of noxious weeds can be obtained at www.agric.nsw.gov.au/noxweed/;
2. Remove more flammable species such as those with rough, flaky or stringy bark; and
3. Remove or thin understorey plants, trees and shrubs less than three metres in height

The removal of significant native species should be avoided.

Prune in accordance with the following standards:

- Use sharp tools. These will enable clean cuts and will minimise damage to the tree.
- Decide which branches are to be removed before commencing work. Ensure that you maintain a balanced, natural distribution of foliage and branches.
- Remove only what is necessary.
- Cut branches just beyond bark ridges, leaving a small scar.
- Remove smaller branches and deadwood first.



There are three primary methods of pruning trees in APZs:

1. Crown lifting (skirting)

Remove the lowest branches (up to two metres from the ground). Crown lifting may inhibit the transfer of fire between the ground fuel and the tree canopy.

2. Thinning

Remove smaller secondary branches whilst retaining the main structural branches of the tree. Thinning may minimise the intensity of a fire.

3. Selective pruning

Remove branches that are specifically identified as creating a bush fire hazard (such as those overhanging assets or those which create a continuous tree canopy). Selective pruning can be used to prevent direct flame contact between trees and assets.

Your Bush Fire Hazard Reduction Certificate or local council may restrict the amount or method of pruning allowed in your APZ.

See the *Australian Standard 4373 (Pruning of Amenity Trees)* for more information on tree pruning.

4. Slashing and trittering

Slashing and trittering are economical methods of fuel reduction for large APZs that have good access. However, these methods may leave large amounts of slashed fuels (grass clippings etc) which, when dry, may become a fire hazard. For slashing or trittering to be effective, the cut material must be removed or allowed to decompose well before summer starts.

If clippings are removed, dispose of them in a green waste bin if available or compost on site (dumping clippings in the bush is illegal and it increases the bush fire hazard on your or your neighbour's property).

Although slashing and trittering are effective in inhibiting the growth of weeds, it is preferable that weeds are completely removed.

Care must be taken not to leave sharp stakes and stumps that may be a safety hazard.

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5. Ploughing and grading

Ploughing and grading can produce effective firebreaks. However, in areas where this method is applied, frequent maintenance may be required to minimise the potential for erosion. Loose soil from ploughed or graded ground may erode in steep areas, particularly where there is high rainfall and strong winds.

6. Burning (hazard reduction burning)

Hazard reduction burning is a method of removing ground litter and fine fuels by fire. Hazard reduction burning of vegetation is often used by land management agencies for broad area bush fire control, or to provide a fuel reduced buffer around urban areas.

Any hazard reduction burning, including pile burns, must be planned carefully and carried out with extreme caution under correct weather conditions. Otherwise there is a real danger that the fire will become out of control. More bush fires result from escaped burning off work than from any other single cause.

It is YOUR responsibility to contain any fire lit on your property. If the fire escapes your property boundaries you may be liable for the damage it causes.

Hazard reduction burns must therefore be carefully planned to ensure that they are safe, controlled, effective and environmentally sound. There are many factors that need to be considered in a burn plan. These include smoke control, scorch height, frequency of burning and cut off points (or control lines) for the fire. For further information see the RFS document *Standards for Low Intensity Bush Fire Hazard Reduction Burning*, or contact your local RFS for advice.

7. Burning (pile burning)

In some cases, where fuel removal is impractical due to the terrain, or where material cannot be disposed of by the normal garbage collection or composted on site, you may use pile burning to dispose of material that has been removed in creating or maintaining an APZ.

For further information on pile burning, see the RFS document *Standards for Pile Burning*.

In areas where smoke regulations control burning in the open, you will need to obtain a Bush Fire Hazard Reduction Certificate or written approval from Council for burning. During the bush fire danger period a Fire Permit will also be required. See the RFS document *Before You Light that Fire* for further details.

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STEP 5. TAKE MEASURES TO PREVENT SOIL EROSION

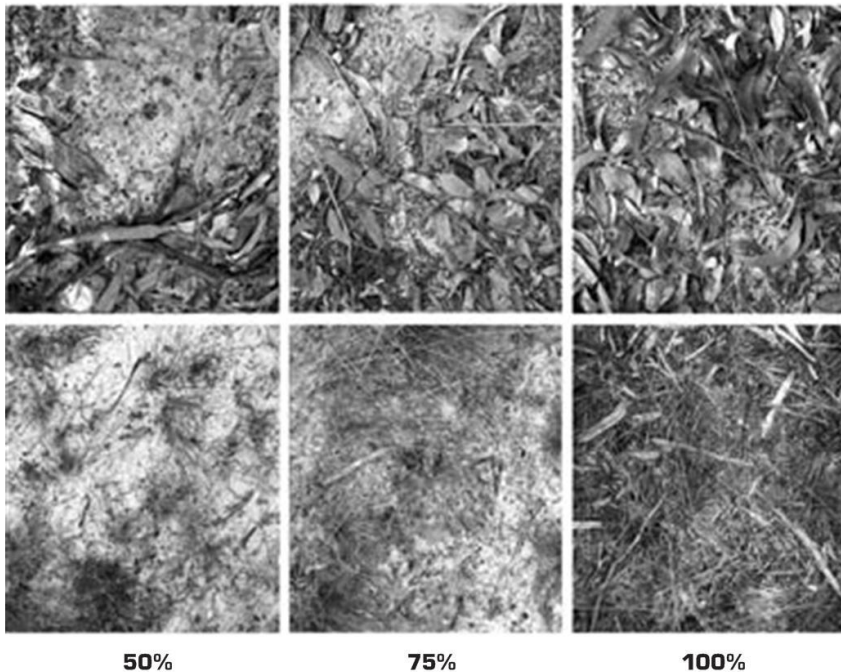
While the removal of fuel is necessary to reduce a bush fire hazard, you also need to consider soil stability, particularly on sloping areas.

Soil erosion can greatly reduce the quality of your land through:

- loss of top soil, nutrients, vegetation and seeds
- reduced soil structure, stability and quality
- blocking and polluting water courses and drainage lines

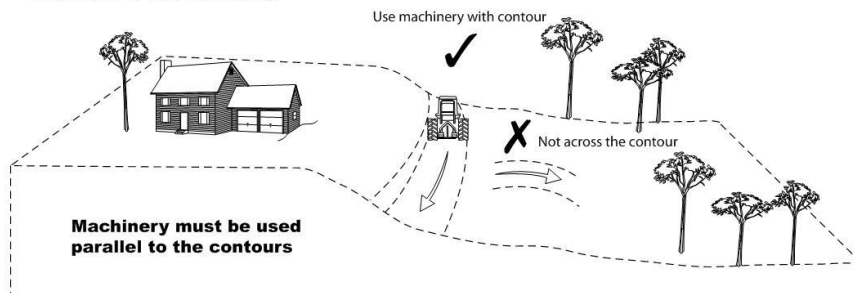
A small amount of ground cover can greatly improve soil stability and does not constitute a significant bush fire hazard. Ground cover includes any material which directly covers the soil surface such as vegetation, twigs, leaf litter, clippings or rocks. A permanent ground cover should be established (for example, short grass). This will provide an area that is easy to maintain and prevent soil erosion.

When using mechanical hazard reduction methods, you should retain a ground cover of at least 75% to prevent soil erosion. However, if your area is particularly susceptible to soil erosion, your Hazard Reduction Certificate may require that 90% ground cover be retained.



Ground Cover

To reduce the incidence of soil erosion caused by the use of heavy machinery such as ploughs, dozers and graders, machinery must be used parallel to the contours. Vegetation should be allowed to regenerate, but be managed to maintain a low fuel load.



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STEP 6. ONGOING MANAGEMENT AND LANDSCAPING

Your home and garden can blend with the natural environment and be landscaped to minimise the impact of fire at the same time. To provide an effective APZ, you need to plan the layout of your garden to include features such as fire resistant plants, radiant heat barriers and windbreaks.

Layout of gardens in an APZ

When creating and maintaining a garden that is part of an APZ you should:

- ensure that vegetation does not provide a continuous path to the house;
- remove all noxious and environmental weeds;
- plant or clear vegetation into clumps rather than continuous rows;
- prune low branches two metres from the ground to prevent a ground fire from spreading into trees;
- locate vegetation far enough away from the asset so that plants will not ignite the asset by direct flame contact or radiant heat emission;
- plant and maintain short green grass around the house as this will slow the fire and reduce fire intensity. Alternatively, provide non-flammable pathways directly around the dwelling;
- ensure that shrubs and other plants do not directly abut the dwelling. Where this does occur, gardens should contain low-flammability plants and non flammable ground cover such as pebbles and crush tile; and
- avoid erecting brush type fencing and planting "pencil pine" type trees next to buildings, as these are highly flammable.

**Removal of other materials**

Woodpiles, wooden sheds, combustible material, storage areas, large quantities of garden mulch, stacked flammable building materials etc. should be located away from the house. These items should preferably be located in a designated cleared location with no direct contact with bush fire hazard vegetation.

Other protective features

You can also take advantage of existing or proposed protective features such as fire trails, gravel paths, rows of trees, dams, creeks, swimming pools, tennis courts and vegetable gardens as part of the property's APZ.

PLANTS FOR BUSH FIRE PRONE GARDENS

When designing your garden it is important to consider the type of plant species and their flammability as well as their placement and arrangement.

Given the right conditions, all plants will burn. However, some plants are less flammable than others.

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Trees with loose, fibrous or stringy bark should be avoided. These trees can easily ignite and encourage the ground fire to spread up to, and then through, the crown of the trees.

Plants that are less flammable, have the following features:

- high moisture content
- high levels of salt
- low volatile oil content of leaves
- smooth barks without "ribbons" hanging from branches or trunks; and
- dense crown and elevated branches.

When choosing less flammable plants, be sure not to introduce noxious or environmental weed species into your garden that can cause greater long-term environmental damage.

For further information on appropriate plant species for your locality, contact your local council, plant nurseries or plant society.

If you require information on how to care for fire damaged trees, refer to the Firewise brochure *Trees and Fire Resistance; Regeneration and care of fire damaged trees*.

WIND BREAKS

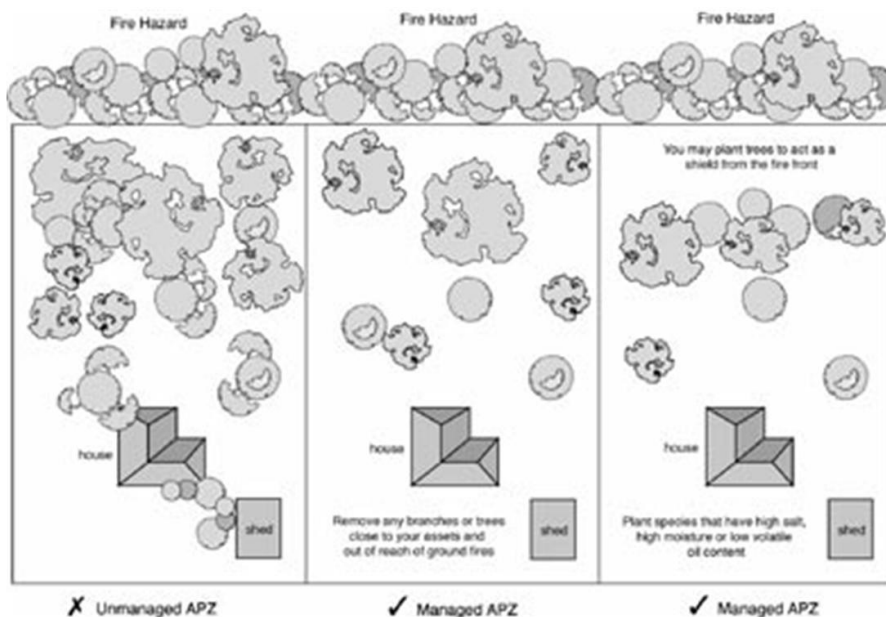
Rows of trees can provide a wind break to trap embers and flying debris that could otherwise reach the house or asset.

You need to be aware of local wind conditions associated with bush fires and position the wind break accordingly. Your local RFS Fire Control Centre can provide you with further advice.

When choosing trees and shrubs, make sure you seek advice as to their maximum height. Their height may vary depending on location of planting and local conditions. As a general rule, plant trees at the same distance away from the asset as their maximum height.

When creating a wind break, remember that the object is to slow the wind and to catch embers rather than trying to block the wind. In trying to block the wind, turbulence is created on both sides of the wind break making fire behaviour erratic.

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APPENDIX 2

HOW CAN I FIND OUT MORE?

The following documents are available from your local Fire Control Centre and from the NSW RFS website at www.rfs.nsw.gov.au.

- Before You Light That Fire
- Standards for Low Intensity Bush Fire Hazard Reduction Burning
- Standards for Pile Burning
- Application Instructions for a Bush Fire Hazard Reduction Certificate

If you require any further information please contact:

- your local NSW Rural Fire Service Fire Control Centre.
Location details are available on the RFS website or
- call the NSW RFS Enquiry Line 1800 679 737
(Monday to Friday, 9am to 5pm), or
- the NSW RFS website at www.rfs.nsw.gov.au.

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Appendix 3

BAL-12.5 SUMMARY

AS 3959-2009 BAL-12.5

AS 3959-2009 specifies the requirements for the construction of buildings in bushfire prone areas in order to improve their resistance and resilience to the mechanisms of bushfire attack. These mechanisms are;

-  Burning embers
-  Radiant heat
-  Flame contact
-  Wind
-  Any combination of the above forms of attack

BAL-12.5 is primarily concerned with protection from ember attack and radiant heat up to and including 12.5kW/m² where the site is less than 100m from the source of bushfire attack.

The following is a summarised version of AS 3959-2009 BAL-12.5. It is to be used as a guide only to the likely requirements of the standard. Bushfire Consultant Pty Ltd assumes no responsibility for any reliance upon the material contained in this document. A full reading of the standard should be carried out, in conjunction with PBP 2006, taking particular note of the addendum; Appendix 3. This addendum provides for a variation to the standard, for NSW, that concerns sarking, sub-floor screening, and floors as well as verandahs, decks, steps, ramps and landings. This reading should be undertaken before design and construction is commenced.

All components and accessories used in the construction of the proposal must be handled and installed in accordance with the manufacturers specifications.

Key Criteria for BAL-12.5

Gaps >3 mm	Screened with 2 mm corrosion resistant metal screen Corrosion resistant steel, bronze or aluminium
Glass	Grade A safety glass 4mm thick
Walls <400mm from a surface	Non combustible/bushfire resistant timber
Un-enclosed floor spaces <400 AGL*	Non combustible/bushfire resistant timber
Windows and doors construction	Non combustible/bushfire resistant timber
Windows and doors openable portions	Screened
Screens	2 mm corrosion resistant steel, bronze or aluminium
Roofs	Non combustible materials Fully sarked
	All gaps and penos screened
Decks	Non combustible/bushfire resistant timber

AGL* = Above Ground Level

12 CORPORATE AND COMMUNITY SERVICES

12.6 AQUATIC CENTRE OPERATIONAL BUDGET

Attachments:	A. Aquatic Centres Benchmark Report 2018 - Australia-wide
Responsible Officer:	Fiona Plesman - General Manager
Author:	Carolyn O'Brien - Acting Director - Environment & Community Services
Community Plan Issue:	<i>Continue to improve the affordability, livability and amenity of the Shire's communities</i>
Community Plan Goal:	<i>Promote and facilitate increased participation in active and passive recreational activities.</i>
Community Plan Strategy:	<i>Continue the delivery of passive recreation and cultural activities in libraries, aquatic centres and the arts centre.</i>

PURPOSE

This report seeks Council's decision on an increased budget allocation for the Muswellbrook Aquatic and Fitness Centre to cover the cost of water and potential wages increases required for the last quarter of operations during 2018/19.

OFFICER'S RECOMMENDATION

- (a) Council **ENDORSE** the increased budget allocation of \$80K from the Waste Fund as a loan repayment over the next eight years to cover the costs associated with the water and wages deficit at the Muswellbrook Aquatic Centre OR
- (b) Council **ENDORSE** the new operational hours of the Muswellbrook Aquatic Centre and Gym, identified in this report to ensure that there are sufficient funds to continue service deliveries of Learn to Swim and Lifeguarding during the last quarter of the 2018/19 financial year.

Moved: _____ **Seconded:** _____

BACKGROUND

The outdoor pool at the Muswellbrook Aquatic and Fitness Centre has the historical legacy of a water leak(s) that have resulted in a number of initiatives and investigations by the Property and Building team over the last decade or more, to pinpoint and repair the cause(s) of the excessive water use. Unfortunately the cause(s) remain unidentified. It is assumed that the age of the outdoor pool, its aged water pipes, balance tank and concrete structure are all contributing in part, to the excessive use of water.

Over the last six years the water expense at the Muswellbrook Aquatic Centre has averaged at approximately \$84,000, with a significant credit in 2015 to adjust incorrect water billing in the years prior to that which currently reflects the unrealistic value of \$50K in the current budget. This year's cost equates to approximately \$79,487.63. This year Council has budgeted \$50,000 for water use at the Muswellbrook Aquatic and Fitness Centre. Therefore this year there will be a shortfall in the budget of approximately \$30,000 to cover the cost of water charges associated with the operation of the centre.

In comparison the water charges at Denman Aquatic Centre this year are approximately \$17,000.00. Please note however, that this represents one body of water operating throughout the summer period.

Therefore, Muswellbrook Aquatic and Fitness Centre should, based on operational processes be using approximately \$50K for the four bodies of water that it encompasses.

In last year's operational salaries and wages budget the Muswellbrook Aquatic Centre was \$729,806.00. In this financial year the salaries and wages budget was reduced to \$670,810.00 to reflect the bare minimum costings on staff wages based on the organisational structure (the removal of two unfunded positions). However, this challenging budget was met with enthusiastic optimism as a new operational goal. This new budget goal has seen sound work in reducing the use of casuals during the Summer Season; however, it is the casual vote that assists in the delivery of Learn to Swim activities and therefore usage is based upon demand.

The Lifeguarding ratios required to achieve the safety of patrons within three separate bodies water were barely met during Summer. It is also the casual pool of workers that are primarily delivering the additional revenue generating services of Aqua Aerobics and Learn to Swim, the demand for these services, each of which can be spasmodic in uptake from the community, have been managed quite frugally by the Aquatic Centre Coordinator.

In addition, the Aquatic Centre Coordinator has drawn on the same casual pool to support increased services at the Denman Aquatic Centre, such as additional activities such as Aqua Aerobics and coverage of School Swimming Carnivals. This casual vote also provided necessary leave for the single staff member in Denman, to meet the award conditions of a seven day week of delivery and employee break times. This has resulted in a 10% increase in costs at the Denman Memorial Pool.

CONSULTATION

Chief Financial Officer

Finance Coordinator

General Manager

Acting Director Environment and Community Services

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr. McNeill – Spokesperson for Sport

Cr. Green – Spokesperson for Recreation and Wellbeing

Cr. Bailey – Spokesperson for Finance and Governance

REPORT

The current salaries and wages budget at the Muswellbrook Aquatic Centre is experiencing increased pressure following the decrease in wages and salaries from the 2017/18 financial year to the 2018/19 financial year, whilst positions were vacant the work of two positions was covered through increased part time working arrangements. If this reduction had not been implemented then the facility would currently be reflecting just under the historical spend on wages and salaries, which reflects the ongoing need for a budget that ensures the safety of pool patrons and the uptake on additional services such as Learn to Swim. The combined revenue collected at both pools is currently sitting at \$553,805, which represents 78.75%, of the revenue goal of \$703,225.00. At the beginning of this financial year the revenue goal was \$697,639.00. This increase again demonstrates the Aquatic Centre's team effort to achieve improved revenue returns based on a new budget goal that was set in the December, 2018 review period. This may have been a bit ambitious.

Quarter Four 2018/19

It appears unlikely that the Muswellbrook Aquatic Centre will be able to continue operations as they exist now without an injection in funding during the March budget review process of \$80K and a reduction in operating hours and service deliveries.

Learn to Swim is expected to return \$317K this financial year, which is an increase of approximately \$20K on the result of the last financial year. There are also modest increases in other areas of the pool

services including the Gym. However, the market options in this area are saturated in Muswellbrook, and it is anticipated that we will not achieve the target goal of \$136K this financial year.

Therefore, in addition to the request for a revenue injection of \$80K, staff are recommending the closure of the pool on Sundays and Saturday afternoons for the remainder of the year. This will achieve a saving of approximately \$9,000 (including oncosts) in staff wages and a reduction in revenue of approximately \$3,360. Learn to Swim activities will continue on Saturday mornings during the opening times of 9am and 1pm. This will continue to achieve an expected revenue of \$12,648.00 with a staff wages cost of \$4283.00 (including oncosts) this cost is already included in the current budget.

The Aquatic Centre will also close over the Easter Weekend, except for four hours on Easter Monday, to allow regular access for lap swimmers.

The Aquatic Centre will also close on Anzac Day.

The Aquatic Centre will also close over the Long Weekend in June.

OPTIONS

Council could chose not to provide the additional funding and close the pool completely until the end of the financial year. This option is not recommended.

Council could chose to endorse a loan from the Water Fund of \$80K which will achieve payment of the water costs and additional wages in this financial year.

CONCLUSION

There have been an number of budget changes in the last nine months in both revenue goals and expenditure reductions that have challenged the Aquatic Centre's ability to continue the existing service levels and the Muswellbrook and Denman Centres.

SOCIAL IMPLICATIONS

Any changes in operational hours or service deliveries will require a period of promotion to allow regular patrons an opportunity to advice the community of any changes in service deliveries.

FINANCIAL IMPLICATIONS

As discussed in the report, an injection of \$80K is sought by the Aquatic Centre to meet the salaries and wages of existing permanent and part time staff. This amount also includes \$30K to cover the excess water costs.

It is recommended that the Water Fund lend these funds to the Aquatic Centre on a six year payback period.

CHIEF FINANCIAL OFFICER'S COMMENTS

The \$59k decrease in Aquatic wages from 17-18 actuals of \$730k to 18-19 budget of \$671k was due to the removal of the Gym Coordinator position, from the budget for 18-19, to align with the approved Organisational Chart.

The wages budget for 18-19 did not see a reduction in the casuals vote and as a result the approved budget of \$671k carries a casual allocation of \$201k, which is in line with the casuals allocation carried in 17-18.

Over the last six years (since 2014), the water expense at the Muswellbrook Aquatic Centre has averaged \$47k per year. The reason why it is not the suggested \$84k is because 2015 saw a credit of \$142k due to an overcharge, which serves to reduce the overall balance.

The Aquatic Centre is budgeted to deliver revenue of \$703k and carries expenses of \$1,275k, which means that Council achieves 55% expense recovery for the Unit. According to a "Operational Benchmarks for Australian Public Aquatic Centres 2018" Report (attached) conducted by the University of South Australia, in which Council participated, the median expense recovery achieved across the 69 Aquatic Centres with Indoor and Outdoor facilities Australia-wide is 81% expense recovery.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Nil

LEGAL IMPLICATIONS

Nil

OPERATIONAL PLAN IMPLICATIONS

Promote and facilitate continued participation in passive and active recreational options across Muswellbrook Shire.

RISK MANAGEMENT IMPLICATIONS

Council has a continuing commitment to ensure that the Aquatic Centres are delivering a safe level of lifeguarding to the users of the pool and appropriate staffing levels need to be maintained to manage this outcome.

OPERATIONAL BENCHMARKS FOR AUSTRALIAN PUBLIC AQUATIC CENTRES 2018

CERM PI



University of
South Australia

W.T. 2

Introduction

CERM PI is the science of performance management. Our research is a leader in customer service quality and operational management performance indicators in the sport and leisure, tourism and hospitality, and event industries.

With over 25 years of experience in these sectors, we are a leading organisation for helping clients to understand how performance in these areas can be improved through evidenced based research and performance measurement.

Both our customer service quality and operational management surveys are refined regularly to ensure we are capturing the most relevant data related to these imperative aspects of organisational success. The data from these projects contribute to the CERM PI National Benchmarks, a resource that details organisations of varying scope and size, and allows managers to compare their organisation's performance against robust industry specific standards.

Benchmarks are not included for indicators where limited data was available.

2018 benchmarks for recreation centres will not be available due to insufficient quotas.

In this Bulletin

The 2018 performance indicators across the aquatic groups resulted in 78 centres contributing to the 2017-18 financial year National Operational Benchmarking Survey.

These data have been combined with data from the two previous financial years to provide the 2016-18 benchmarks reported in this bulletin. Due to changes in the sample of centres that respond annually, **medians** from the three most recent surveys provide more stable indicators.

In this publication, '2018' refers to 2017/2018 financial year data, while '2016-18' refers to data from the three financial years 2015/16, 2016/17 and 2017/18.

Thank you to participants who contributed to the 2018 survey.

As sample sizes increase integrity of the data grows, enhancing the practical application and reliability of benchmarks for use by stakeholders.

Notes to consider...

- 'n' refers to the number of centres contributing data.
- To ensure the robustness of the data, incomplete and unverifiable returns were excluded from the analyses.
- As a convenience sample of centres provided data these benchmarks are not representative of all Australian centres.
- Due to changes in the sample of centres that respond annually, medians from the three most recent surveys provide more stable indicators.
- Most Group 5, 6, & 7 centres served catchment populations of 5,000 or more.
- The relatively small sample of centres limits the reliability of some benchmarks (* indicates insufficient data).
- All benchmarks are independent of each other within a group.



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CERM PI Aquatic centre breakdown 2016-18



Group 5
Outdoor pool/s



Group 6
Indoor & outdoor pool/s



Group 7
Indoor pool/s

Operational Performance
indicators cover key aspects of operational management including finance, services, marketing, human resources, utilities, and facilities.

Used as a management tool these indicators support managers by monitoring their facility or service annually.

Major performance indicator results

Figure 1 : Expense recovery

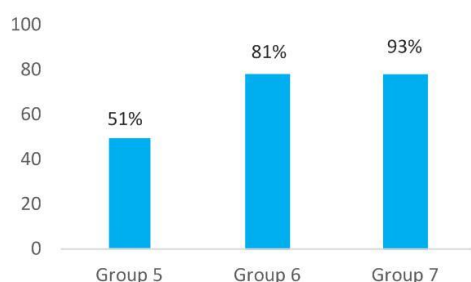


Figure 2 : Visits per metre2

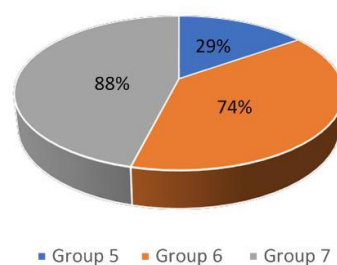


Figure 3 : Visits per year



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CERM PI AQUATIC INDICATORS

	Group 5 Outdoor Pool/s 2016-18 Medians n=70	Group 6 Indoor & Outdoor 2016-18 Medians n=69	Group 7 Indoor Pool/s 2016-18 Medians n=91
Total space (m ²)	1,928	3,639	4,282
FINANCE			
Expense recovery	51%	81%	93%
Gross receipts	\$213,000	\$1,771,805	\$2,895,760
Gross expenditures	\$394,380	\$2,289,639	\$3,258,695
Fees per visit	\$4.25	\$6.60	\$7.36
Secondary spend per visit	\$0.97	\$0.60	\$0.50
Surplus (subsidy) per visit	(\$4.60)	(\$1.90)	(\$0.46)
Receipts per visit	\$5.24	\$7.90	\$7.97
Receipts per metre ²	\$146	\$534	\$687
Adult swim fee	\$5.55	\$6.30	\$6.50
Child swim fee	\$4.40	\$4.60	\$4.90
Swim lesson fee (1/2 hour)	\$16	\$16	\$17
Personal training session fee (1/2 hour)	\$45	\$40	\$41
Aquatic membership fee (12 months)	\$508	\$655	\$685
Health & fitness membership fee (12 months)	\$913	\$973	\$1,004
Learn to swim membership fee (12 months)	\$415	\$722	\$768
SERVICES			
Visits per metre ²	29	74	88
Total visits per year	43,750	252,150	357,726
Catchment population (within 5km radius)	27,118	65,000	70,870
Catchment multiple	1.3	5.0	5.3
MARKETING			
Promotion cost share %	0.5%	0.9%	1.0%
Promotion cost per metre ²	\$0.99	\$5.77	\$7.30
Promotion costs	\$1,354	\$20,260	\$27,500
Promotion costs per visit	\$0.05	\$0.08	\$0.08
STAFF			
Number of full-time equipment (FTE) staff	5.5	25.3	25.0
Average labour cost per FTE staff	\$61,382	\$68,760	\$69,120
Labour cost to total receipts %	127%	82%	67%
Labour cost share %	60%	66%	62%
Labour costs	\$232,024	\$1,702,760	\$1,951,807
Labour costs per metre ²	\$173	\$465	\$452
Labour cost per visit	\$6.52	\$6.26	\$5.40
Salaries/wages to labour %	87%	86%	86%
Training to salaries/wages %	1.4%	1.2%	1.7%
Training costs	\$2,474	\$20,000	\$20,000
Training costs per visit	\$0.10	\$0.07	\$0.08
Lifeguard entry level wages/hour	\$25	\$25	\$25
Swim instructors entry level wages/hour	\$24	\$25	\$25
Customer service officer entry level wages/hour	\$27	\$24	\$24
Duty manager entry level wages/hour	\$30	\$31	\$30
Personal training entry level wages/hour	\$28	\$36	\$39



CERM PI AQUATIC INDICATORS

	Group 5 Outdoor Pools 2016-18 Medians n=70	Group 6 Indoor/ Outdoor Pools 2016-18 Medians n=69	Group 7 Indoor Pools 2016-18 Medians n=91
FACILITY			
Presentation cost share %	5.5%	5.6%	6.0%
Presentation cost per metre ²	\$16	\$38	\$42
Presentation costs	\$34,516	\$184,596	\$203,971
Presentation costs per visit	\$0.52	\$0.53	\$0.49
Major incidents per 10,000 visits	0.45	0.13	0.17
UTILITIES			
Energy cost share %	7.4%	8.1%	7.9%
Energy cost per metre ²	\$17	\$55	\$59
Energy costs	\$40,006	\$190,000	\$248,328
Energy cost per visit	\$0.86	\$0.70	\$0.59
Water cost share %	3.5%	2.6%	1.7%
Water cost per metre ²	\$12.00	\$18.15	\$13.14
Water costs	\$22,378	\$66,700	\$55,254
Water cost per visit	\$0.36	\$0.23	\$0.16
Electricity usage (kWh)	103,977	1,027,583	1,075,030
Electricity usage per metre ² (kWh)	50	264	220
Electricity usage per visit (kWh)	2.0	3.8	2.5
Annual water usage (kL)	6,285	21,668	16,388
Water usage per metre ² (kL)	3.9	5.0	3.4
Water usage per visit (litres)	162	73	34
POOL CHEMICALS			
CO ₂ costs	*	\$15,838	\$18,000
Hypochlorite costs	*	\$13,154	\$12,528
Dry chlorine costs	*	\$1,358	\$1,510
Acid costs	*	\$1,513	\$985
Sodium bicarbonate costs	*	\$1,692	\$660
MEMBERSHIP			
Total number of members	*	1,081	1,806
Health and fitness membership share %	*	79%	86%
Aquatic only membership share %	*	27%	18%
Membership retention %	*	58%	58%
Learn to swim enrolment retention %	*	75%	70%
Health & fitness membership per gym/fitness m ²	*	2.3	2.2
EQUIPMENT			
No of cardio equipment stations	*	32	29
Number of weight equipment stations	*	25	27
Cardio equipment per meter ² of gym space	*	0.10	0.10
Weight equipment per meter ² of gym space	*	0.08	0.10



CENTRES CONTRIBUTING TO THE 2018 NATIONAL BENCHMARKING SURVEY FOR SPORT, AQUATIC & LEISURE CENTRES

Albany Leisure & Aquatic Centre	Macquarie Fields Leisure Centre
Andrew (Boy) Charlton Pool	Manuka Swimming Pool
Aquadome	Marion Outdoor Pool
Aqualink Nunawading	Merrylands Swim Centre
Ashburton Pool & Recreation Centre	Milne Bay Aquatic Centre
Auburn Ruth Everuss Aquatic Centre	Moruya Memorial Swimming Pool
Bacchus Marsh Leisure Centre	Mosman Swim Centre
Bacchus Marsh Outdoor Pool	Muswellbrook Aquatic & Fitness Centre
Ballan Outdoor Pool	Narooma Pool
Ballarat Aquatic & Lifestyle Centre	Nathalia Outdoor Swimming Pool
Barossa Aquatic & Lifestyle Centre	Neerim South Outdoor Pool
Bayfit Leisure Centre	Noble Park Aquatic Centre
Beaton Park Leisure Centre	Northcote Aquatic & Recreation Centre
Bellarine Aquatic & Recreation Centre	North Melbourne Community & Recreation Centre
Benalla Aquatic Centre	Norwood Swimming Centre
Bethania Aquatic Centre	Numurkah Aquatic & Fitness Centre
Bold Park Aquatic Centre	Nuriootpa War Memorial Swimming Pool
Boroondara Sports Complex	Olympic Leisure Centre
Broadmeadows Aquatic & Leisure Centre	Payneham Memorial Swimming Centre
Brunswick Baths	Peninsula Aquatic & Recreation Centre
Canberra Olympic Pool	Pines Forest Aquatic Centre
Carlton Baths Community Centre	Port Lincoln Leisure Centre
Casey ARC	Rawson Indoor Pool
Casey RACE	RecWest Braybrook
Charlestown Swim Centre	RecWest Footscray
Cobram Outdoor Swimming Pool	Ripples Leisure Centre
Coburg Leisure Centre	Riverslide Skate Park
Cockburn Aquatic & Recreation Centre	Riverton Outdoor Swimming Pool
Coffs Harbour Memorial Olympic Pool	SA Aquatic & Leisure Centre
Cook & Phillip Park Aquatic & Fitness Centre	Speers Point Swim Centre
Dandenong Oasis	Splashdown
Diamond Creek Outdoor Pool	Strathalbyn Community Swimming Pool
Dickson Aquatic Centre	Strathmerton Swimming Pool
Doveton Pool in the Park	Sunbury Aquatic & Leisure Centre
Drouin Outdoor Pool	Swansea Swim Centre
Dunlop Park Memorial Swimming Pool	The ARC Campbelltown
Eagle Vale Central	The Gordon Fetterplace Aquatic Centre
Emily Seebohm Aquatic Centre	The Parks Recreation & Sports Centre
Fawkner Leisure Centre	The Valleys Lifestyle Centre
Five Dock Leisure Centre	Thorpdale Pool
Fleurieu Aquatic Centre	Trafalgar Outdoor Pool
Gold Coast Aquatic Centre	Victoria Park Pool
Granville Swim Centre	Wangaratta Indoor Sports & Aquatic Centre
Guildford Swim Centre	Wangaratta Olympic Pool
Gungahlin Leisure Centre	Warragul Pool
Hawthorn Aquatic & Leisure Centre	Waterworld
HBF Arena	Wentworthville Swim Centre
HBF Stadium	West Wallsend Swim Centre
Highlands Fitness & Recreation Centre	Whyalla Health & Leisure Centre
Ian Thorpe Aquatic Centre	Williamstown Queen Victoria Jubilee Park Pool
Ivanhoe Aquatic Centre	Willoughby Leisure Centre
Kensington Community Recreation Centre	Yarrowonga Foreshore & Splash Park
Kew Recreation Centre	Yarrowonga Outdoor Swimming Pool
Lakeside Leisure Centre Tuggeranong	
Lakeside Leisure Centre Wollongong	
Laverton Swim & Fitness Centre	
Leisurelink Aquatic & Recreation Centre	
Logan Metro Sports & Events Centre	
Logan North Aquatic Centre	



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Contact details

p +61 8 8302 5321

e cermpi@unisa.edu.au

w unisabusinessschool.edu.au/cerm-pi

12.7 MY COMMUNITY PROJECTS PROPOSALS

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Joshua Brown - Manager - Integrated Planning & Governance
Community Plan Issue:	<i>Develop Muswellbrook as a Regional Centre</i>
Community Plan Goal:	<i>Construct and maintain regionally significant infrastructure that facilitates regional service provision.</i>
Community Plan Strategy:	<i>Apply Shire Town Centre Masterplans, Development Control Plans and Regional Economic Development Strategies to support development of Muswellbrook as a Regional Centre.</i>

PURPOSE

To seek approval from Council to sponsor and progress two project proposals from two community organisations to the NSW State Government My Community Project initiative.

OFFICER'S RECOMMENDATION

Council approves sponsorship of the project proposals identified in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

My Community Project is a new initiative from the NSW Government aimed at improving the wellbeing of people and communities in NSW and was established using the Community Services and Facilities Fund within the NSW Generations Fund.

Individuals across NSW are invited to propose and vote on local projects. The My Community Project funding will be distributed equally across the 93 NSW electorates. Applicants can seek between \$20,000 and \$200,000 for their project. Each project requires a sponsor that will receive the funding and take responsibility for the delivery and management of the project. Sponsors can be local councils, schools, charities, Aboriginal Land Councils, or cultural or sports clubs.

Voting will be open from 15 July to 15 August 2019. Anyone aged 16 years and over with a valid Medicare card can vote on projects they would like to see fund in their electorate. All voters will be required to be verified through Service NSW. Approved project proposals will be published on the My Community Project voting website once voting opens. People can only vote once for projects in the electorate.

KEY DATES 2019

2 April - Applications open

15 May - Applications close

15 July – Public vote on eligible projects opens

15 August – Public vote closes

From 19 September – Announcement of successful projects

CONSULTATION

Council has undertaken a process of consultation with the community and sought project proposals seeking sponsorship from Muswellbrook Shire Council.

REPORT

Each project proposal requires a project sponsor. Muswellbrook Shire Council would act as sponsor for the project proposals outlined in this report.

The project sponsor will assist the applicant with the application process.

The project sponsor will be responsible for providing financial and project management expertise and will help the applicant develop a feasible plan to successfully deliver the proposed project.

Council was advised of My Community Project in mid-March which left a very tight timeframe to request and assess any project proposal to put forward for Council approval.

To work within the tight timeframe and to meet the deadline for the 9 April Ordinary Council meeting a direct approach to possible applicants was deemed to be the best option.

Council's Sustainability Officers and Parks and Recreation Technical Officer have a current and comprehensive list of contacts. They approached those contacts who they considered may have a viable project to put forward, with the aim of presenting three or four viable projects to Council for consideration. Seven applications were received; however five applications were unviable as they did not meet the criteria outlined in the guidelines.

The following two projects meet the guidelines and have been deemed viable. Neither project requires a contribution of funding from Council

Project proposal 1

MOOSH

Contact: Sharon Pittman

Offers before and after school care and vacation care for 5-12 year olds.

Auspiced by Upper Hunter Community Services.

Located at Bowman Park Community Centre, Skellatar Street, Muswellbrook.

Proposed Project: Install a Safe, Fun and Fit fixed playground structure.

Area has recently been secured with security fencing ensuring grounds are safe and secure.

Funding request: \$32,943.66 (as per quote from Austek Play)

Brief outline of project plan: MOOSH have engaged with Austek Play, a specialist playground equipment company to quote, supply, deliver and install a playground structure to certified Australian Standards.

Community benefits: Support for local families by providing a safe, fun and active environment for their children; encourage supervised physical activity; enhance the quality of care at MOOSH; encourage families to enroll at and utilise MOOSH; help develop fine and gross motor skills and spatial awareness through play; playground would enhance existing outdoor area; demonstrate to children the value of community ; proven fact that happiness is a byproduct of outdoor play on well-designed playground equipment.

Muswellbrook Shire Council is the owner of the land.

Project proposal 2

Construction of a roof on the grandstand at Denman Oval

Contact: Peter Barry

Spectator seating project at Denman Oval. Grandstand completed in 2018. Roof was not included in initial project but deemed necessary to complete project.

Funding request: Approx. \$70,000 – firm quote to be confirmed

Brief outline of project plan: To complete the spectator seating project at the sports ground by erecting a roof on the grandstand. Design and engineering have been completed. Firm quote has been requested. Estimate is \$70,000.

Community benefit: There are new fields and facilities at Denman Oval of an excellent standard, but as there was no spectator seating, a grandstand was built at the facility. The grandstand seating has already helped to attract larger crowds and improve the overall experience for all spectators. The grandstand seating will also help to attract representative fixtures to the facility.

The facilities are not only used by Denman Sandy Hollow Junior rugby league club but are a multi-use venue that is used by Junior Rugby League, Senior Rugby League, Junior and Senior cricket and Little Athletics and also the local schools and many community organisations and events. The seating also helps to attract representative fixtures in all of the user sports.

A roof on the grandstand will further enhance the facility and complete the spectator seating project.

OPTIONS

Option 1:

Council approves sponsorship and assistance to progress the two proposals to My Community Project application.

Option 2:

Council decline to sponsor and assist one or both of the two project proposals.

CONCLUSION

The My Community Project has a rather complex set of guidelines, application and voting process. There is no guarantee that either project proposal will be accepted by My Community Project. However it is recommended that the two proposals proceed with the application process with Council's support.

SOCIAL IMPLICATIONS

There are no known social implications.

FINANCIAL IMPLICATIONS

Sponsorship of either project will not require a commitment of co-funding from Council.

CHIEF FINANCIAL OFFICER'S COMMENTS

Noting that the maintenance of both of these assets, should the projects be granted funding, will require ongoing expenditure by Council, which is not costed above and has not been budgeted.

POLICY IMPLICATIONS

There are no known policy implications.

STATUTORY IMPLICATIONS

There are no known statutory implications.

LEGAL IMPLICATIONS

Agreement to sponsor one or both of the projects would require the entering of a Funding Agreement with the funding agency should one or both of the projects be successful. Council would be legally bound to meet the terms of the funding agreement.

OPERATIONAL PLAN IMPLICATIONS

No known Operational Plan implications.

RISK MANAGEMENT IMPLICATIONS

There are no major risk management implications.

18 ADJOURNMENT INTO CLOSED COUNCIL

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, in the opinion of the General manager, the following business is of a kind as referred to in Section 10A(2) of the Act, and should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

RECOMMENDATION

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

19.6 REQUEST TO INCREASE THE 18-19 BUDGET FOR LEGAL FEES

Item 19.6 is classified CONFIDENTIAL under the provisions of Section 10A(2)(g) of the local government act 1993, as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____