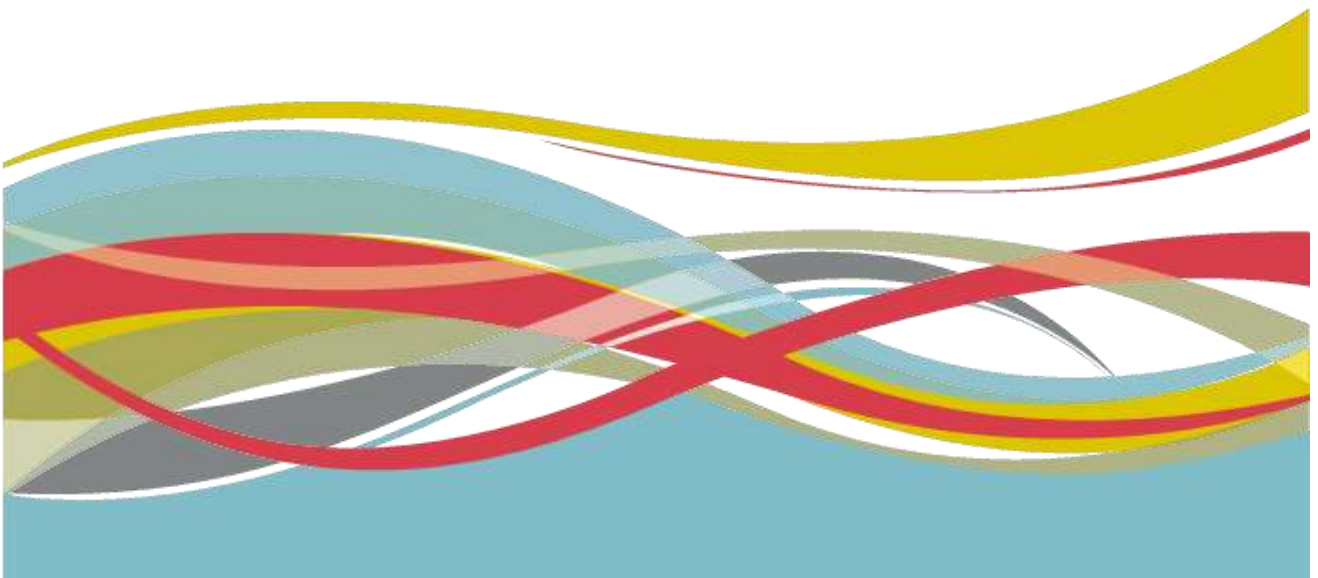




**muswellbrook
shire council**

Muswellbrook Shire Council
**DEVELOPMENT ASSESSMENT
COMMITTEE MEETING**

BUSINESS PAPER
20 MAY 2019



Development Assessment Committee

Aim

The aim of the Development Assessment Committee is to:

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

Associated Principal Activities:

Development Assessment & Regulation

Specific Tasks & Parameters

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

Recommendations

- Make recommendations Council;

Staff Support:

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

DEVELOPMENT ASSESSMENT COMMITTEE MEETING, 20 MAY 2019

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

17 May, 2019

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

You are hereby requested to attend the Development Assessment Committee Meeting to be held in the COUNCILLORS ROOM, Administration Centre, Muswellbrook on **20 May, 2019** commencing at 4:00PM.

Joshua Brown
MANAGER - INTEGRATED PLANNING & GOVERNANCE

Order of Business

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**MUSWELLBROOK SHIRE COUNCIL
DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

AGENDA
MONDAY 20 MAY 2019

1 APOLOGIES AND LEAVE OF ABSENCE

Moved: _____ Seconded: _____

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Development Assessment Committee held on **6 May 2019**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ Seconded: _____

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

IN ATTENDANCE: Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development), Mr G. Hemachandra (Project Engineer), and Mrs M. Sandell-Hay (PA to the General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Woodruff and Bowditch that:

The apologies for inability to attend the meeting submitted by Cr. R. Scholes and Mrs O'Brien be ACCEPTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Woodruff and Bowditch that:

The Minutes of the Development Assessment Committee held on 8 April 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr M. Bowditch – declared a non-pecuniary interest in Item 6.1. Cr Bowditch advised the Committee that his nephew owns a block of land adjacent to the proposed development.

Cr M. Rush – declared an insignificant non-pecuniary interest in Item 6.3. Cr Rush advised the Committee that he owns property near the proposed development of Wind Monitoring Masts in McCullys Gap.

4 PUBLIC PARTICIPATION

Nil

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 87/2015 SECTION 4.55(1A) MODIFICATION - LOT 31 GOLDEN HIGHWAY, SANDY HOLLOW

Disclosure of Interest

Cr M. Bowditch declared a non-pecuniary interest in this item. Cr Bowditch advised the Committee that his nephew owns land adjacent to the proposed development. Cr Bowditch left the meeting at 4.09pm and therefore took no part in discussion or voting on this item.

RECOMMENDED on the motion of Crs Rush and Woodruff that:

1. The General Manager write to the holders of the two relevant Development Applications and ask them to meet with Council regarding the possibility of entering into a VPA.
2. An estimate be provided for the cost of the works by the time of the meeting.

MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 6 MAY, 2019 COMMENCING AT .

In Favour: Nil.

Against: Crs M. Rush and B. Woodruff.

At 4.20pm Cr Bowditch returned to the meeting room.

6.2 DA 99/2018 - DEMOLITION OF A SHED AND THE CONSTRUCTION OF A CENTRE-BASED CHILD CARE FACILITY CLASSROOM, STORAGE SHED, FENCING AND SIGNAGE

RECOMMENDED on the motion of Crs Bowditch and Woodruff that:

Development Application No. 99/2018, involving the demolition of a shed and the construction of a centre based child care facility classroom, storage shed and signage, at Lot 230 and Lot 231 DP 729996, be approved subject to the recommended conditions contained in Appendix B.

In Favour: Crs M. Bowditch, M. Rush and B. Woodruff.

Against: Nil.

6.3 OUTSTANDING DEVELOPMENT APPLICATIONS - 22 MARCH, 2019

RECOMMENDED on the motion of Crs Woodruff and Bowditch that:

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

7 DATE OF NEXT MEETING

TBD

8 CLOSURE

The meeting was declared closed at 4.27pm.

.....
Cr M. Rush
Chairperson

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

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

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

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

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

- Significant
- Less than significant

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

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

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

4 PUBLIC PARTICIPATION

5 BUSINESS ARISING

6 BUSINESS

6.1 DA 9/2019 - DWELLING ALTERATIONS AND ADDITIONS

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>
Attachments:	<ul style="list-style-type: none"> A. DA 9/2019 Section 4.15 Assessment B. DA 9/2019 Recommended Conditions of Consent C. DA 9/2019 Proposed Plans D. DA 9/2019 Proposed Site Plan and Elevations E. DA 9/2019 Bushfire Threat Assessment

PURPOSE

This report has been prepared to inform the Development Assessment Committee in determining Development Application (DA 9/2019). 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

Determination of this development is within the function delegated to the Development Assessment Committee.

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

RECOMMENDATION

The Development Assessment Committee approve Development Application No. 9/2019, involving the erection of dwelling additions including a new bedroom, lounge and ensuite, outdoor area, carport and alfresco area, on Lot 324 DP 625169, known as 140 Martindale Road, Denman, subject to the recommended conditions contained in Appendix B.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

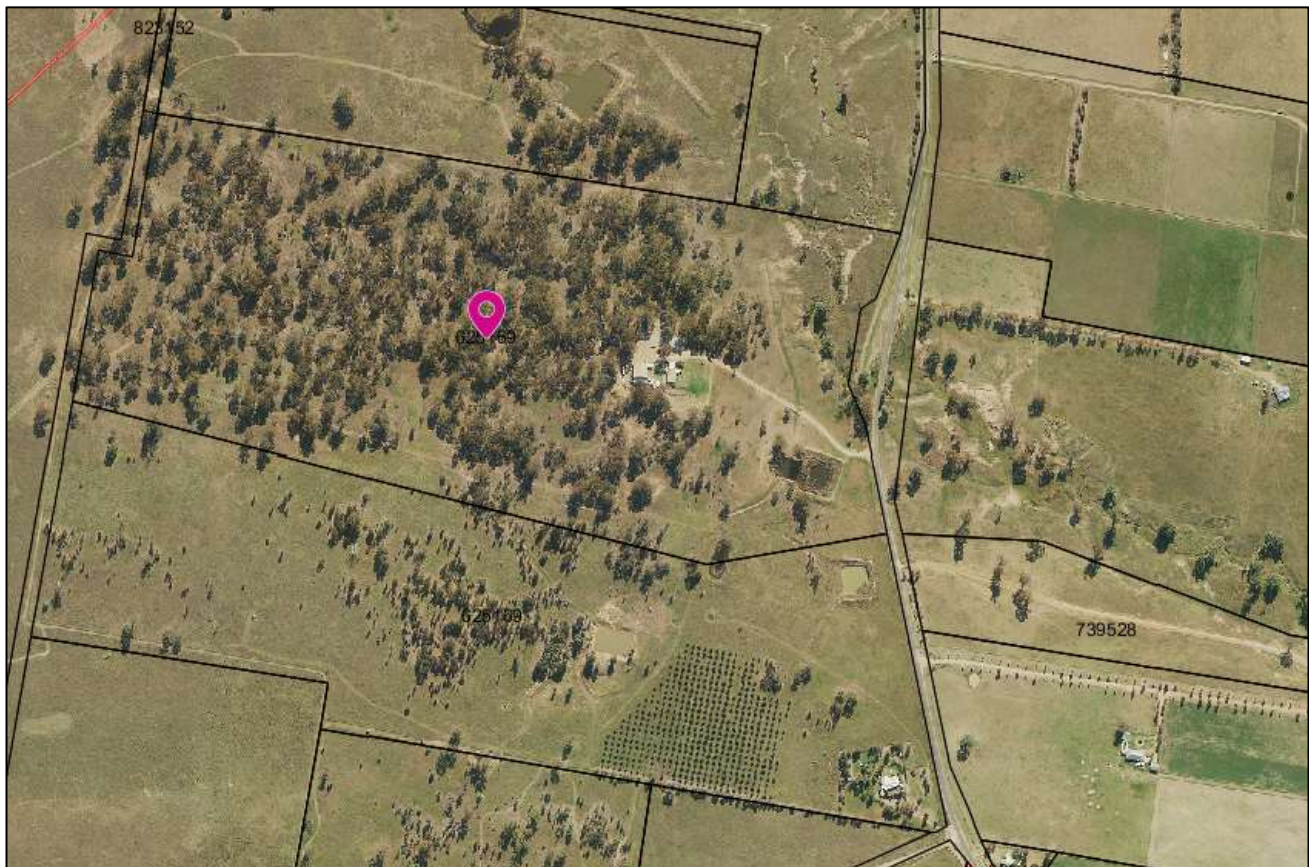
The proposed development relates to 140 Martindale Road, Denman. The property description for the site is Lot 324 DP 625169. An aerial image that identifies the property has been included below.

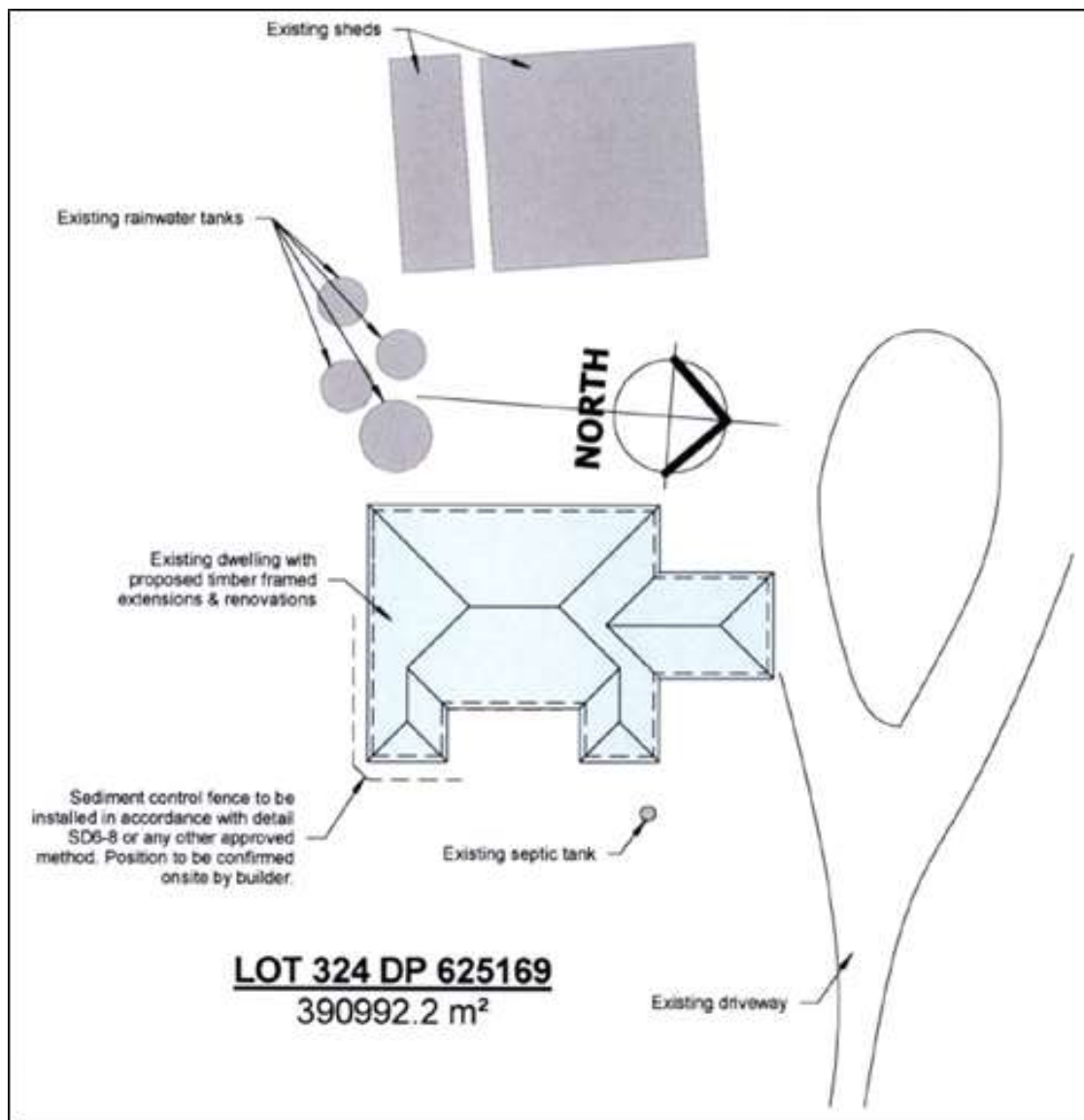
The subject site contains an existing 3 bedroom dwelling house and shed. A search of Council's records

system has identified the development application for the shed was approved in 2007, and that the dwelling has an older approval.

The property has access from Grey Gum Road via an existing gravel driveway. Council's water, sewage and drainage systems are not located in the vicinity of the site. The existing dwelling is connected to rainwater tanks and an on-site sewage management system. There is an ephemeral creek traversing the north-eastern corner of the property, the existing dwelling and proposed alterations and additions will have no impact on this waterway due to the design of the stormwater management system and Keyline contours directing overland flow to a farm dam.

The proposed development involves the erection of a proposed timber frame extension that will provide an additional bedroom, ensuite and lounge, an outdoor area, a carport and an alfresco area. The proposed development would be setback from its most proximate property boundaries by distances of 173m (to the south side) and 214m (to the north side).





ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. A copy of the Section 4.15 Assessment is provided in Attachment A. As a result of the assessment, Council Officers recommend that development consent be granted subject to recommended conditions of consent. The recommended conditions of consent are provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- ☐ The proposed development is in accordance with relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- ☐ The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no inconsistencies which would prevent Council from granting development consent to the proposed development.
- ☐ The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- ☐ The 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

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 20 February 2019 to 7 March 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.

OPTIONS

The Development Assessment Committee may:

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

LEGAL IMPLICATIONS

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

CONCLUSIONS

DA 9/2019 has been reported to the Development Assessment Committee as it involves the development of a parcel of land includes an ephemeral waterway. The proposed development will have no impact on the waterway. The determination of this development application is outside the function delegated to Council Officers but is within the function delegated to the development assessment committee.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. The Section 4.15 Assessment recommends that the Development Assessment Committee grant development consent to DA 9/2019 subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT: 324 DP: 625169 140 Martindale Road DENMAN
APPLICATION No:	9/2019
PROPOSAL:	Alterations and Additions to Dwelling House
OWNER:	Mr B J & Mrs C D Burn
APPLICANT:	Mr B J Burn 140 Martindale Road DENMAN NSW 2328
AUTHOR:	Mr A Kazi
DATE LODGED:	01/02/2019
AMENDED:	
ADD. INFO REC'D:	
DATE OF REPORT:	24 April 2019

SUMMARY

ISSUES: Adjacent to a watercourse

SUBMISSIONS: Nil

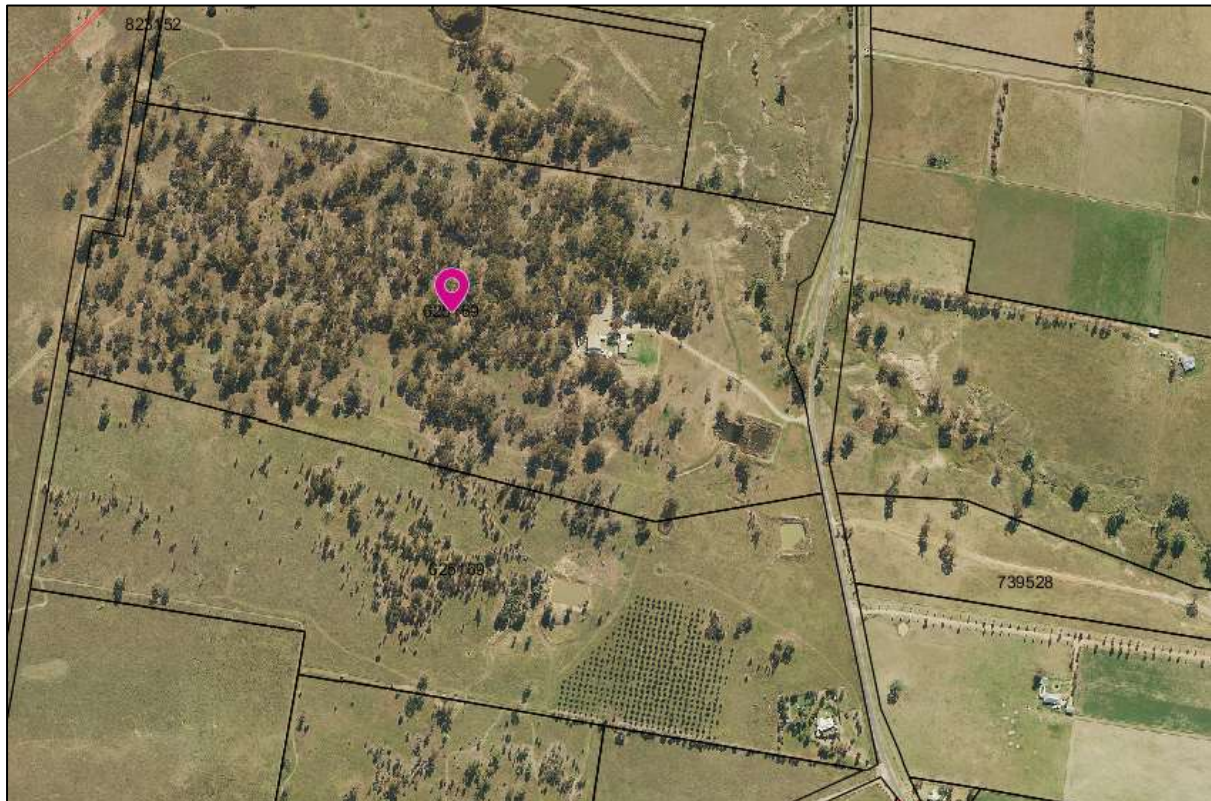
RECOMMENDATION: Approval subject to condition

1.0 SITE AND LOCALITY DESCRIPTION

The site subject is 140 Martindale Road, Denman. The property is formally identified as Lot 324 DP 625169 and was registered on 3 May 1982.

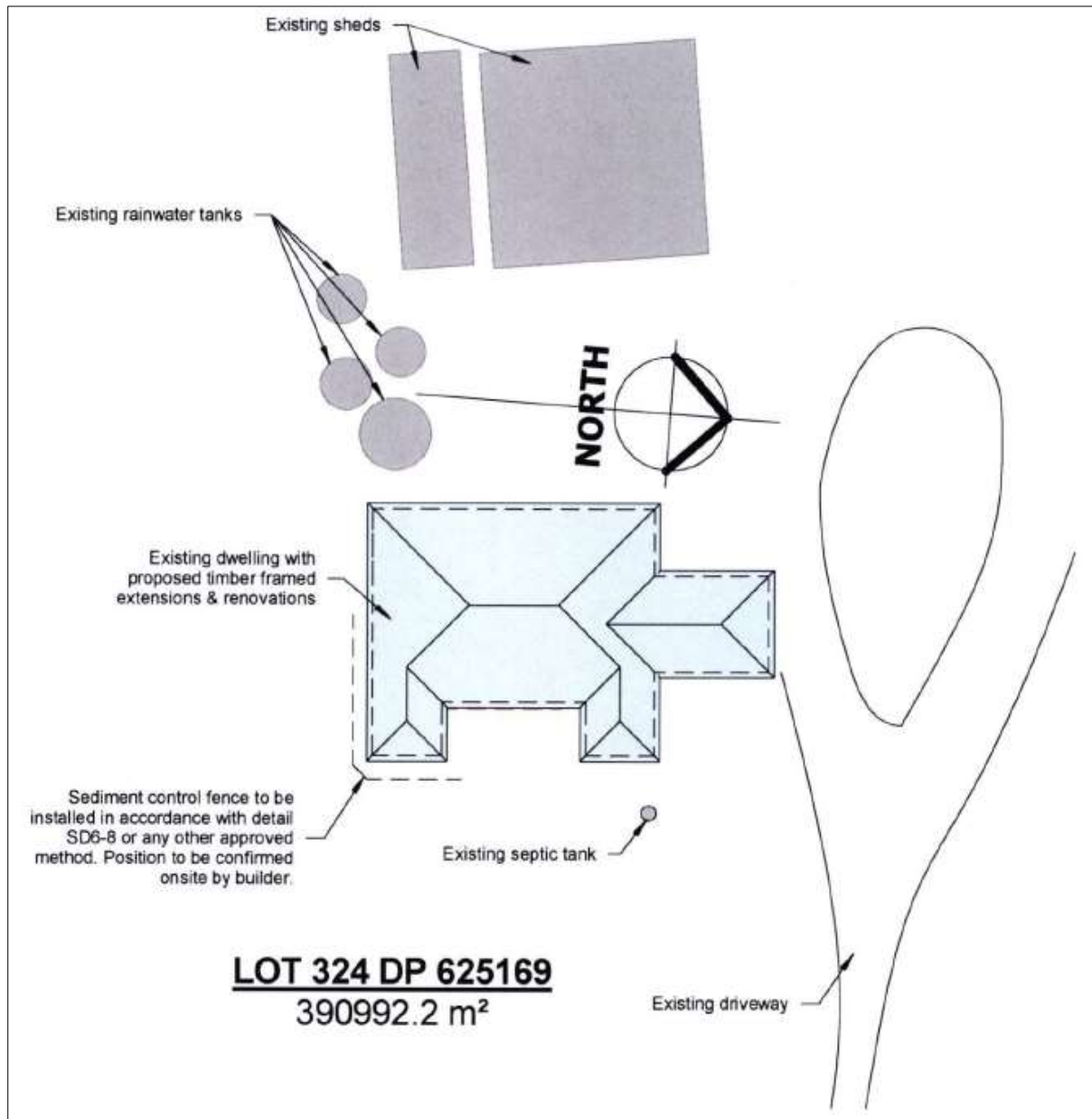
The subject site contains an existing dwelling house and shed. The shed was approved as in 1997, the dwelling is an older approval.

The allotment has access from Grey Gum Road via an existing gravel driveway. There is no reticulated water, sewage or drainage systems in the near vicinity of the site.



2.0 DESCRIPTION OF PROPOSAL

The proposed development involves extensions to the dwelling, to add a new lounge, bedroom and ensuite, a new veranda, alfresco area, and a carport. The proposed development would be setback from its most proximate property boundaries by 173m (to the south side) and 214m (to the north side).



Internal Referrals

The application was referred to Council's Environmental Health Officer who provided comments about the adequacy of the current on-site sewage management system and the need for further investigation to be carried out to determine whether that system required upgrading as an outcome of the development. To ensure the system is appropriately upgraded where required a standard condition of consent relating to the on-site sewage management's approval to operate has been included in the recommended conditions of consent.

External Referrals

Mine Subsidence Board

The proposal was referred to the Subsidence Advisory NSW. The following conditions were recommended:

1. *The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.*

Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.

2. *This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.*
3. *Upon completion of construction, works-as-executed certification by a qualified engineer is to be forwarded to Subsidence Advisory NSW confirming that construction was in accordance with the plans approved by Subsidence Advisory NSW.*

3.0 ASSESSMENT

The Application has been assessed 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 pursuant to MLEP 2009. The proposal is best defined as dwelling house, and is permitted with consent in the subject Zone.

Objectives of the E3 Environmental Management Zone

- 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.

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

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
2.1 Land use zones	E3 Environmental Management Zone
2.2 Zoning of land to which Plan applies	See above
2.3 Zone objectives and Land Use Table	The proposed development is permissible with consent within the E3 Environmental Management zone and is generally in accordance with the land use zone objectives listed. Complies
2.4 Unzoned land	Not applicable
2.7 Demolition requires development consent	This clause refers to development consent being required for any demolition work. Minor external demolition work would be required with this proposal. This complies with the requirements of this clause of the MLEP 2009.
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
4.3 Height of buildings	MLEP 2009 specifies a maximum building height of 12m in relation to the land. The existing height is 5.8m and the proposed development will also have a height of 5.8m. Complies.
4.4 Floor space ratio	There is no floor space ratio applicable to the subject site. Complies
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
7.1 Terrestrial biodiversity	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 proposed development would not involve any vegetation clearing, there would be no adverse impacts in terms of the requirements of terrestrial biodiversity. Complies.
7.5 Erection of dwelling houses on land in certain rural and environmental protection zones (1) This clause applies to any of the following zones: (a) Zone RU1 Primary Production, (b) Zone RU3 Forestry, (c) Zone E3 Environmental Management. (2) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is: (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.	The proposal involves additions to an existing dwelling. As such, this clause is not applicable.
7.6 Earthworks	The relatable objectives of this MLEP 2009 clause are: 'to ensure that earthworks for which development consent is required will not have a detrimental impact

	<p>on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land'.</p> <p>Earthworks involved with the proposed development would be associated with the establishing the pad and footings for the proposed development. These earthworks are not anticipated to create an issue. A condition would be included on the development consent to ensure the works are carried out in accordance with Council's standard requirements. Complies.</p>
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2. State Environmental Planning Policy No. 55 – Remediation of Land

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 No. 44 – Koala Habitat Protection

This SEPP is a relevant consideration for all development applications where the land subject to that development application has an area greater than 1 hectare. As the proposed development does not involve the removal of vegetation, the proposal would comply with the requirements of this SEPP.

4. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This SEPP encourages sustainable residential development through the implementation of BASIX for buildings. A BASIX certificate for the development has been submitted with the application which confirms that the proposed development would meet the requirements of the SEPP.

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

It is considered that the documentation provided with the Development Application satisfies the provisions of Section 3 of the Muswellbrook DCP.

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the application was notified from 20 February 2019 to 7 March 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

	Controls	Comments
8.1 Introduction		
8.1.1 Dwelling Houses	(i) Development applications for new dwellings	As the proposal is not for a new

	Controls	Comments
<i>on existing parcels of land</i>	demonstrate that the subject land comprises the whole of an existing holding including historic ownership pattern from title documents. (ii) Development applications for new dwellings demonstrate development consent for original subdivision under the Muswellbrook LEP 1985 granted dwelling entitlement under that instrument.	dwelling the provisions of this part are not applicable.
8.2 Built Form		
8.2.1 Scenic Protection and Building Location	(i) The roof line of the building must not protrude above natural ridge or tree lines when viewed from public areas and public roads. (ii) Substantial remnant vegetation is protected from disturbance. (iii) Outbuildings are located in proximity of and to the rear of the main dwelling house when viewed from the nearest road. Outbuildings should be located at the rear of the main house when viewed from the road and form a "homestead group" of buildings. Shearing sheds and hay sheds are appropriate away from the homestead group. (iv) The dwelling house is sited on land identified as being suitable for construction and free from contamination, flooding and bushfire risk. (v) Privacy and views of neighbouring houses are reasonably retained.	(ii) The roof line of the proposed development would not protrude above the trees located on site. (ii) There would be no removal of vegetation. (iii) Outbuildings will form a 'homestead group'. (iv) Land in relation to this development application is identified as being suitable for construction and free from contamination, flooding and bushfire risk. (v) The privacy and views of neighbouring houses would be retained. Complies.
8.2.2 Setbacks	(i) Buildings are setback a minimum of 50m from any public road (ii) Buildings are not located within 10m of any property boundary. (iii) A suitable buffer area is established in the vicinity of agricultural operations that may occur on adjoining land. (iv) Separation fencing is provided between development land and any adjoining rail corridor. (v) Development adjacent to rail corridors will require an acoustic report to be submitted to Council to address and indicate measures to mitigate potential impacts from noise and vibration. Relevant publications available from "Railcorp" for consideration are:- - <i>Rail Related Noise and Vibration; Issue to Consider in Local Environmental Planning</i> - <i>Interim Guidelines for Councils - consideration of rail noise and vibration in the planning process</i> - <i>Guidelines for applicants - consideration of rail noise and vibration in the planning process</i>	(i) The proposed development would be setback a minimum of 50m from any public road. (ii) The development would not be located closer than 10m of any property boundary. (iii) There are no agricultural operations in the vicinity of the dwelling. (iv & v) There is no adjoining rail corridor. Complies.
8.2.3 Colours and Materials	(i) Use natural colours, muted and earth tones for major areas of the building, such as walls and roof, and restrict stronger colours to smaller features such as window frames, doors and decorative woodwork (ii) Use factory pre-coloured materials with low reflective properties. (iii) Avoid extensive use of highly reflective glass, highly reflective metal cladding (such as <i>Zincalume</i> and white <i>Colorbond</i>) and plastics on the exterior of buildings, unless it can be demonstrated that this appropriate to the particular circumstances that exist on the site.	(i) A condition of consent for the use of natural colours, muted and earth tones for major areas of the building, such as walls and roof and to restrict stronger colours to smaller features such as window frames, doors and decorative woodwork should the proposal be approved. (ii & iii) A condition of consent would be to ensure external building materials are consistent with the requirements of section 15 of the MDCP 2009. This would comply with the requirements of this part of the MLEP

	Controls	Comments
		2009.
8.2.4 Car Parking and Access	<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 gravel vehicle access way which connects with Martindale Road to provide direct access to the public road.</p> <p>(ii) There is existing car parking on site which complies with the requirements of section 16.</p> <p>(iii) The existing entry gates are set back sufficiently from the front boundary to allow vehicles to pull up off the public road carriageway.</p> <p>(iv) Should the application be approved, a condition of consent should be to install and maintain a sealed section between the road seal and the boundary alignment to minimise gravel being deposited on the road surface.</p> <p>(v) The property access is existing.</p> <p>(vi) The property access is existing.</p> <p>The abovementioned controls would thereby comply with Council's DCP 2009.</p>
8.3 Environmental Matters		
8.3.1 Topography	<p>(i) The completion of a site evaluation during the assessment of development applications to ensure consistency with surrounding areas and existing topography</p> <p>(ii) The erection of structures to utilise materials and colours which are relevant to the surrounding rural landscape and which protect the visual amenity of the area</p> <p>(iii) The consideration of landform relevant issues (such as existing water drainage relevant to the site), during the assessment of proposed developments.</p>	<p>(i) A site evaluation was completed by Council Officers to ensure consistency with surrounding areas and the existing topography.</p> <p>(ii) Should the proposal be approved, A condition of consent should be implemented for the erection of structures to utilise materials and colours which are relevant to the surrounding rural landscape and which protect the visual amenity of the area.</p> <p>(iii) There is currently an existing rainwater tank and minimal water drainage. The landform of the site is relatively flat in nature. Further stormwater management considerations will be discussed under Section 25.</p> <p>The abovementioned complies with the requirements of this sub-section.</p>
8.3.2 Vegetation	<p>(i) Identification and control of developments which are expected to impact on the areas of remnant vegetation as determined and mapped by <i>The Vegetation of the Central Hunter Valley NSW</i> project represented in Council's native vegetation mapping layer.</p> <p>(ii) The clearing of native remnant vegetation or protected regrowth on properties (excluding permitted activities) which are zoned as rural or rural residential must receive appropriate approval from the Catchment Management Authority (CMA) in regards to the Native Vegetation Act 2003.</p> <p>(iii) The approval of any clearing in regards to</p>	<p>There is no impact on native vegetation as a result of this development proposal.</p>

	Controls	Comments
	<p>native remnant vegetation or protected regrowth within the definitions of the Native Vegetation Act 2003 will only be granted by the CMA if the clearing will improve or maintain environmental outcomes.</p> <p>(iv) Any clearing of native remnant vegetation or protected regrowth which is deemed to be 'permitted clearing' under the definitions of the Native Vegetation Act and which does not require CMA approval, is to be undertaken as per the requirements of the Act and to ensure that clearing is limited only to those areas deemed necessary for the development.</p> <p>(v) The provisions of Clause 5A of the <i>Environmental Planning and Assessment Act 1979</i> may require the submission of a flora and fauna assessment report with the development application. See the guidelines for submitting applications in Section 3 of this DCP.</p>	
<i>8.3.4 Management of Rivers, Creeks, Streams and Drainage</i>	<p>(i) Consideration of existing flow regimes of natural water courses which may be impacted by activities or developments</p> <p>(ii) Large scale or high density developments to be located in areas located alluvials zones.</p> <p>(iii) Mitigation and/ or treatment of water quality impacts from land use activities or development</p> <p>(iv) Assessment of increased flows to natural water courses and drainage channels during the preparation of development applications and supporting documentation.</p> <p>(v) Consideration of habitat connectivity during the assessment of developments which may impact on watercourses and riparian vegetation.</p> <p>(vi) any activities which require additional permits or approvals to be obtained by the applicant or landholder.</p>	There is an ephemeral watercourse that cuts across the north-eastern corner of the lot. The proposed development would have a significantly adverse impacts on that watercourse.
<i>8.3.5 Services</i>	<p>(i) A suitable area is available for perpetual on-site disposal of wastes in accordance with section 23 of this DCP.</p> <p>(ii) An adequate water supply is provided.</p>	<p>(i). The existing dwelling is connected to an on-site sewerage management system that was originally designed for a 3 bedroom dwelling. A condition of consent will be imposed requiring an assessment of the adequacy of the system for the larger household.</p> <p>(ii) The existing dwelling is serviced by water tanks.</p>
<i>8.4 Frost Control Fans</i>		

Section 20 – Erosion and Sediment Control

A condition of consent will be imposed on any development consent requiring that appropriate methods of erosion and sediment control are put in place throughout the carrying out of the development in accordance with Council's standard requirements.

Section 23 – On-site Sewage Management Systems

The existing dwelling is connected to an on-site sewerage management system that was originally designed for a 3 bedroom dwelling. A condition of consent will be imposed requiring an assessment of the adequacy of the system for the larger household and the submission of a new Section 68 approval to operate for the septic.

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 required and the DCP objectives adhered to through the imposition of a condition. This would comply with the MDCP 2009.

Section 25 – Stormwater Management

This part of the MDCP 2009 lists the requirements for Stormwater Management within Muswellbrook. Stormwater drainage has been noted on the submitted plans accompanying the development application to be drained to the existing outlets in accordance with the Plumbing code of Australia (NCC Volume 3) and relevant Australian Standards. A condition of consent should be implemented to ensure that the proposed stormwater drainage complies with AS 3500.3.

Section 94A Contributions Plan 2009

The total project value would be \$351,490.00. A developer contribution of \$3,514.90 will apply to the proposed development should the Application be approved.

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

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

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

Key areas of consideration for the assessment of the proposed development were bushfire hazards.

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. A Bushfire Threat Assessment has been prepared in relation to the proposed development by the Applicant. The Assessment recommends a number of bushfire protection measures including the construction of the proposal 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 application has been assessed in accordance with the legislation listed at the beginning of the report. The application was notified to neighbouring property owners in accordance with the provisions of the Muswellbrook DCP.

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

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

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED) that Council as the consent authority, grant development consent to DA 9/2019 subject to standard conditions of consent and the conditions of consent recommended by this 4.15 Assessment.

Council's

Signed by:

Hamish McTaggart
Senior Development Planner

Atef Kazi
Project Planner

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

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

Drawing No.	Drawn by	Drawing Date	Received
Location Plan, Elevation Plan and Floor Plan	P.B. Eveleigh Plan Service	1 February 2018	1 February 2019
Site Plan, Part Site Plan and Section drawings	P.B. Eveleigh Plan Service	1 February 2018	1 February 2019

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

(2) Building Code of Australia

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

(3) Home Building Act

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

(a) In the case of work being carried out by a licensed builder :

- (i) Has been informed in writing of the licensees name and license number, and;
- (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.

(b) In the case of an Owner Builder:

- (i) Has been informed in writing of the persons name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
- (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.

(2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of

this clause, sufficient evidence that the person has complied with the requirements of that Part.

- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: (1) The amounts referred to in point 1 may be subject to change as regulations are amended.
(2) An owner that engages multiple licensees/contracts or contracts for part of the work and completes work themselves is considered an Owner Builder under the *Home Building Act 1989*.

(4) Bushfire Prone Developments

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

- (a) 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.
- (b) The dwelling is to be designed and constructed in accordance with AS3959 to achieve the Bushfire Attack Levels (BALs) specified below in accordance with the recommendations of the recommendations of the Bushfire Assessment Report and Plans prepared by P.B. Eveleigh Plan Service:
 - i. The elevations identified in the Bush Fire Plan of the above referenced shall achieve a minimum **BAL rating of BAL-12.5**
- (c) The property access shall be constructed and maintained at all times to comply with the requirements of Section 4.1.3(2) of Planning for Bushfire Protection, 2006.
- (d) Landscaping shall be in accordance with Appendix 5 of Planning for Bushfire protection, 2006.
- (e) Water (non-reticulated), electricity and gas are to comply with Section 4.1.3 of Planning for Bushfire Protection, 2006.
- (f) The landowner is to prepare an appropriate emergency bushfire action plan. Details of how to prepare such a plan can be found online at the NSW Rural Fire Service website.

Plans and specifications demonstrating compliance are to be submitted to Certifying Authority for approval prior to the release of the Construction Certificate.

CONSTRUCTION CERTIFICATE REQUIREMENTS
--

(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) 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 condition 4 of this consent (BAL-12.5 construction for all elevations – see Bush Fire Plan of the approved Bushfire Assessment Report).

(7) Waste Management Plan

A Waste Management Plan is to be submitted with the 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.

(8) 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
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(9) Mine Subsidence

- (a) The development being undertaken strictly in accordance with the details set out on the application form, any information submitted with the application and the plans submitted, as amended or as modified by the conditions of this approval.

Note: Any proposal to modify the terms or conditions of this approval, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for consideration by Subsidence Advisory NSW. If amendments to the design result in the development not remaining substantially the same as that approved by this approval, a new application must be submitted to Subsidence Advisory NSW.

- (b) This approval expires 5 years after the date the approval was granted if construction work has not physically commenced.

(10) 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.

(11) 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.

(12) 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.

(13) 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. The use of natural colours, muted and earth tones for major areas of the building such as walls and roofs to restrict stronger colours to smaller features such as window frames, doors and decorative woodwork shall be adhered.

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

(14) Construction Hours

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

- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.

The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

(15) Out of Hours Work Permits

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to written permission on each occasion from Council. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

Failure to obtain a permission for work outside of the approved hours will result in fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

It is recommended that applications be lodged as early as possible to allow sufficient time for determination by Council and to avoid disruption or delay due to conflicting priorities.

(16) Erosion and Sediment Controls

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

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

(17) Work-as-executed Certification

Upon completion of construction, works-as-executed certification by a qualified engineer is to be forwarded to Subsidence Advisory NSW confirming that construction was in accordance with the plans approved by Subsidence Advisory NSW.

(18) Sealed Section between the Road and the Boundary

A sealed section between the road and the boundary alignment shall be installed and maintained in order to minimise gravel being deposited on the road surface.

(19) Rural Property Access

Rural property access is to be designed in accordance with Council's specifications outlined in the Muswellbrook Development Control Plan 2009. This is to ensure that stormwater flows do not discharge down the access carrying sediment and debris onto Council's roads. To accommodate this requirement the access way shall be

designed to include measures such as mitre drains, pipe culverts, causeways, diversion banks, or other similar water management devices.

(20) On-site Sewage Management

Prior to the issue of any Occupation Certificate the applicant is to obtain approval from Council' Environmental Health Section in writing that the on-site sewage management system is suitable size and standard to manage the additional waste water loading associated with the dwelling extension.

Should it be necessary for the on-site sewage management system to be modified to account for the additional loading approval of these alterations must be obtained from Council in accordance with the requirements of Section 68 Local Government Act. Applications to install a system must be accompanied with a Wastewater Management Plan including Site and Soil Assessment by a suitably qualified person.

(21) Occupation

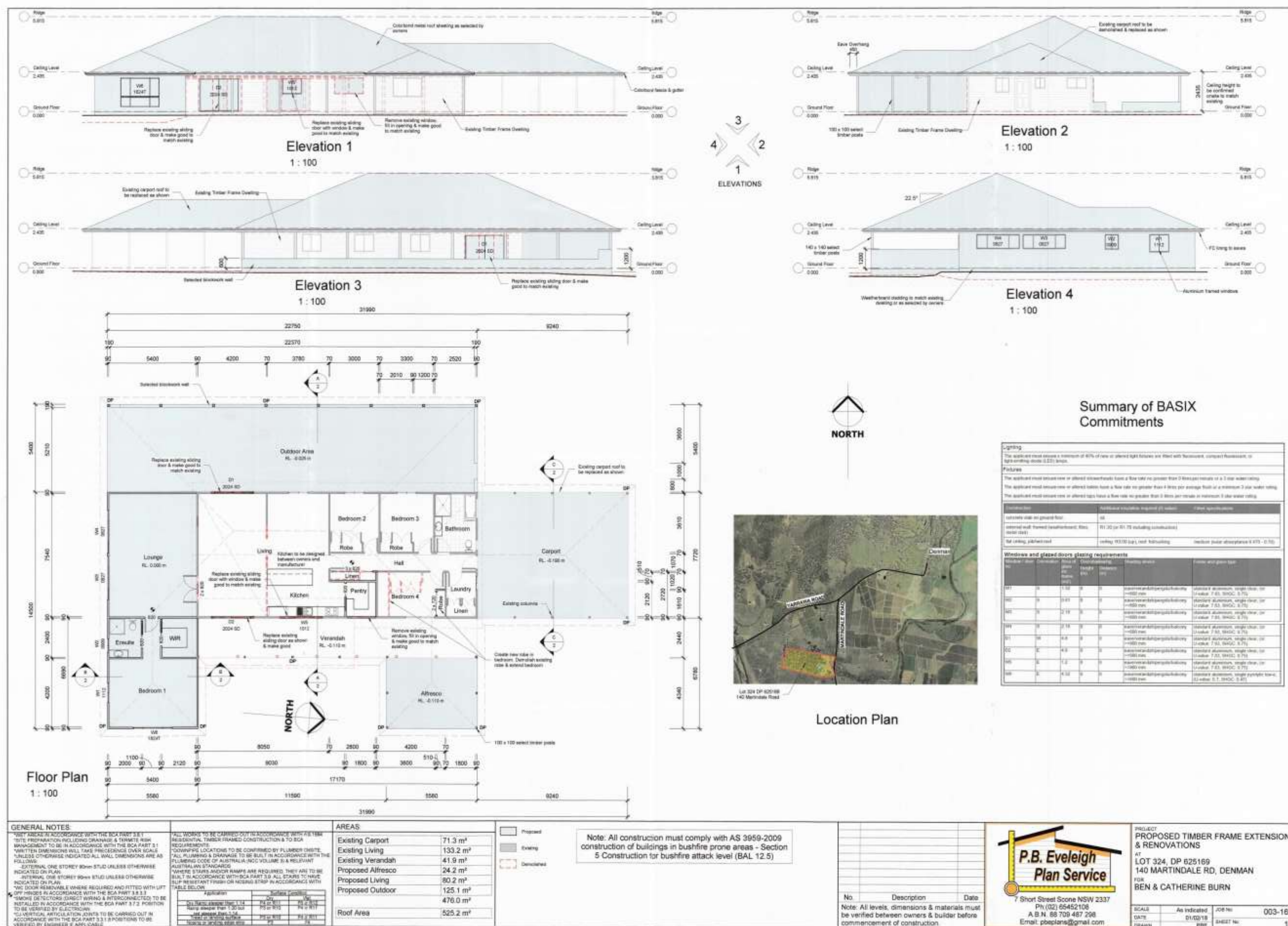
The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

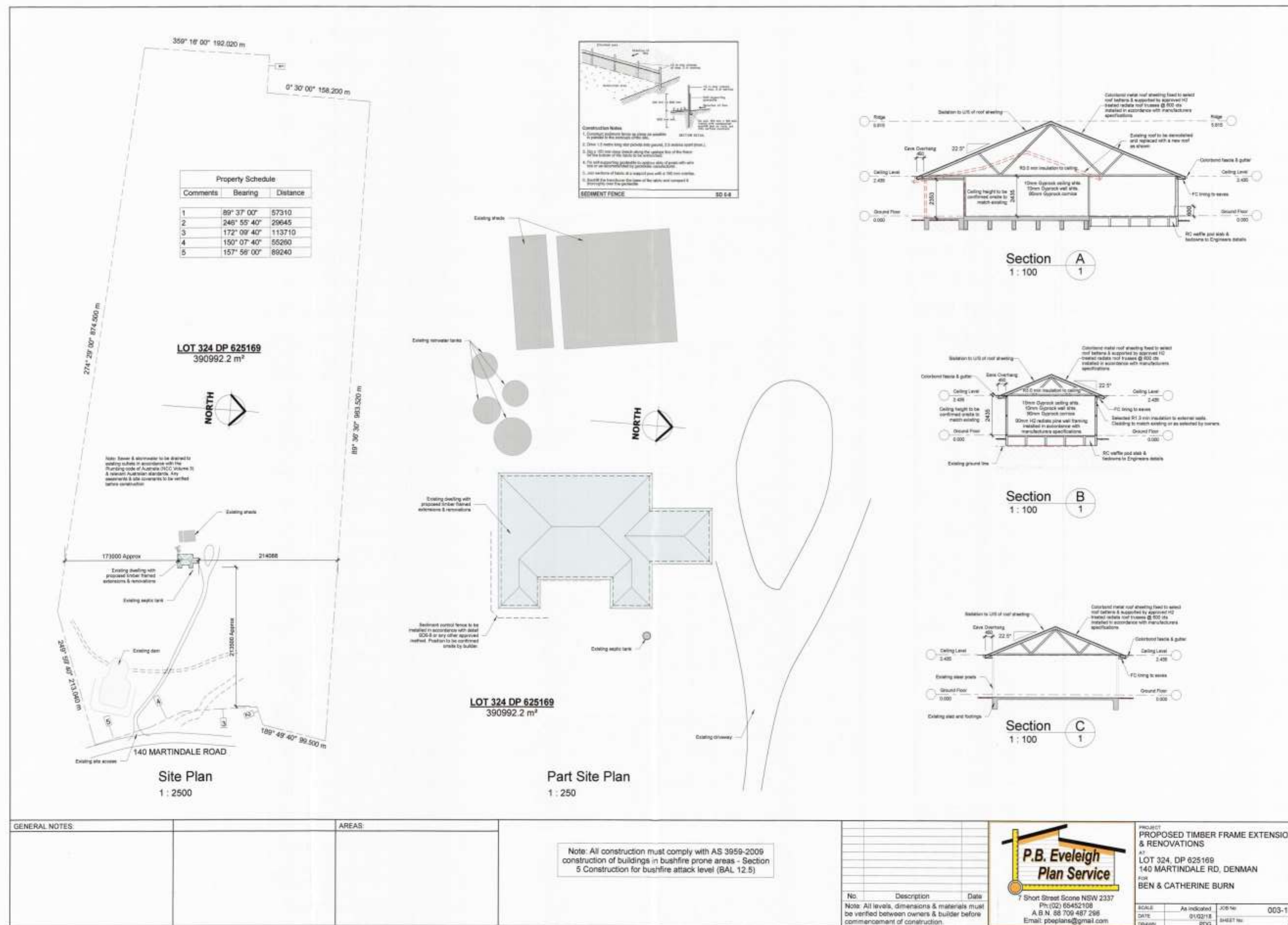
CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

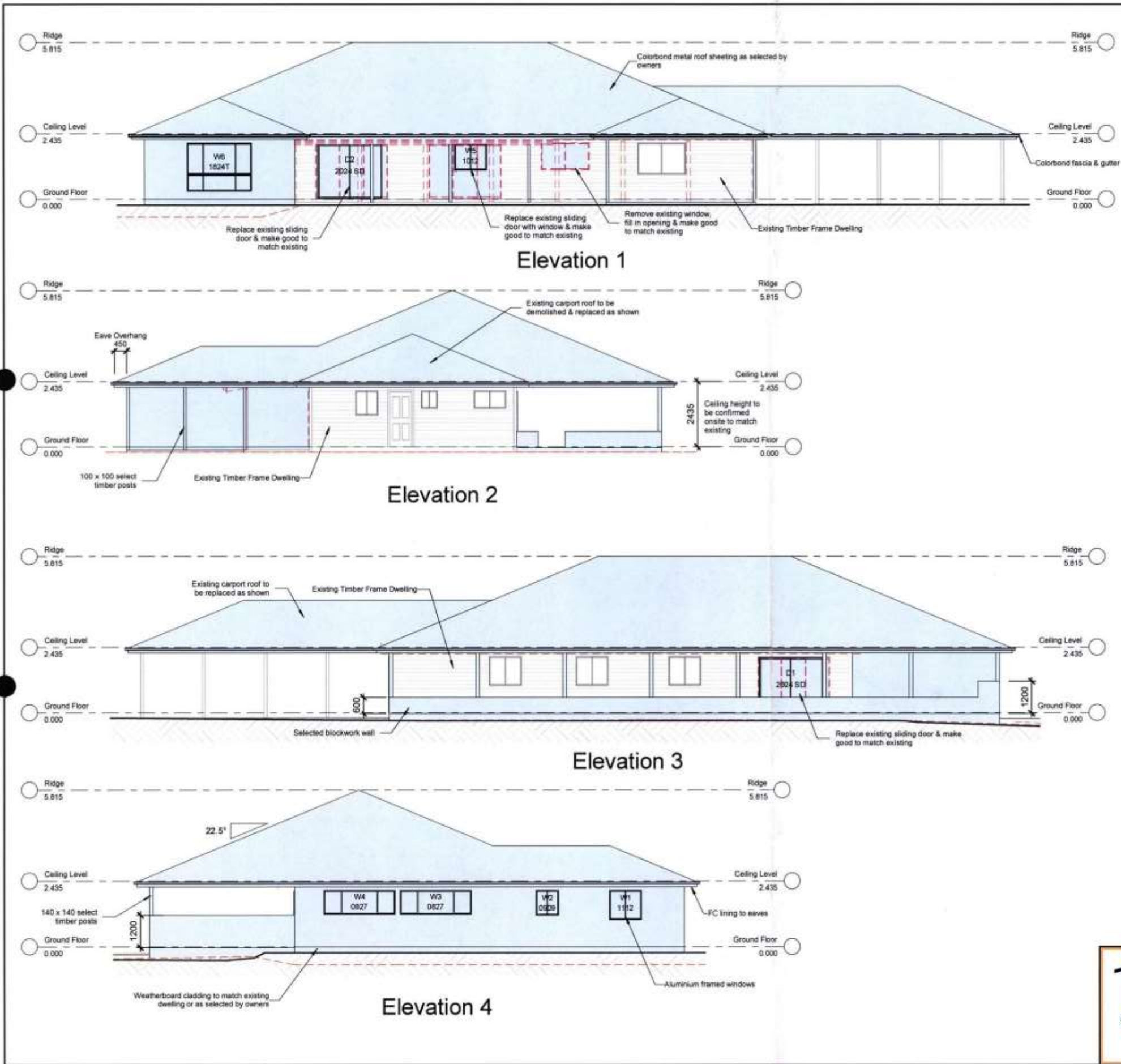
(22) Stormwater Disposal

All stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of to the site's existing drainage network.

Note: all stormwater drainage must comply with Australian Standard 3500.3.

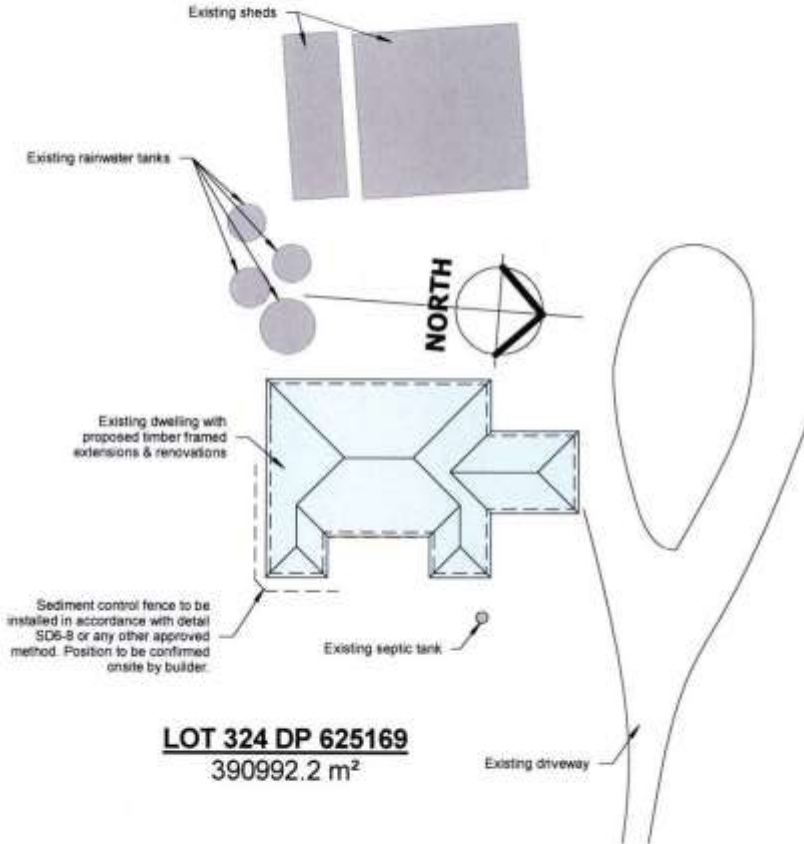
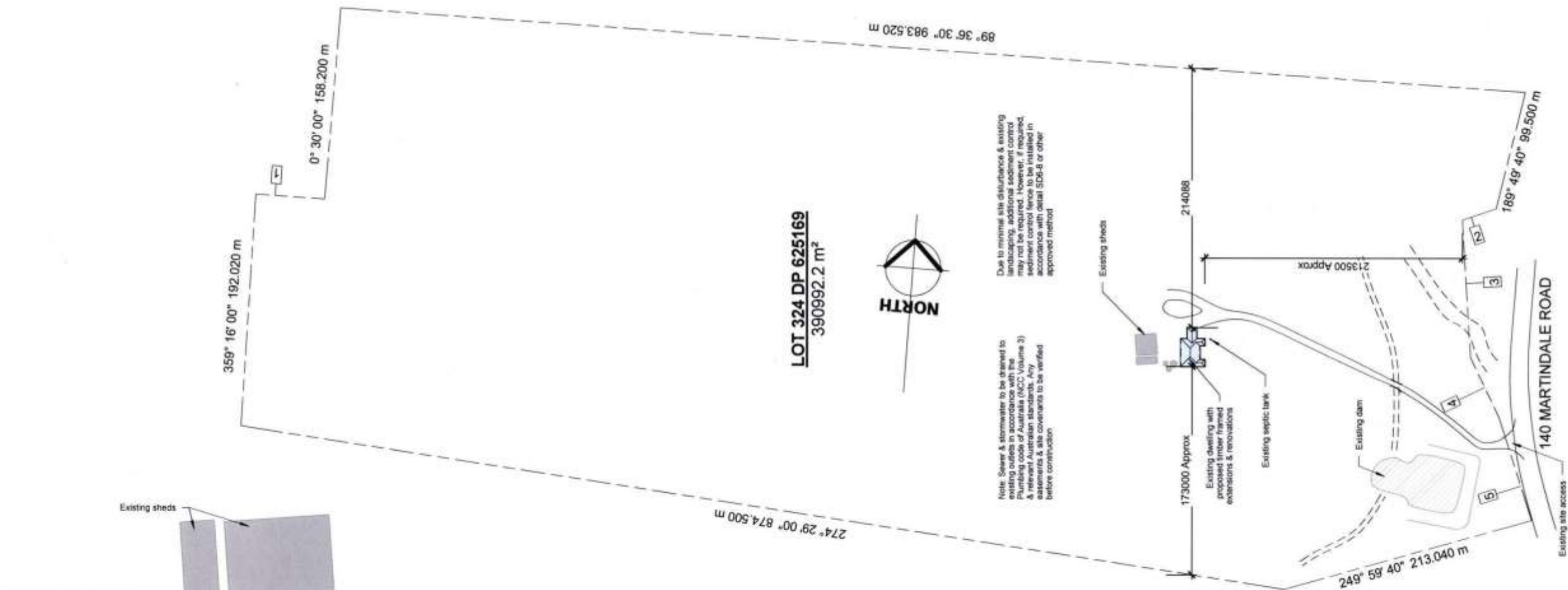






 P.B. Eveleigh Plan Service 7 Short Street Scone NSW 2337 Ph: (02) 65452108 A.B.N. 68 709 487 298 Email: pbeplans@gmail.com	PROJECT PROPOSED TIMBER FRAME EXTENSION & RENOVATIONS AT LOT 324, DP 625169 140 MARTINDALE RD, DENMAN FOR BEN & CATHERINE BURN	
	DATE 01/02/18	JOB No 003-16

Site Plan



Note: Saver & stormwater to be drained to existing outlets in accordance with the Plumbing code of Australia (NCC Volume 3) & relevant Australian standards. Any easements & site covenants to be verified before construction.

Due to minimal site disturbance & existing landscaping, additional sediment control may not be required. However, if required, sediment control fence to be installed in accordance with detail SDB-8 or other approved method.

**P.B. Eveleigh
Plan Service**

7 Short Street Scone NSW 2337
Ph: (02) 65452108
A.B.N. 66 709 487 298
Email: pbeplans@gmail.com

PROJECT PROPOSED TIMBER FRAME EXTENSION & RENOVATIONS AT LOT 324, DP 625169 140 MARTINDALE RD, DENMAN FOR BEN & CATHERINE BURN			
DATE	01/02/18	JOB No:	003-16

TEAR OUT & ATTACH THIS BUSH FIRE ASSESSMENT REPORT WITH YOUR APPLICATION TO COUNCIL

SECTION TWO - BUSH FIRE ASSESSMENT REPORT (Attach to DA)

PART A Property Details

Applicants Name: BEN BIRN
 Contact Phone Number; (H): [.....] (M): 0427 205 289
 Council: ADAMSBROOK Council Reference (if known):
 Lot: 324 DP: 625169
 Address to be developed: 140 MARSDALE RD, DELMAN
 My property is on Bush Fire Prone Land: ☒ Yes

PART B Type of Proposal

Type of Proposal:

- ☐ New Building
☐ Dual Occupancy
☒ Alteration/Additions to an existing building
☐ Urban
☐ Rural Residential
☐ Isolated Rural

Proposal Description: e.g. two storey house with attached garage DWELLING EXTENSION

Copy of plans attached ☒ Yes

PART C Bush Fire Attack and Level of Construction

Step 1: Assess the vegetation about the proposed building in all directions and convert from Keith to AUSLIG (1990) using Table 1

CATEGORY	NORTH	EAST	SOUTH	WEST
Converted vegetation	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest	<input type="checkbox"/> Forest
	<input checked="" type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input type="checkbox"/> Woodland	<input checked="" type="checkbox"/> Woodland
	<input type="checkbox"/> Shrubland	<input type="checkbox"/> Shrubland	<input type="checkbox"/> Shrubland	<input type="checkbox"/> Shrubland
	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub	<input type="checkbox"/> Scrub
	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga	<input type="checkbox"/> Mallee/Mulga
	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest	<input type="checkbox"/> Rainforest
	<input type="checkbox"/> Tussock	<input type="checkbox"/> Tussock	<input type="checkbox"/> Tussock	<input type="checkbox"/> Tussock
	<input type="checkbox"/> Moorland	<input type="checkbox"/> Moorland	<input type="checkbox"/> Moorland	<input type="checkbox"/> Moorland
	<input type="checkbox"/> Managed Land	<input checked="" type="checkbox"/> Managed Land	<input checked="" type="checkbox"/> Managed Land	<input type="checkbox"/> Managed Land

Copy of any relevant photos attached ☒ Yes

NSW RURAL FIRE SERVICE GUIDELINES FOR SINGLE DWELLING DEVELOPMENT APPLICATIONS V116

TEAR OUT & ATTACH THIS BUSH FIRE ASSESSMENT REPORT WITH YOUR APPLICATION TO COUNCIL

Step 2: Determine the distance from asset to boundary line

ASPECT	NORTH	EAST	SOUTH	WEST
Distance	210 m	213 m	173 m	720 m

Step 3: Determine the distance from the building line to the vegetation in each direction as above

ASPECT	NORTH	EAST	SOUTH	WEST
Distance	50 m	140 m	20 m	90 m

Step 4: Determine the effective slope that will influence bush fire behaviour in each direction

CATEGORY	NORTH	EAST	SOUTH	WEST
Slope under the hazard (over 100m) [in degrees]	<input checked="" type="checkbox"/> upslope/flat <input type="checkbox"/> >0 to 5 <input type="checkbox"/> >5 to 10 <input type="checkbox"/> >10 to 15 <input type="checkbox"/> >15 to 18	<input type="checkbox"/> upslope/flat <input type="checkbox"/> >0 to 5 <input checked="" type="checkbox"/> >5 to 10 <input type="checkbox"/> >10 to 15 <input type="checkbox"/> >15 to 18	<input type="checkbox"/> upslope/flat <input checked="" type="checkbox"/> >0 to 5 <input type="checkbox"/> >5 to 10 <input type="checkbox"/> >10 to 15 <input type="checkbox"/> >15 to 18	<input checked="" type="checkbox"/> upslope/flat <input type="checkbox"/> >0 to 5 <input type="checkbox"/> >5 to 10 <input type="checkbox"/> >10 to 15 <input type="checkbox"/> >15 to 18

Step 5: Determine the Fire Danger Index (FDI) that applies to your local government area (see page 9). Circle the relevant FDI below

FDI	<input checked="" type="checkbox"/> 100	<input type="checkbox"/> 80	<input type="checkbox"/> 50
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Step 6: Match the relevant FDI, vegetation, distance and slope to determine the required APZ and Construction level

FDI	<input checked="" type="checkbox"/> 100 (see Table 4, page 11)	<input type="checkbox"/> 80 (see Table 5, page 12)	<input type="checkbox"/> 50 (see Table 6, page 13)
-----	--	--	--

Identify the bush fire attack level for each direction, select the highest level for the entire building and record below. Note BAL-12.5 is the lowest construction level within the scope of AS3959.

Bush Fire Attack Level

- | | |
|----------------------------------|--|
| <input type="checkbox"/> BAL- FZ | <input type="checkbox"/> BAL- 19 |
| <input type="checkbox"/> BAL- 40 | <input checked="" type="checkbox"/> BAL-12.5 |
| <input type="checkbox"/> BAL- 29 | <input type="checkbox"/> No requirement |

Does your proposal meet the required construction level ☒ YES ☐ NO

PART D

Flame Zone

Provide details and evidence of an alternative solution.

If you determine your house is located in the flame zone you may wish to seek the advice of a specialist bush fire consultant.

TEAR OUT & ATTACH THIS BUSH FIRE ASSESSMENT REPORT WITH YOUR APPLICATION TO COUNCIL

PART E Water Supplies

Does your property have a reticulated (piped) water supply?; if so, please provide details on the distance to the nearest fire hydrant on your site plan.

Reticulated (piped) water supply is available

☐ Yes ☒ No Distance (m) to hydrant from house.

Do you have or do you plan to have a dedicated water supply for firefighting purposes?

☐ Yes ☒ No

Development Type	Water Requirement	Planned	Existing
Residential Lots (<1,000m ²)	5,000 l/lot		
Rural-Residential Lots (1,000-10,000m ²)	10,000 l/lot		
Large Rural/Lifestyle Lots (>10,000m ²)	20,000 l/lot		✓
Dual Occupancy	2,500 l/unit		
Townhouse/Unit Style (e.g. Flats)	5,000 l/unit up to 20,000l maximum		

Do you have or do you plan to have a static water supply (e.g. pool, tank or dam). Include approx. size in litres and also include tank material if using a tank:

Water supply type	Capacity	Construction material	Planned	Existing
e.g. pool	50,000l	Above ground rolled steel with plastic liner		
<i>TK</i>	<i>55000l</i>	<i>Concrete underground</i>		✓
<i>D.M.</i>		<i>CLAY BASE DRY</i>		✓

NOTE: Check with your local council concerning their Local Environmental Plan (LEP) or their Development Control Plan (DCP) as this may dictate the type and size of tank.

PART F Gas Supplies

GAS

Do you have reticulated (piped) or bottled gas?

TYPE OF GAS

Reticulated gas ☐ Yes ☒ No

Bottled gas ☐ Yes ☒ No



NOTE: When attaching development plans please ensure they clearly show location and details of electricity and gas (where relevant) on your property.



View facing North



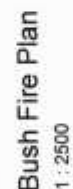
View facing South



View facing East



View facing West



AREAS

Note: All construction must comply with AS 3959:2009 construction of buildings in bushfire prone areas - Section 5 Construction for bushfire attack level (BAL 12.5)

PROJECT	SCALE	As indicated	JOB No.	003-16
PROPOSED TIMBER FRAME EXTENSION & RENOVATIONS	DATE	01/02/18	SHEET No.	103
AT LOT 324, DP 625/169 140 MARTINDALE RD. DENMAN	DRAWN	S.M.S.		
FOR BEN & CATHERINE BURN				

PROJECT
PROPOSED TIMBER FRAME EXTENSION

AT
LOT 324, DP 625169
140 MARTINDALE RD, DENMAN
FOR
BEN & CATHERINE BURN

SCALE	As indicated	118 No	003-16
DATE	01/02/18		
DRAWN	M.E.S.		
		Sheet No.	103

6.2 DA 87/2015 SECTION 4.55(1A) MODIFICATION - LOT 31 GOLDEN HIGHWAY, SANDY HOLLOW

Attachments:	<ul style="list-style-type: none"> A. DA 87/2015 Section 4.55(1A) Modification Assessment B. DA 87/2015 Section 4.55(1A) Recommended Conditions of Consent C. DA 87/2015 Proposed Plans and Staging Plans D. DA 87/2015 - Council's Notice of Determination dated 19 May 2016 E. DA 87/2015 - Approved Plan Referenced by 19 May 2016 Notice of Determination F. Correspondence from Adam Thrift
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

This report has been prepared to inform the Development Assessment Committee in determining a Section 4.55(1A) Modification application for the amendment of the development consent issued by Council in relation to Development Application (DA) 87/2015.

DA 87/2015 involves the subdivision of Lot 31 DP 1156452 into nine (9) lots and this proposed modification seeks to amend the development application by including a staging plan to allow the development to be carried out in 2 Stages. This Section 4.55(1A) modification has been assessed by Council Officers and a copy of the Assessment Report is attached.

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

- (ii) *[determine matters]* which are for, or in any way related to:
 - 1. *(e) subdivisions into more than five lots.*

The delegations issued to the Development Assessment Committee allow the Committee to determine development applications that involve the subdivision of land into a maximum of ten (10) lots.

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

RECOMMENDATION

The Development Assessment Committee approve the Section 4.55(1A) modification of DA 87/2015, involving the carrying out of the nine (9) lot subdivision of Lot 31 DP 1156452 in 2 Stages, subject to the recommended conditions contained in Appendix B.

Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSAL

The proposed Section 4.55 modification application seeks Council's approval for the modification of a development consent issued by Council Officers for the nine (9) lot subdivision of Lot 31 DP 1156452.

The development application was approved by Council Officers under delegated authority on 19 May 2016.

The land subject to this development application is zoned RU5 Village under the Muswellbrook Local Environmental Plan 2009 and is part of the Sandy Hollow village. The subject site is identified in context with the wider locality in the image below.

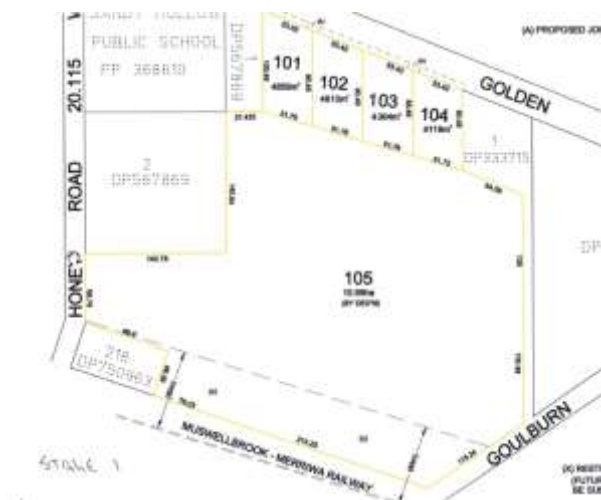


The purpose of the proposed modification is to enable the approved subdivision to be carried out in 2 Stages. The staging of the development is the only change to the approved development proposed by the applicant.

The plans submitted seek approval to carry out the development in the following 2 stages.

Stage 1:

The subdivision of four (4) lots with frontage to the Golden Highway and the creation of a residual development lot to be further subdivided as part of Stage 2. The Stage 1 subdivision is identified in the image below:



Stage 2:

The subdivision of the residual lot (Lot 105) into five (5) lots as set out in the image below.



ASSESSMENT SUMMARY

Council Officers have considered the proposed development against the relevant matters prescribed by Section 4.55(1A) and Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Development Assessment Report is provided in Attachment A for the Development Assessment Committee's consideration.

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 assessment report include:

- The proposed modification seeks to establish a staging plan for the carrying out of the approved development. Accordingly Council Officers are satisfied that the proposed modified development would be substantially the same development as the development previously approved and would be of minimal environmental impact. Accordingly, Council may consider the proposed development as a Section 4.15(1A) modification.
- The proposed modification does not alter the approved lot arrangement in any way other than requesting the carrying out of the development in stages. Accordingly, there are limited matters that require consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* to inform the determination of this development application. The key areas of consideration relate to the servicing requirements for each stage of the development.

The recommended conditions of consent have been adjusted to account for these issues and take into consideration comments from Council's Roads and Drainage Division, Water and Waste Division and NSW Roads and Maritime Services as relevant authorities consulted in relation to the servicing of the staged development.

Following the Development Assessment Committee's previous deferrals of the Development Application the applicant has been in contact with Council around the deferral. The owner of the land has provided a letter to Council indicating that he has also been in contact with the person benefited by the development consent issued by Council for the subdivision of the property opposite the site on Honey Lane and the improvements to Honey Lane required by that consent.

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.

OPTIONS

The Development Assessment Committee may:

- (A) Grant approval to the Section 4.55(1A) modification application subject to the recommended conditions of consent,
- (B) Grant approval to the Section 4.55(1A) modification application unconditionally or subject to amended conditions of consent,
- (C) Refuse the Section 4.55(1A) modification application and nominate reasons for refusal, or
- (D) Resolve not to determine the Section 4.55(1A) modification application and defer its determination to the elected Council.

LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the Section 4.55 modification 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

This Section 4.55(1A) modification of DA 87/2015 has been reported to the Development Assessment Committee as it involves a subdivision of one lot into more than five (5) lots. Therefore, the determination of this development application is outside the function delegated to Council Officers by Council. The determination of the development application is within the function delegated to the development assessment committee.

Council Officers have completed an assessment of the proposed Section 4.55(1A) modification. This assessment recommends that the Development Assessment Committee grant development consent to DA 116/2018 subject to conditions of consent outlined in Attachment B.

ASSESSMENT REPORT

ADDRESS/WARD: Lot: 31 DP: 1156452, Merriwa Road Sandy Hollow

APPLICATION NO: 87/2015

PROPOSAL: Pursuant to section 4.55(1A) of the EP & A Act 1979, to modify a consent for s4.55(1a) modification - subdivision of one (1) lot into nine (9) lots - modification to carry out the development in two (2) stages

OWNER: Mr A P Thrift

OWNER ADDRESS: 13 Goulburn Drive
SANDY HOLLOW NSW 2333

APPLICANT: Mr A P Thrift

ADDRESS: 13 Goulburn Drive
SANDY HOLLOW NSW 2333

AUTHOR: Report of Mr H A McTaggart

DATE OF REPORT: 2 April 2019

DATE LODGED: 17/12/2018

SUMMARY

ISSUES: Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979.

SUBMISSIONS: Nil

RECOMMENDATION: Approval Subject to Conditions

DESCRIPTION OF PROPOSAL

On the 19 May 2016 Council Officers granted development consent to DA 87/2015 for nine (9) lot subdivision of Lot 31 DP 1156452.

The subject land is located in the Sandy Hollow Township, is zoned RU5 Village and has direct frontages to the Golden Highway, Goulburn Drive and Honey Lane.

The site is identified in context with its surrounds in the image below.



This application seeks to modify Council's previous approval of the development application to carry out the development in two stages.

Other than the inclusion of the proposed staging plans, there are no other changes to the approved development. The number of lots proposed, lot locations and lot sizes would remain consistent with those previously approved by Council.

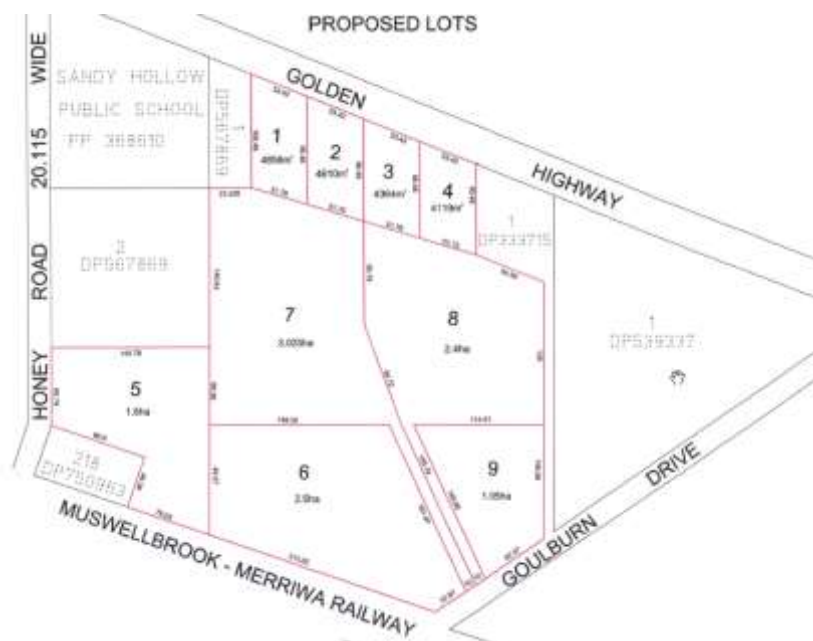
Under the proposed staging plan the subdivision would be carried out in two stages. Stage 1 would create four (4) lots with road frontage to the Golden Highway and a residual development lot. Proposed Stage 1 is shown in the image below.



Stage 2 would consist of the subdivision of the Stage 1 residual lot (Lot 105) into five (5) lots. Proposed Stage 2 is shown in the image below.



As previously mentioned the location and area of the proposed lots would remain consistent with the previous approval.



SUBMISSIONS

The proposed modification was notified and advertised in accordance with the provisions of the Muswellbrook DCP between the 9 January 2019 and 24 January 2019. During this period, neighbouring property owners were notified of the development and a Notice published in the Hunter Valley News on the 9 January 2019.

No submissions were received by Council in relation to the proposed modification.

SECTION 4.55 CONSIDERATIONS

Section 4.55 of the Environmental Planning and Assessment Act 1979 establishes a framework under which applicants can apply for the modification of a development consent previously granted

by a consent authority. There are three (3) types of modifications to development consents that can be applied for under Section 4.55:

- Section 4.55(1) – modifications involving a minor error, wrong description or miscalculation.
- Section 4.55(1A) – modifications involving minimal environmental impact.
- Section 4.55(2) other modifications.

The application lodged with Council is a Section 4.55(1A) modification application. When considering whether to grant consent to a Section 4.55(1A) modification application a consent authority must take the following matters into consideration:

- Whether it is satisfied that the development to which the consent as modified relates is of minimal environmental impact;
- Whether it is satisfied that the development to which the consent as modified relates is substantially the same development;
- Whether it has notified the application in accordance with the regulations and has considered any submissions made concerning the proposed modification; and
- in determining the application for modification, has taken into consideration such matters referred to under Section 4.15(1) as are relevant.

Is the proposed development of minimal environmental impact?

The proposed modification does not alter the number, location or size of lots in the approved subdivision. The only change to the development is the carrying out of the development in stages. Council Officers are satisfied that the modification proposed is of minimal environmental impact.

Is the proposed development as modified substantially the same development approved by the Council?

The proposed development is considered to be substantially the same development. There are no proposed changes to the number, size or location of the proposed lots. This modification seeks approval for the carrying out of the development in stages only. Accordingly, Council Officers are satisfied that the proposed development is substantially the same as the development previously approved by Council.

Has the proposal been notified in accordance with the Regulations and Council's DCP requirements?

The proposed development was notified in accordance with the Muswellbrook DCP requirements. No submissions were received by Council in relation to the proposed development.

Any relevant considerations under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

The proposed modification has been reviewed against the relevant matters for consideration specified by Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

The only notable change to the relevant environmental planning and assessment matters specified by Section 4.15(1) relate to the changes to lot servicing and construction works through the staging of the development. To inform relevant issues around the servicing of lots associated with the staging of the development, the proposal has been referred to Council's Water and Waste Division, Roads and Drainage Division and the NSW RMS. Matters raised by these referrals have been considered under the sub-headings below.

NSW RMS

NSW Roads and Maritime Services provided correspondence dated 10 January 2019 raising no objection to the proposed development and its staging. The requirements imposed as a result of NSW RMS requirements on the original consent have been retained as recommended conditions of

consent, but adjusted to reference the current lot arrangement.

Water and Waste

The proposed development was referred to Council's Water and Waste Division who provided comments dated 9 January 2019 raising no issue in relation to the staging of the development. Recommended conditions relating to the Notice of Arrangement and water servicing of the development have been adjusted to reflect the staging plan.

Roads and Drainage

The proposed development was referred to Council's Roads and Drainage Team who provided comments in relation to the proposal on the 2 April 2019. These comments consider the impact of staging the development on timing of works to upgrade Honey Lane, which was a requirement of the original Notice of Determination for DA 87/2015. To manage the rollout and construction of this infrastructure and vehicle crossovers for the proposed lots, conditions have been updated and imposed consistent with the following:

- The full upgrade of the Honey Lane intersection and the first 30m of road pavement construction will be required as part of Stage 2 works, as there is no increase in traffic or vehicle movements on this road as part of the stage 1 development. This work is to be completed prior to the issue of a Stage 2 subdivision Certificate.
- A kerb return is to be installed and a pram ramp provided to connect to the existing footpath pavement. This would improve pedestrian accessibility to the development and compliance with the aims and objectives of Section 5.1.3 (k) and (m) of the DCP.
- To manage and ensure access to the residual development lot from Goulburn Drive, an additional requirement has been drafted for the recommended conditions, requiring that vehicle access for the residual lot be constructed from Goulburn Drive prior to the issue of a Stage 1 Subdivision Certificate.

It is considered that the proposed modification does not present any issue that would prevent Council from granting approval to the modification, provided the conditions of consent are updated to reflect their requirements.

CONCLUSION

The proposed Section 4.55(1A) Modification for the carrying out of the approved nine (9) lot subdivision of Lot 31 DP 1156452 in 2 Stages has been assessed against the relevant matters prescribed by Section 4.55 of the Environmental Planning and Assessment (EP&A) Act 1979. Council Officers are satisfied that the proposed modification is of minimal environmental impact and substantially the same as the development previously approved by Council.

Council Officers have also considered the proposed modification against the provisions of Section 4.15(1) of the EP&A Act 1979 and are satisfied that the proposed modification would be in accordance with the relevant assessment provisions and that development consent can be granted subject to a number of modified conditions of consent.

RECOMMENDATION

That the Development Assessment Committee approve the modification of DA 87/2015 subject to recommended modified conditions of consent.

DA 87/2015 S4.55(1A) Modification Proposed Conditions of Consent

Schedule 1 contains summary of modified conditions and Schedule 2 sets out proposed conditions in full.

SCHEDULE 1
SUMMARY OF MODIFIED CONDITIONS OF CONSENT

This Schedule includes a summary of the changes to the conditions of consent from those imposed on the original determination of this development application. This Schedule should not be relied on to identify the full details of the consent and is provided as a reference document only to assist a person reviewing or acting with this consent to identify changes from the consent previously issued by Council. The current conditions of consent are listed in full in Schedule 2.

The dot points below provide a brief summary of changes to the conditions of consent imposed by Council in its previous determination of this development application:

- Condition 1, amended to reference the updated approved plans
- Condition 8, modified to restrict the carrying out of works that require a Construction Certificate until a Construction Certificate has been issued.
- Condition 10, modified slightly to require section 68 approval where relevant.
- Condition 11, modified to include reference to the new plans/lot arrangement.
- Condition 12, updated to reference the staging of the development and construction requirements for Stage 1 and 2.
- Former condition 16 deleted and replaced by new conditions 20 and 24 to require a Compliance Certificate to be obtained prior to the issue of a Subdivision Certificate of each stage of the development.
- Former condition 17 deleted and replaced by new conditions 21 and 25 to Section 94 contributions to be paid prior to the issue of a Subdivision Certificate of each stage of the development.
- New condition 22 added to include a requirement for relevant works and kerb and gutter improvement to be carried out to Honey Lane prior to the issue of a Subdivision Certificate for Stage 1.
- New condition 23 added to include a requirement for the Stage 1 vehicle accesses to be constructed prior to the issue of a Subdivision Certificate for Stage 1 of the development.
- New condition 26 added to include a requirement for all relevant Honey Lane improvement works to be completed prior to the issue of a Subdivision Certificate for Stage 2.
- New condition 27 added to include a requirement for the Stage 2 vehicle accesses to be constructed prior to the issue of a Subdivision Certificate for Stage 1 of the development.
- Minor amendments and numbering changes to adjust condition numbering to account for the deleted and newly imposed conditions of consent.

SCHEDULE 2
DEVELOPMENT CONSENT CONDITIONS

This Schedule sets out the conditions of consent for the development.

The conditions of consent are as follows:

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

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

Drawings no.	Drawn by	Date	Received
Approved Lots	MM Hyndes Bailey & Co	21 November 2018	18 December 2018
Stage 1 Plan	MM Hyndes Bailey & Co	21 November 2018	18 December 2018
Stage 2 Plan	MM Hyndes Bailey & Co	21 November 2018	18 December 2018

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

**ANCILLARY MATTERS TO BE ADDRESSED TO THE SATISFACTION OF COUNCIL PRIOR TO THE
ISSUE OF THE CONSTRUCTION CERTIFICATE**

3. Construction Management Program

A Construction Management Program must be prepared and submitted to, and approved in writing by the Council prior to the issue of any Construction Certificate. The program shall include such matters as:

- a) a Safe Work Method Statement;
- b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
- d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;

- e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

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

4. Muswellbrook Shire Water and Waste Division

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

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

The final compliance certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision or Occupation Certificate.

5. Australian Rail and Track Corporation – Stormwater

Prior to any Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

6. Public Liability Insurance

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Muswellbrook Shire Council, as an interested party and a copy of the Policy must be submitted to Council and the Principal Certifying Authority prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

7. Sediment and Erosion Control

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

8. Construction Certificate Requirement

No works shall commence on site for works that require a construction certificate 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.

9. Damage to Public Infrastructure

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

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

10. Section 68 Local Government Act Approval

Prior to the commencement of any works relating to the carrying out of water supply or stormwater drainage works it shall be necessary for the applicant to obtain a Section 68 Local Government Act approval for all water supply and stormwater sewer drainage works.

11. Section 138 Permit - Vehicle Entry

Prior to commencing construction of all relevant driveway/vehicle crossing/layback, within the road reserve, a permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993 for proposed lots 1, 2, 3, 4, 7 and 8 (as shown on the Approved Lots Plan).

Note: Proposed lots 5, 6 and 9 will require a Section 138 Permit when applications are lodged for dwellings.

Note2: The Lot identified as Lot 105 on the proposed Stage 1 Plan will also require the construction of a vehicle access prior to the issue of a Subdivision Certificate for Stage 1 of the development. The vehicle access for this Lot is to be constructed from Goulburn Drive and not Honey Lane.

12. Section 138 – Road construction Honey Lane

At the relevant stage of the development the applicant is to lodge a Section 138 Permit under the Roads Act 1993 for the half width construction of Honey Lane and a kerb return in accordance with Standards in Section 5.4.2 of the DCP and the requirements below. A design Plan for the intersection and Kerb returns is to be submitted to Council for approval with the relevant Section 138 Application.

- a) Prior to the completion of Stage 1 of the development Council requires the design and construction of a kerb return on the eastern side of Honey Lane. The kerb return is to be constructed between the existing kerb on the Golden Highway and a location parallel to the property boundary of Lot 1 DP 368610 (Sandy Hollow School). A pram ramp is to be included in the design of the kerb return at a location parallel to the pedestrian footpath adjacent the school and the pedestrian footpath extended to connect with the pram ramp and kerb return.
- b) Prior to the completions of Stage 2 of the development Council requires a 7m wide sealed pavement with transition tapers to suit turning template from the Golden Highway. This pavement is to be extended for a length of 30m transitioning to the existing gravel pavement. The kerb return is to join the kerb in front of the School and terminate at the Tangent Point in Honey Lane.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

13. Construction Hours

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

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

14. Impact on Amenity of Surrounding Area – Non Residential Areas

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external), solar glare arising from the building materials utilised in any

construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.

15. Australian Rail and Track Corporation – Fencing

A 1.8m high mesh security fence is to be erected along the common boundary of the subject land and the rail corridor.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE
--

16. Services within Lots – Subdivision

Prior to the issue of a Subdivision Certificate for each stage of the development a notification of arrangements to connect services and utilities for each lot included in that stage is to be provided to the Certifying Authority:

- (a) telecommunication services
- (b) electrical reticulation
- (c) National Broadband Network

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

17. Easements, Rights-of-way and Restrictions-as-to-user

The applicant shall register a restriction on the land requiring storage tanks to minimise the impact of roof water and to establish a maximum area of sealed pavement or pathways and/or establish the need interallotment drainage works and easements.

18. Building and Unit Numbering (Subdivisions)

Prior to issuing any Subdivision Certificate for the subdivision, the person acting upon this consent must apply to Muswellbrook Shire Council and receive written confirmation of the allocated street names and addresses (house number) and unit numbers for the building and any approved allotments within the completed project. These are the street names and numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

To assist Council when applying for street name and number allocations, a draft proposal for street naming and numbering within development should be submitted for concurrence to Council at an early stage of construction, as these numbers will be used to maintain Council's property and mapping database, and the proposed street names must be formally agreed and adopted by Council.

19. Works as Executed plans

All civil works for each stage shall be completed to Council's satisfaction. On completion, "Works-as-Executed" (WAE) drawings are to be provided by the developer, to Council and accepted, prior to the release of the respective subdivision certificate. The drawings shall be in the form of a marked-up copy of each approved Construction Certified Engineering Plan, and also in marked-up digital CAD format compatible with Council's asset database system. Digital data

requirements shall be confirmed with Council's Asset Manager prior to provision of the WAE drawings.

All WAE drawings shall be individually certified as compliant with the design requirements of this consent by an appropriately qualified engineer or registered surveyor.

Line sheets/junction sheets are to be provided by the developer for all access chamber lengths covered by the WAE sewer main drawings.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE FOR STAGE 1

20. Notice of Requirements – Water and Sewer Connection

A Compliance Certificate under the Water Management Act 2000 must be obtained from Muswellbrook Shire Water & Waste Division for the completion of water servicing works and the payment of relevant contributions in accordance with any Notice of Requirements issued in relation to the relevant stage of the development.

Prior to the issue of the subdivision Certificate for Stage 1 the person acting with this consent must obtain a Compliance Certificate for the completion of water supply work related to the creation of Lots 101, 102, 103, 104 and 105 as identified on the approved Stage 1 Plan.

21. S7.11 Contributions

Prior to the issue of a Subdivision Certificate for Stage 1 a contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council Section 94 Contribution Plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

Description	Calculation (per lot)	Payment required
Rural Roads	\$2,972.00 x 4	\$11,888.00
Bushfire protection	\$2,890.00 x 4	\$11,560.00
Open Space and community facilities	\$1,236.00 x 4	\$4,944.00
	TOTAL PAYABLE	\$28,392.00

The above amount shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the Muswellbrook Shire Council Section 94 Contribution Plan can be viewed at the office of Council 157 Maitland Street, Muswellbrook.

22. Kerb Construction Honey Lane

Prior to the issue of a Subdivision Certificate for Stage 1 of the development, The Honey Lane kerb return required in accordance with condition 12 a) of this Notice of Determination, are to be completed in accordance with design plans provided to and approved by Council in conjunction with the Section 138 permit application.

The works must be completed in accordance with the requirements of this consent, the approved detailed design plans, the requirements of relevant Section 138 permits and to the satisfaction of the Roads Authority.

23. Vehicle Access Construction

Prior to the issue of a Subdivision Certificate for Stage 1 of the development, the driveway access driveway access/vehicle crossovers are to be constructed for Lots 101, 102, 103, 104 and 105 as shown on the approved Stage 1 Plan in accordance with any Section 138 permit and the requirements of condition 11 of this Notice of Determination.

The driveway access/vehicle crossover for Lot 105 is to be constructed from Goulburn Drive and not Honey Lane unless otherwise approved by Council in writing.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE FOR STAGE 2

24. Notice of Requirements – Water and Sewer Connection

A Compliance Certificate under the Water Management Act 2000 must be obtained from Muswellbrook Shire Water & Waste Division for the completion of water servicing works and the payment of relevant contributions in accordance with any Notice of Requirements issued in relation to the relevant stage of the development.

Prior to the issue of the subdivision Certificate for Stage 2 the person acting with this consent must obtain a Compliance Certificate for the completion of water supply work related to the creation of Lots 201, 202, 203, 204 and 205 as identified on the approved Stage 2 Plan.

25. S7.11 Contributions

Prior to the issue of a Subdivision Certificate for Stage 2 a contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council Section 94 Contribution Plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

Description	Calculation (per lot)	Payment required
Rural Roads	\$2,972.00 x 4	\$11,888.00
Bushfire protection	\$2,890.00 x 4	\$11,560.00
Open Space and community facilities	\$1,236.00 x 4	\$4,944.00
	TOTAL PAYABLE	\$28,392.00

The above amount shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the Muswellbrook Shire Council Section 94 Contribution Plan can be viewed at the office of Council 157 Maitland Street, Muswellbrook.

26. Road Construction Honey Lane

Prior to the issue of a Subdivision Certificate for Stage 2 of the development, the road works required in accordance with condition 12 b) of this Notice of Determination, are to be completed in accordance with detailed design plans

provided to and approved by Council in conjunction with the Section 138 permit application.

The works must be completed in accordance with the requirements of this consent, the approved detailed design plans, the requirements of relevant Section 138 permits and to the satisfaction of the Roads Authority.

27. Vehicle Access Construction

Prior to the issue of a Subdivision Certificate for Stage 2 of the development, the driveway access driveway access/vehicle crossovers are to be constructed for Lots 203 and 204 as shown on the approved Stage 2 Plan in accordance with any Section 138 permit and the requirements of condition 11 of this Notice of Determination.

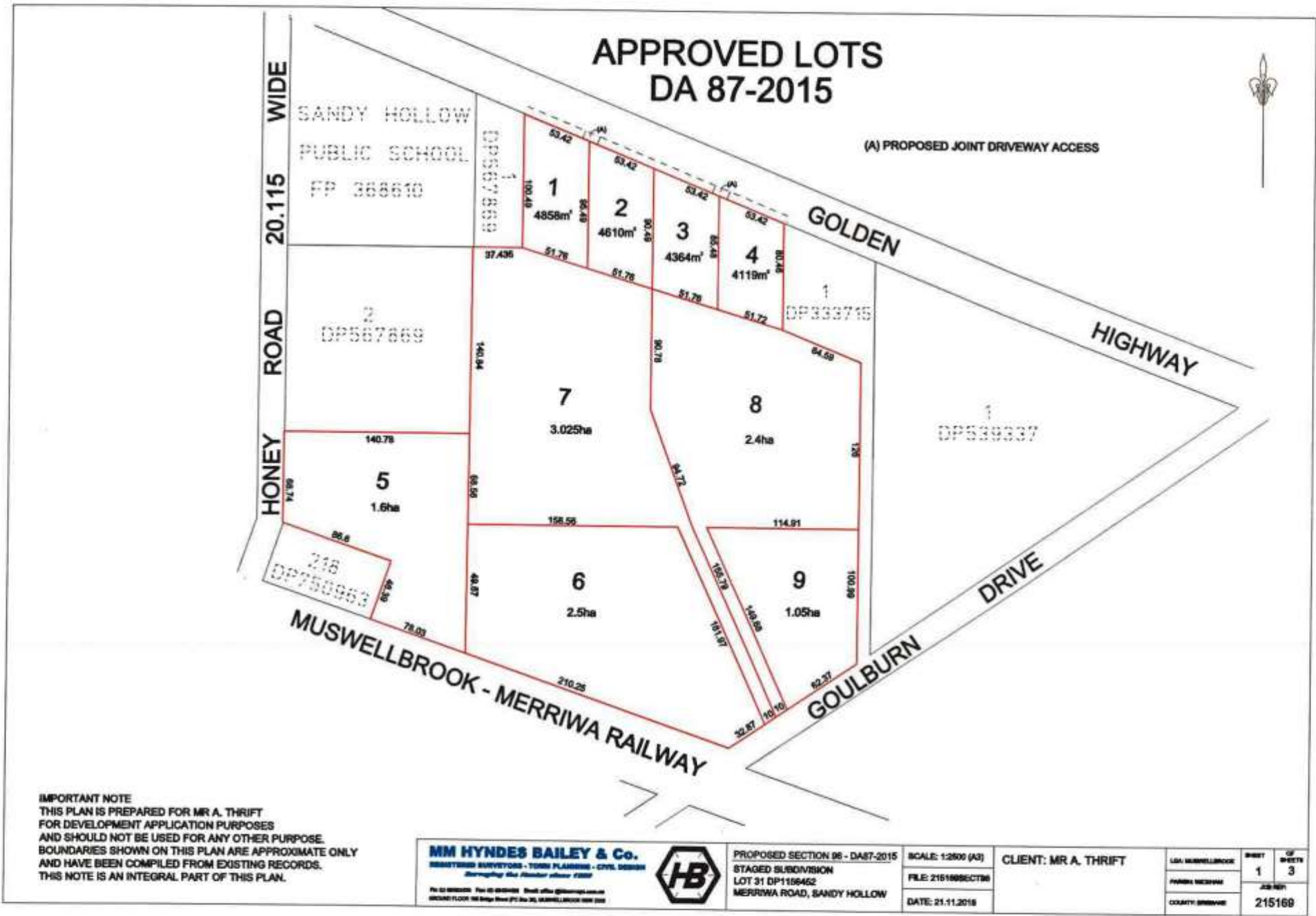
GENERAL TERMS OF APPROVAL PURSUANT TO SECTION 4.47 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)
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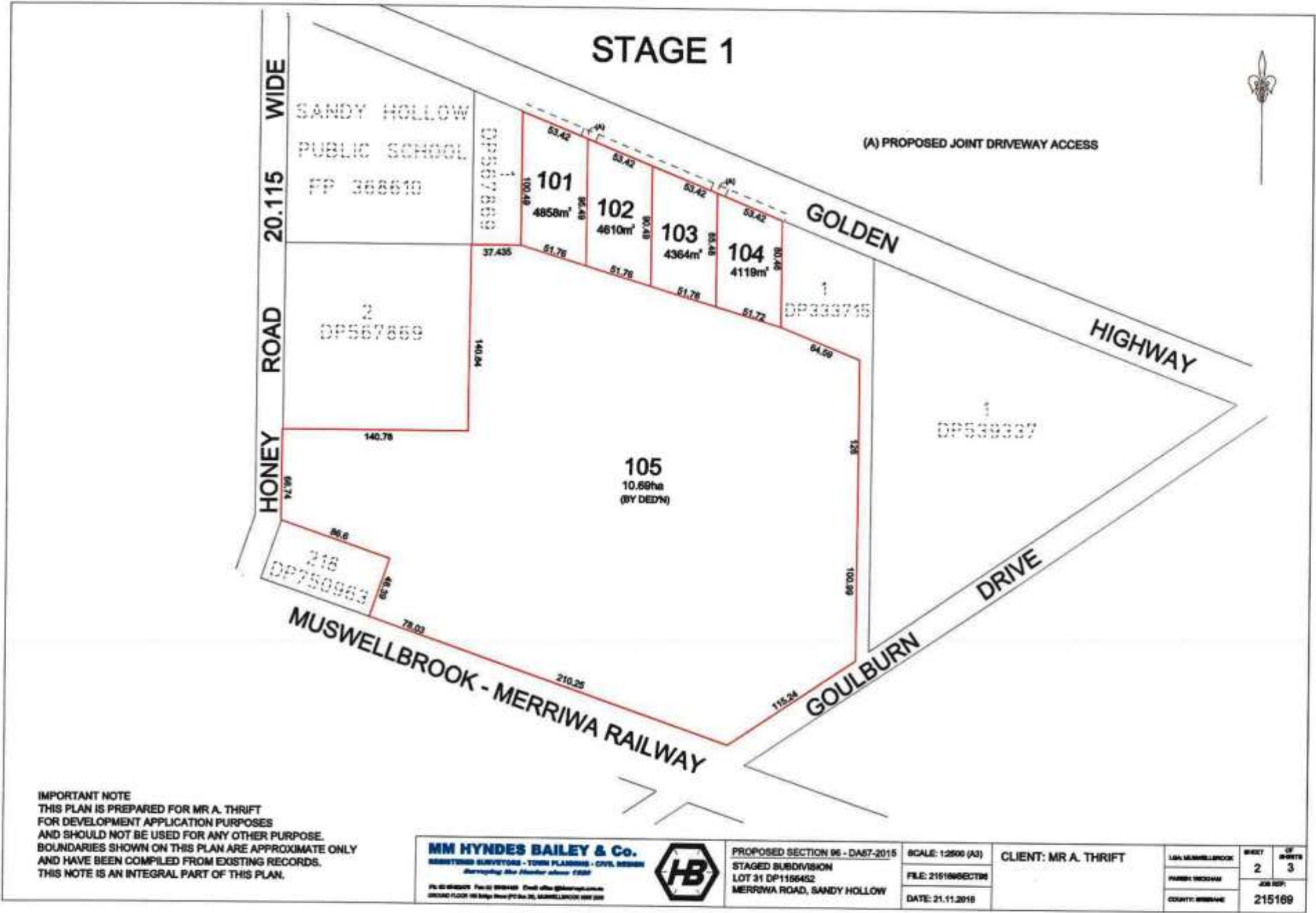
ROADS AND MARITIME SERVICES

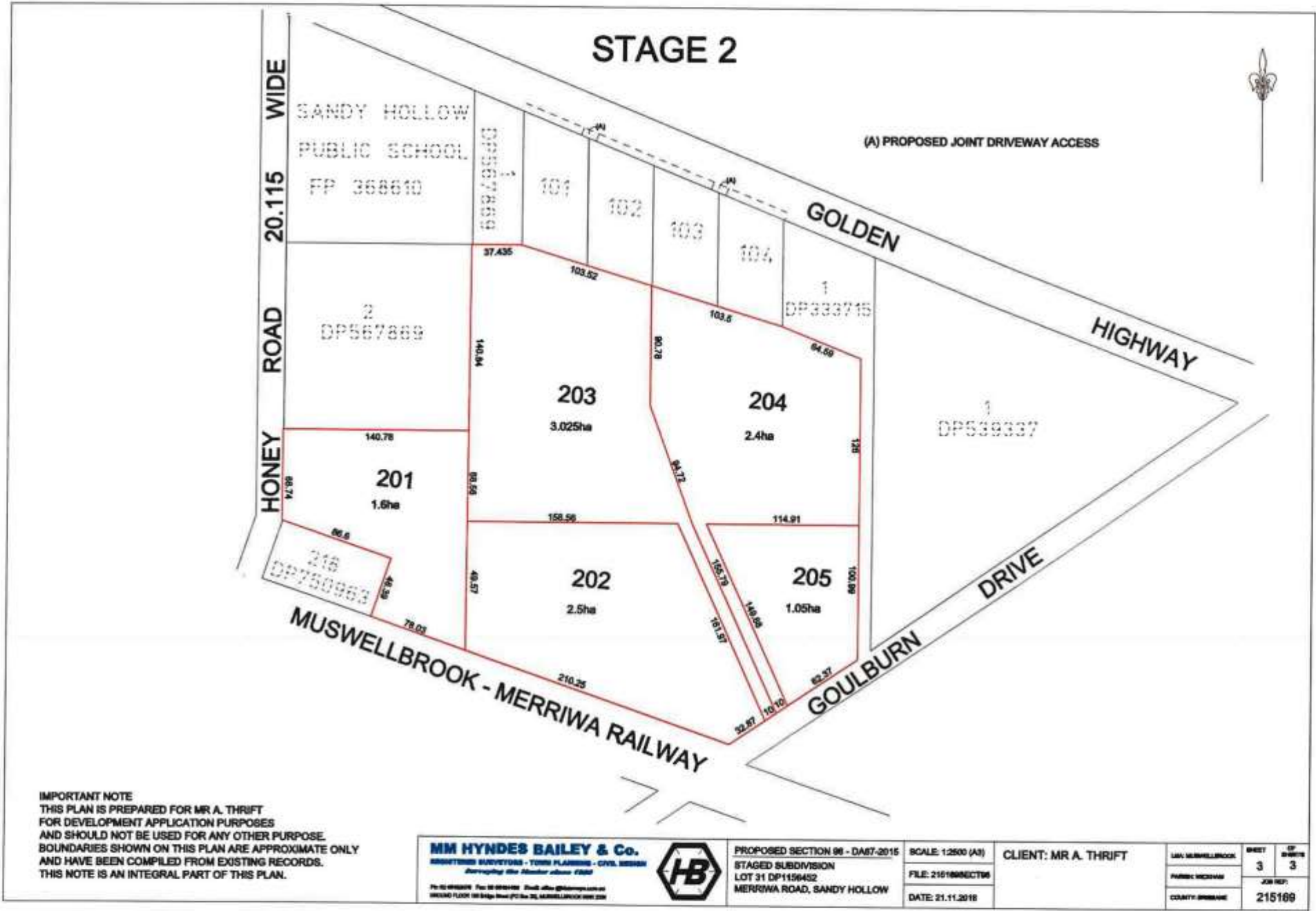
28. All vehicles must be able to enter and exit the site in a forward direction.
29. No additional vehicle access points will be permitted for Lots 1, 2, 3 and 4 onto the Golden Highway. (as shown on the Approved Lots Plan).
- Comment: Should the proposed lots be further subdivided at a future time, Roads and Maritime does not support the introduction of additional vehicular accesses.
30. The proposed vehicle access from Lots 1 and 2 and Lots 3 and 4 (as shown on the Approved Lots Plan) onto the Golden Highway shall be sealed from the property boundary to the edge of road surface and be generally in accordance with *rural property access* requirements outlined in Austroads 2009 and to the satisfaction of Council.
31. All works associated with the subject development shall be undertaken at full cost to the development and no cost to Roads and Maritime Services or Council and to Council requirements.

NSW RURAL FIRE SERVICE

32. Water, electricity and gas are to comply with Section 4.1.3 of "Planning for Bush Fire Protection 2006".







COPY



Enquiries
 Please ask for Mrs D L Watson
 Direct 02 6549 3777
 Our references DA 87/2015
 Your reference

MUSWELLBROOK SHIRE COUNCIL

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION Issued under the Environmental Planning and Assessment Act 1979 (Section 81)

DEVELOPMENT APPLICATION:	87/2015
APPLICANT NAME:	M M Hyndes Bailey & Co
APPLICANT ADDRESS:	PO Box 26 MUSWELLBROOK NSW 2333
LAND TO BE DEVELOPED:	LOT 31 DP 1156452 MERRIWA ROAD SANDY HOLLOW
PROPOSED DEVELOPMENT:	Subdivision of One (1) Lot into Nine (9) Lots

DETERMINATION MADE ON:	19 May 2016
DETERMINATION:	Consent granted subject to conditions described below.
CONSENT TO OPERATE FROM:	19 May 2016
CONSENT TO LAPSE ON:	19 May 2021 if work has not commenced in accordance with Section 95(4) of the Environmental Planning and Assessment Act 1979.

DETAILS OF CONDITIONS:

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

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

Drawings no.	Drawn by	Date	Received	Drawings no.
Subdivision Layout	MM Hyndes Bailey & Co	8 July 2015	15 October 2015	Subdivision Layout

Muswellbrook Shire Council ABN 86 864 180 944

Address all communications to The General Manager Mail PO Box 122 Muswellbrook NSW 2333 Phone 02 6549 3700
 Fax 02 6549 3701 Email council@muswellbrook.nsw.gov.au Web www.muswellbrook.nsw.gov.au

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Page 1 of 10

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

ANCILLARY MATTERS TO BE ADDRESSED TO THE SATISFACTION OF COUNCIL PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE
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3. Construction Management Program

A Construction Management Program must be prepared and submitted to, and approved in writing by the Council prior to the issue of any Construction Certificate. The program shall include such matters as:

- a) a Safe Work Method Statement;
- b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
- d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to

be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

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

4. Muswellbrook Shire Water and Waste Division

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

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

The final compliance certificate must be submitted to the Principal Certifying Authority prior to release of the Subdivision or Occupation Certificate.

5. Australian Rail and Track Corporation – Stormwater

Prior to any Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

6. Public Liability Insurance

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Muswellbrook Shire Council, as an interested party and a copy of the Policy must be submitted to Council and the Principal Certifying Authority prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.)

7. Sediment and Erosion Control

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

8. Construction Certificate Requirement

No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

9. Damage to Public Infrastructure

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

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

10. Section 68 Local Government Act Approval

Prior to the commencement of any works it shall be necessary for the applicant to obtain a Section 68 Local Government Act approval for all water supply and sewer drainage works.

11. Section 138 Permit - Vehicle Entry

Prior to commencing construction of the driveway/vehicle crossing/layback, within the road reserve, a permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993 for proposed lots 1, 2, 3, 4, 7 and 8.

Note: Proposed lots 5, 6 and 9 will require a Section 138 Permit when applications are lodged for dwellings.

12. Section 138 – Road construction Honey Lane

The applicant is to lodge a Section 138 Permit under the Roads Act 1993 for the half width construction of Honey Lane and a kerb return in accordance with Standards in Section 5.4.2 of the DCP. A design Plan for the intersection and Kerb returns is to be submitted to Council for approval with the Section 138 Application.

Council requires a 7m wide sealed pavement with transition tapers to suit turning template from the Golden Highway. This pavement is to be extended for a length of 30m transitioning to the existing gravel pavement. The kerb return is to join the kerb in front of the School and terminate at the Tangent Point in Honey Lane.

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Muswellbrook Shire Council

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**13. Construction Hours**

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

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**14. Impact on Amenity of Surrounding Area – Non Residential Areas**

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external), solar glare arising from the building materials utilised in any construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.

15. Australian Rail and Track Corporation – Fencing

A 1.8m high mesh security fence is to be erected along the common boundary of the subject land and the rail corridor.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY STRATA SUBDIVISION OR SUBDIVISION CERTIFICATE**16. Notice of Requirements – Water and Sewer Connection**

A Compliance Certificate under the Water Management Act 2000 must be obtained from Muswellbrook Shire Water & Waste Division on (02) 6549 3840.

Following application, a 'Notice of Requirements' will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact with the Water & Waste Division since building of water/sewer extensions can be time consuming and may impact on other services, building, driveway or landscape design.

Details of any requirements of Muswellbrook Shire Water & Waste Division are to be provided with the Construction Certificate documentation.

The final compliance certificate must be submitted to the Certifying Authority prior to release of any linen plan for subdivision or Construction Certificate.

17. S94 Contributions

A contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council Section 94 Contribution Plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

Description	Calculation (per lot)	Payment required
Rural Roads	\$2,792.54 x 8	\$22,340.32
Bushfire protection	\$2,715.48 x 8	\$21,723.84
Open Space and community facilities	\$1,161.39 x 8	\$9,291.12
TOTAL PAYABLE		\$53,355.28

The contribution SHALL BE paid prior to determination of the application for Subdivision Certificate.

The above amount shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the Muswellbrook Shire Council Section 94 Contribution Plan can be viewed at the office of Council 157 Maitland Street, Muswellbrook.

18. Services within Lots – Subdivision

Notification of arrangements to connect services and utilities to each LOT shall be provided to the Certifying Authority with the Subdivision certificate:-

- (a) telecommunication services
- (b) electrical reticulation
- (c) National Broadband Network

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

19. Easements, Rights-of-way and Restrictions-as-to-user

The applicant shall register a restriction on the land requiring storage tanks to minimise the impact of roof water and to establish a maximum area of sealed pavement or pathways and/or establish the need interallotment drainage works and easements.

20. Building and Unit Numbering (Subdivisions)

Prior to issuing any Subdivision Certificate for the subdivision, the person acting upon this consent must apply to Muswellbrook Shire Council and receive written confirmation of the allocated street names and addresses (house number) and unit numbers for the building and any approved allotments within the completed project. These are the street names and numbers that will be recorded in

Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

To assist Council when applying for street name and number allocations, a draft proposal for street naming and numbering within development should be submitted for concurrence to Council at an early stage of construction, as these numbers will be used to maintain Council's property and mapping database, and the proposed street names must be formally agreed and adopted by Council.

21. Works as Executed plans

All civil works for each stage shall be completed to Council's satisfaction. On completion, "Works-as-Executed" (WAE) drawings are to be provided by the developer, to Council and accepted, prior to the release of the respective subdivision certificate. The drawings shall be in the form of a marked-up copy of each approved Construction Certified Engineering Plan, and also in marked-up digital CAD format compatible with Council's asset database system. Digital data requirements shall be confirmed with Council's Asset Manager prior to provision of the WAE drawings.

All WAE drawings shall be individually certified as compliant with the design requirements of this consent by an appropriately qualified engineer or registered surveyor.

Line sheets/junction sheets are to be provided by the developer for all access chamber lengths covered by the WAE sewer main drawings.

GENERAL TERMS OF APPROVAL PURSUANT TO SECTION 91A OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

ROADS AND MARITIME SERVICES

22. All vehicles must be able to enter and exit the site in a forward direction.
23. No additional vehicle access points will be permitted for Lots 1, 2, 3 and 4 onto the Golden Highway.

Comment: Should the proposed lots be further subdivided?
Maritime does not support the introduction of further lots.

24. The proposed vehicle access from Lots 1 and 2 to the Golden Highway shall be sealed from the proposed road surface and be generally in accordance with the requirements outlined in Austroads 2009 and the relevant standards.
25. All works associated with the subject development shall be at the cost to the development and no cost to Roads and Maritime Services and to Council requirements.

NSW RURAL FIRE SERVICE

Do
We have
any info
about flooding
at Dandy Hollow

26. Water, electricity and gas are to comply with Section 4.1.3 of "Planning for Bush Fire Protection 2006".

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:

1. Location of Services

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

2. Electronic Plan Information

Requirements for the submission of electronic plans to Council

- (a) File format for drawings submitted is to be dxf.
- (b) Where possible the dxf is to be projected using real world co-ordinates.
- (c) Council's preferred projection is MGA94 using the GDA94 datum, zone 56 south. If a projection other than MGA94 is used then the details must be provided with the file and a justification needs to be provided as to why MGA94 wasn't used.
- (d) In the case where information is unable to be supplied in real world coordinates, then ground survey points (minimum 2) marked on the dxf, must be supplied so that the dxf can be transformed from non-earth to real world.

- (e) A text file listing the layers used and the themes placed on each layer is to be supplied.
- (f) Drawings must contain separate layers for each theme e.g. the layer containing contour lines should not contain outlines for trees or roads.

3. Submission of Linen Plan of Subdivision

The submission of a final Linen Plan, eight (8) helio copies and an electronic copy thereof, together with any instrument creating an easement and restriction as to user pursuant to Section 88B of the Conveyancing Act.

4. On-site Sewage Management

Future applications for the development of the land 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. 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.

Advice from Roads and Maritime Services

- 5. There is a potential for road traffic noise to impact on development on the site. In this regard, the developer, not Roads and Maritime is responsible for providing noise attenuation measures in accordance with the Office of Environment and Heritage NSW Road Noise Policy 2011, should the applicant seek assistance at a later date.

Advice from NSW Rural Fire Service

- 6. This approval is for the subdivision of land only. Any further development application for class 1, 2 and 3 buildings as identified by the Building Code of Australia may be subject to separate application under Section 79BA of the Environmental Planning and Assessment Act 1979 and address the requirements of "Planning for Bush Fire Protection 2006".
- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 81A(2)(c) of the Act.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

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Muswellbrook Shire Council

RIGHT OF APPEAL:

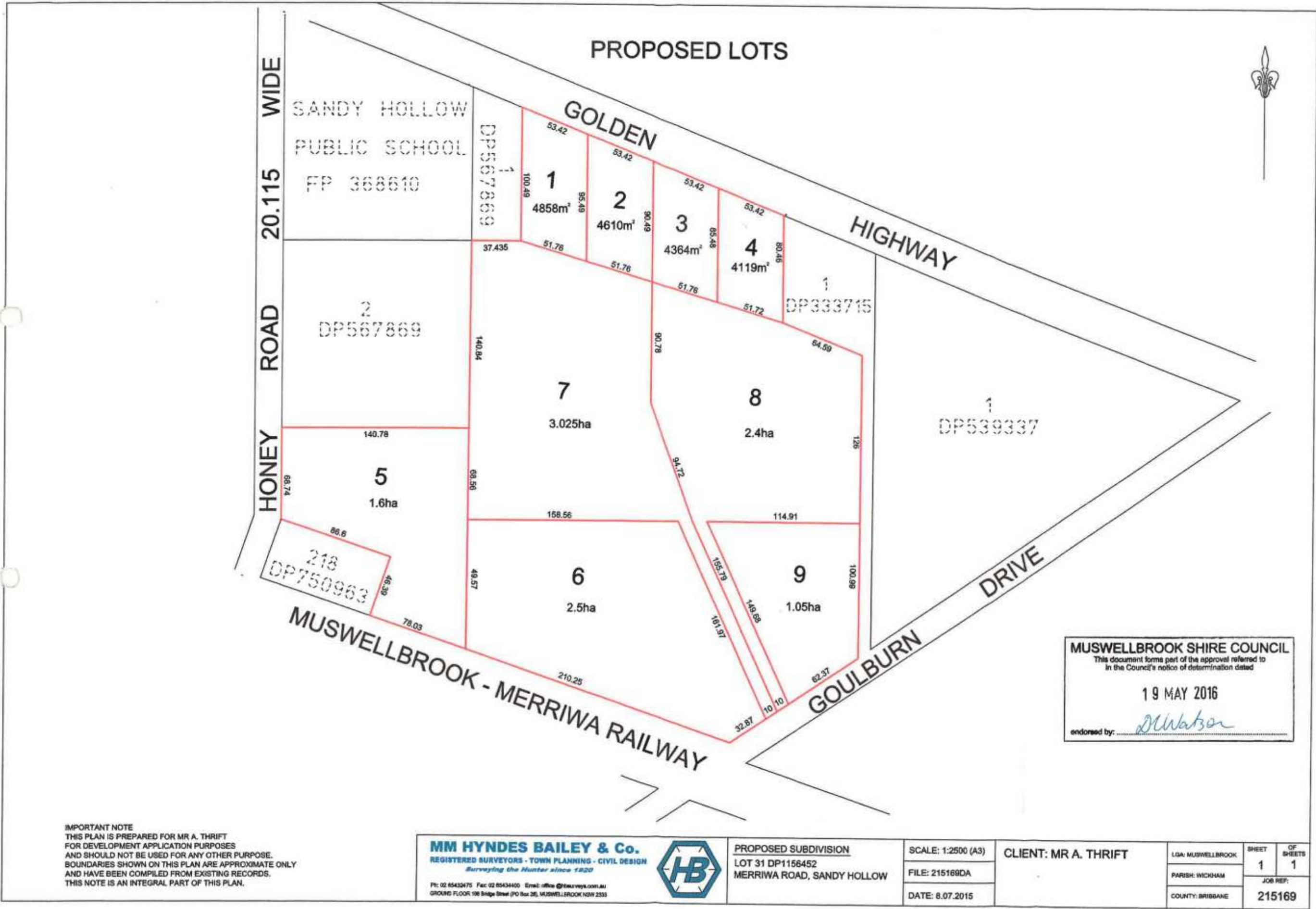
Section 82A of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979 gives you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

APPROVED UNDER DELEGATED AUTHORITY

Donna Watson
Development Planner

Date 19/5/2016



TO COUNCIL,

I ADAM THRIFT HAVE SPOKE WITH
PARTIES ABOUT THE DEVELOPMENT OF CONSENT
REGARDING SUB-DIVISION OF THE LAND OPPOSITE
MY PROPERTY ON HONEY LAKE & UNDERSTAND
THEY HAVE A SIMILAR REQUIREMENT FOR THE
~~ROAD~~ URGRADE OF THE ROAD AS PROPOSED
TO BE PLACED ON MY DEVELOPMENT CONSENT
APPLICATION. AND ARE Hoping TO COME
TO AN AGREEMENT WITH COUNCIL'S HELP
REGARDING THIS. ONCE THE APPLICATION HAS
BEEN APPROVED.

SIGNED ADAM THRIFT



6.3 OUTSTANDING DEVELOPMENT APPLICATIONS - 22 MARCH, 2019

Attachments:	A. Outstanding Development Applications 16 May 2019
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Facilitate the inspection of all development sites subject to Development Application / Construction Certificate in accordance with statutory requirements.</i>

PURPOSE**OFFICER'S RECOMMENDATION**

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

Moved: _____ Seconded: _____

STATUTORY IMPLICATIONS

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

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

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

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

Development Assessment Committee - Outstanding DAs as at 16/05/2019

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000041.001	Subdivision - Nine (9) Lots into Six (6) Lots	Mm Hyndes Bailey & Co	\$10,000	9/05/2019	7	Notify Adjoining Owners
	Castlerock RD MUSWELLBROOK LOT: 1 DP: 136249					
	Castlerock RD MUSWELLBROOK LOT: 2 DP: 136249					
	Castlerock RD MUSWELLBROOK LOT: 5 DP: 750926					
	Castlerock RD MUSWELLBROOK LOT: 61 DP: 750926					
	Castlerock RD MUSWELLBROOK LOT: 62 DP: 750926					
	Castlerock RD MUSWELLBROOK LOT: 63 DP: 750926					
	Ellis PH COUNTY BRISBANE LOT: 4 DP: 21335					
	Castlerock RD MUSWELLBROOK LOT: 2 DP: 1102585					
	Castlerock RD MUSWELLBROOK LOT: 1 DP: 1102585					
005.2019.00000040.001	Dwelling House	Ms J Wahl	\$427,405	1/05/2019	15	Notify Adjoining Owners
005.2019.00000039.001	Boundary Adjustment	Perception Planning	\$0	1/05/2019	15	Notify Adjoining Owners
	211 Kayuga RD MUSWELLBROOK LOT: 51 DP: 811580 207 Kayuga RD MUSWELLBROOK LOT: 52 DP: 811580					
005.2019.00000038.001	Site Preparation Works and Installation (Storage) of Asphalt Plant (no production proposed)	Adw Johnson	\$390,500	18/04/2019	28	Notify Adjoining Owners
	LOT: 14 ALT: DP: 1119843 REF:					

Development Assessment Committee - Outstanding DAs as at 16/05/2019

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000037.001	Construction of Pipes and Pump Infrastructure to Return Seepage Water from Lake Liddell Dam Wall to Lake Liddell New England HWY MUSWELLBROOK LOT: 102 DP: 1053098 New England HWY MUSWELLBROOK LOT: 14 DP: 1193430	AGL Macquarie Pty Ltd	\$250,000	16/04/2019	30	Advertisement - Proposal
005.2019.00000036.001	Installation of a 120m Tall Wind Monitoring Mast Sandy Creek RD MCCULLYS GAP LOT: 197 DP: 752444 Sandy Creek RD MCCULLYS GAP LOT: 199 DP: 752444	Epuron Projects Pty Ltd	\$150,000	16/04/2019	30	Notify Adjoining Owners
005.2019.00000035.001	Ancillary Structure (Installation of a 45 Square Metre Electronic Big Screen) 16 Sheppard AVE MUSWELLBROOK LOT: 150 DP: 708030	Muswellbrook Race Club Limited	\$200,000	15/04/2019	31	DA Acknowledgement
005.2019.00000034.001	Ancillary Development - Garage 53 Palace ST DENMAN LOT: 102 DP: 1189782	Mr S P Andrews	\$21,294	15/04/2019	31	Notify Adjoining Owners
005.1994.00000410.007	S4.55(1A) Modification - Extractive Industry Dalswinton RD DALSWINTON LOT: 72 DP: 1199484 REF: QUARRY	Rosebrook Sand & Gravel Pty Ltd	\$0	10/04/2019	36	Advertisement - Proposal
005.2019.00000033.001	Dwelling Alterations and Additions - Outdoor Kitchen and Barbecue Area 28 Turner ST DENMAN LOT: 1 DP: 112315 28 Turner ST DENMAN LOT: 2 DP: 112315	Mr D Moore	\$25,000	8/04/2019	38	Notify Adjoining Owners
005.2019.00000032.001	Vehicle Wash Bay 26 Wallarah RD MUSWELLBROOK Lot: 42 DP: 260504	Cummins South Pacific Pty Ltd	\$45,000	3/04/2019	43	Refer to Water & Waste
005.2019.00000031.001	Ancillary Development - Carport 119 Sydney ST MUSWELLBROOK LOT: 7 DP: 745572	Shedboss	\$19,846	2/04/2019	44	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 16/05/2019

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000030.001	Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units, Extension of Restaurant and Consolidation of Titles 26 Maitland ST MUSWELLBROOK LOT: 2 DP: 6758 LOT: 100 DP: 1193814	Repinski Pty Ltd	\$1,700,000	2/04/2019	44	Notify Adjoining Owners
005.2019.00000029.001	Dwelling Alterations and Additions and Ancillary Development - Shed 67 Brecht ST MUSWELLBROOK ALT: A DP: 329593	Mr J A Beckett	\$98,000	1/04/2019	45	Refer to Mine Subsidence
005.2019.00000028.001	Commercial Premises Extension (Elks Enterprises) 6 Thiess CR MUSWELLBROOK LOT: 6 DP: 883694	Mr T C Elks	\$70,000	27/03/2019	50	Additional Info Required
005.2019.00000027.001	Ancillary Development - Shed and Carport 95 Queen ST MUSWELLBROOK LOT: 488 DP: 791056	Great Value Garages	\$47,000	22/03/2019	55	Notify Adjoining Owners
005.2019.00000025.001	Dwelling Alterations and Additions (Living Extension, Verandah, Deck and Shed) 58 Palace ST DENMAN LOT: 1 DP: 782847 58 Palace ST DENMAN LOT: 2 ALT: DP: 782847	Mr J N Buckley	\$146,500	11/03/2019	66	Notify Adjoining Owners
005.2019.00000023.001	Home Business - Beauty Salon 40 Palace ST DENMAN LOT: 333 DP: 611202	Mr S V Bramley	\$5,000	28/02/2019	77	Notify Adjoining Owners
005.2017.00000038.003	S4.55 (2) Modification - Reduce Size of Garage 45 Sowerby ST MUSWELLBROOK LOT: 2 DP: 397640	Mrs L A Clift	\$0	28/02/2019	77	Notify Adjoining Owners
005.2019.00000021.001	Alterations to Existing Retail Premises and Signage (Aldi) 31-35 Rutherford RD MUSWELLBROOK LOT: 1 DP: 1090457	Aldi Foods Pty Limited	\$92,000	20/02/2019	85	Advertisement - Proposal

Development Assessment Committee - Outstanding DAs as at 16/05/2019

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005.2019.00000016.001	Information and Education Facility (Museum) Turner ST DENMAN PRT: 231 DP: 729996 REF: FIELD	Denman & District Heritage Village Inc.	\$265,000	15/02/2019	90	Additional Info Required
005.2019.00000015.001	Recreation Facility (Indoor) - Gymnasium Market LA MUSWELLBROOK LOT: 765 DP: 792621 REF: PCYC	Police & Community Youth Clubs NSW Ltd	\$176,018	14/02/2019	91	Refer to NSW Police
005.2019.00000013.001	8911 New England HWY MUSWELLBROOK LOT: 1300 DP: 1164893	Raj & Jai Construction Pty Ltd	\$5,142,236	14/02/2019	91	Notify Adjoining Owners
005.2019.00000011.001	Alterations and Additions to Muswellbrook Aquatic and Leisure Centre Haydon ST MUSWELLBROOK LOT: 1 DP: 364120 Sydney ST MUSWELLBROOK LOT: 11 DP: 1058170 3 Wilkinson AVE MUSWELLBROOK LOT: 7010 DP: 93327 RES: 570025 1 Wilkinson AVE MUSWELLBROOK LOT: 1 DP: 903839 RES: 570025	Facility Design Group Pty Ltd	\$4,990,670	8/02/2019	97	Advertisement - Proposal
005.2019.00000009.001	Dwelling House Alterations and Additions 140 Martindale RD DENMAN LOT: 324 DP: 625169	Mr B J Burn	\$351,490	1/02/2019	104	Notify Adjoining Owners
005.2019.00000008.001	Dwelling House 515 Martindale RD DENMAN LOT: 101 DP: 1175783	Hi Tech Homes	\$112,000	24/01/2019	112	Notify Adjoining Owners
005.2019.00000005.001	Caravan Park Replacement of Amenities 9080 New England HWY MUSWELLBROOK LOT: 132 DP: 610464 REF: CARAVAN	Broadlands Gardens C/O Ben Tebutt	\$1,500,000	18/01/2019	118	Notify Adjoining Owners

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005.2019.00000002.001	The construction of multi dwelling housing comprising of a total of two 17 Bloodwood RD MUSWELLBROOK LOT: 210 DP: 1078158 15 Bloodwood RD MUSWELLBROOK LOT: 211 DP: 1078158 19 John Howe CCT MUSWELLBROOK LOT: 514 DP: 1089307	Raj & Jai Construction Pty Ltd	\$4,414,300	14/01/2019	122	Additional Info Required
005.2018.00000117.001	Commercial Alterations and Additions (Expansion of Bottle Shop) 36 Sydney ST MUSWELLBROOK LOT: 1 DP: 80963	Mr N Sakno	\$500,000	21/12/2018	146	Additional Info Required
005.2015.00000087.002	S4.55(1A) Modification - Subdivision of One (1) Lot into Nine (9) Lots Modification to carry out the Development in Two (2) Stages Merriwa RD SANDY HOLLOW LOT: 31 DP: 1156452	Mr A P Thrift	\$0	17/12/2018	150	Notify Adjoining Owners
005.2018.00000101.001	Resource Management Facility - Biorefinery 24 Carramere RD MUSWELLBROOK LOT: 22 DP: 1131270	Ethanol Technologies	\$28,617,649	13/11/2018	184	Additional Info Required
005.2018.00000078.001	Service Station (Operating Hours - 24 hours, 7 days a week) and Restaurant (Operating Hours - 6:00am to 10:00pm, 7 days a week) 147/151 Bridge ST MUSWELLBROOK LOT: 1 DP: 159620 147 Bridge ST MUSWELLBROOK LOT: 1 DP: 161784 147 Bridge ST MUSWELLBROOK LOT: 1 DP: 784361 153 Bridge ST MUSWELLBROOK LOT: 1 DP: 794803	Inland Building and Construction	\$2,400,000	6/09/2018	252	Additional Info Required
005.2018.00000076.001	Installation of New Telecommunications Facility Hill ST MUSWELLBROOK LOT: 18 DP: 1075238 REF: PARK	Kordia Solutions Australia	\$200,000	14/08/2018	275	Notify Adjoining Owners

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005.2018.00000054.001	Demolition of a Commercial Building and the Construction of a Two (2)	Mr S Rose	\$3,556,300	15/06/2018	335	Notify Adjoining Owners
	142 Bridge ST MUSWELLBROOK					
	LOT: 1 DP: 11221					
	140 Bridge ST MUSWELLBROOK					
	LOT: 2 DP: 11221					
	126 Bridge ST MUSWELLBROOK					
	LOT: 7 DP: 71755 REF: LIBRARY					
	126 Bridge ST MUSWELLBROOK					
	PT: 8 ALT: A SEC: 6 DP: 758740 REF: LIBRARY					
	Bridge ST MUSWELLBROOK					
	Lot: 400 DP:816923					
	Bridge ST MUSWELLBROOK					
	Lot: 562 DP:747012					
	30 Brook ST MUSWELLBROOK					
	LOT: 1 DP: 219503					
	30 Brook ST MUSWELLBROOK					
	LOT: 6 DP: 219503					
	30 Brook ST MUSWELLBROOK					
	LOT: 1 DP: 76058					
	83 Hill ST MUSWELLBROOK					
	LOT: 5 DP: 11221 REF: TERTIARY ED*					
	85 Hill ST MUSWELLBROOK					
	LOT: 4 DP: 11221					
	87 Hill ST MUSWELLBROOK					
	LOT: 3 DP: 11221					
	Bridge ST MUSWELLBROOK					
	PT: 8 ALT: B SEC: 6 DP: 758740 REF: WEIDMAN					
	83 Hill ST MUSWELLBROOK					
	LOT: 5 DP: 11221 REF: CARPARK					

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005.2002.00000342.005	S96(2) Modification - Consolidate Two Consent Documents into One with Modified Conditions Where Applicable	8440 New England HWY MUSWELLBROOK LOT: 30 ALT: DP: 815308	Casson Planning and Development Services	\$0	28/02/2018	442	Notify Adjoining Owners
005.2017.00000058.002	S96 (1A) Modification - Modify Condition 8	Jerdan ST DENMAN LOT: 1 DP: 151236	Ms M J Melville	\$0	19/02/2018	451	Advertisement - Proposal
005.2017.00000060.001	Change of Use - Building Materials Recycling Depot	7 Glen Munro RD MUSWELLBROOK LOT: 5 DP: 1018378	Mr L McWhirter	\$0	23/06/2017	692	Additional Info Required
005.2000.00000212.006	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	Denman PH COUNTY BRISBANE LOT: 1 DP: 221400 2449 Denman RD MUSWELLBROOK LOT: 12 DP: 1027580	Cardno (NSW/ACT) Pty Ltd	\$0	29/05/2017	717	Advertisement - Proposal
005.2016.00000032.001	Placement of Fill	110 Merriwa RD DENMAN LOT: 402 DP: 1175263 Merriwa RD DENMAN LOT: 403 DP: 1175263	Casson Planning and Development Services	\$5,000	12/04/2016	1129	Additional Info Required

DAs Outstanding: 39

7 DATE OF NEXT MEETING

TBD

8 CLOSURE