



**muswellbrook  
shire council**

**Muswellbrook Shire Council**

**DEVELOPMENT ASSESSMENT  
COMMITTEE MEETING**

**BUSINESS PAPER  
18 NOVEMBER 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).

### **Committee functions:**

- (i) To determine development applications;
- (ii) To delegate the determination of certain development application to the General Manager;
- (iii) To monitor the progress of development applications not yet determined;
- (iv) To recommend to Council the need to develop or amend policies in relation to planning related matters – including strategic planning.

### **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  
Ecologist & Sustainability Team Leader



**DEVELOPMENT ASSESSMENT COMMITTEE MEETING, 18 NOVEMBER 2019**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

14 November, 2019

Cr Martin Rush (Chair)  
Cr Rod Scholes  
Cr Brett Woodruff  
Alex Irving  
Sharon Pope  
Hamish McTaggart  
Gamini Hemachandra  
Kellie Scholes  
Ziggy Andersons

You are hereby requested to attend the Development Assessment Committee Meeting to be held in the COUNCILLORS ROOM, Administration Centre, Muswellbrook on **18 November, 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 18 NOVEMBER 2019**

**1 APOLOGIES AND LEAVE OF ABSENCE**

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

**2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**RECOMMENDATION**

That the Minutes of the Development Assessment Committee held on **4 November 2019**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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



**MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 4 NOVEMBER, 2019 COMMENCING AT 4.07PM.**

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

**IN ATTENDANCE:** Mr A. Irving (Acting Director – Environment & Community Services), Ms S. Pope (Assistant Director – Environment & Community Services), Mr I. Denker (Planning Consultant), Ms F. Plesman (General Manager), Mr D. Finnigan (Director- Community Infrastructure), Mr P. Chambers (Chief Engineer), Cr G. McNeill and Miss M. Meadows (PA to the Mayor) .

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

Nil

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

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

That the Minutes of the Development Assessment Committee held on 21 October 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

Nil

## **4 PUBLIC PARTICIPATION**

**Mr Jeffrey Bretag, Perception Planning** - Item 6.1 – DA39/2019 (Two lot Boundary adjustment (Subdivision) -

**Mr Adam Thrift** - Item 6.3 – DA87/2015 (Section 4.55 (1A) Modification)-

## **5 BUSINESS ARISING**

Nil

## **6 BUSINESS**

### **6.1 DA39/2019 TWO LOT BOUNDARY ADJUSTMENT (SUBDIVISION) - LOTS 51 & 52 DP811580 207 & 211 KAYUGA ROAD MUSWELLBROOK**

Mr Bretag advised the meeting that the proposed boundaries has been unofficially in place since the 1960's. Mr Bretag advised the meeting that he has a file note from Council stating a request can be made to the Department of Planning for the amendment to the LEP in relation to variations in lots sizes and boundary adjustments.

Mr Rush advised the meeting the new LEP will still be some time until it is finalised.

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Development Assessment Committee REFUSE Development Application No. 39/2019, proposing two (2) lot boundary adjustment of Lots 51 & 52 DP 811580, 207 & 2011 Kayuga Road Muswellbrook, for the following reasons:

1. The proposal does not to comply with the subdivision minimum lot size development standard prescribed by Clause 4.1 of Muswellbrook Local Environmental Plan 2009.
2. Pursuant to Section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979, the proposal would be inconsistent with the requirements of Clause 2.3 of the



Muswellbrook LEP 2009, the land use zone objectives of the RU1 Primary Production, as the application does not adequately address the social impacts and potential conflict of having a dwelling house with minimal buffers to an adjoining rural industry land use on an adjoining lot.

3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application has not adequately demonstrated that the proposed development would not result in significant adverse environmental impacts in relation to the location and operation of an on-site sewage management system on a 939.6m<sup>2</sup> sized lot.
4. Pursuant to Section 4.15(1)(e) the proposed development is considered to be contrary to the public interest as a development that is inconsistent with local planning controls, is likely to have adverse environmental impacts and creates the potential for land use conflicts.

## **6.2 OUTSTANDING DEVELOPMENT APPLICATIONS**

RECOMMENDED on the motion of Crs Rush and Scholes that:

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

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

Cr Rush advised the meeting that the land is zoned Village and therefore required a sealed road access.

Cr Rush advised the meeting that if the applicant was to withdraw the current application and submit a new application which removes the lot with access from Honey lane, the developer would not need to seal Honey Lane.

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Development Assessment Committee defer 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, to allow discussion with relevant parties.

## **7 DATE OF NEXT MEETING**

18 November 2019

## **8 CLOSURE**

The meeting was declared closed at 4:51 pm.

.....  
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 57/2019 PROPOSAL FOR ANCILLARY DEVELOPMENT - SHED - LOT 11, DP 836622, 36 HUNTER TERRACE, MUSWELLBROOK

|                          |   |
|--------------------------|---|
| Responsible Officer:     | Sharon Pope - Assistant Director - Environment & Community Services   |
| Author:                  | Taraqual Bhuiya - Graduate Building Surveyor  |
| 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> |
| Attachments:             | A. DA 2019-57 Section 4.15 Assessment<br>B. DA 2019-57 Recommended Conditions for DAC<br>C. DA 2019-57 Proposed Plans   |

#### PURPOSE

This report has been prepared to inform the Development Assessment Committee in determining Development Application (DA) 57/2019. This DA 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 determining matters under the Environmental Planning and Assessment Act 1979 as follows:

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

(f) works alongside or adjoining any waterway

The subject site adjoins a surface drainage system rear to the property. The determination of this development is within the function delegated to Development Assessment Committee.

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#### RECOMMENDATION

The Development Assessment Committee approve Development Application No. 57/2019, involving the erection of a shed at Lot 11, DP 836622, 36 Hunter Terrace Muswellbrook, subject the recommended condition of consent included as Attachment B.

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

#### DESCRIPTION OF THE PROPOSED DEVELOPMENT

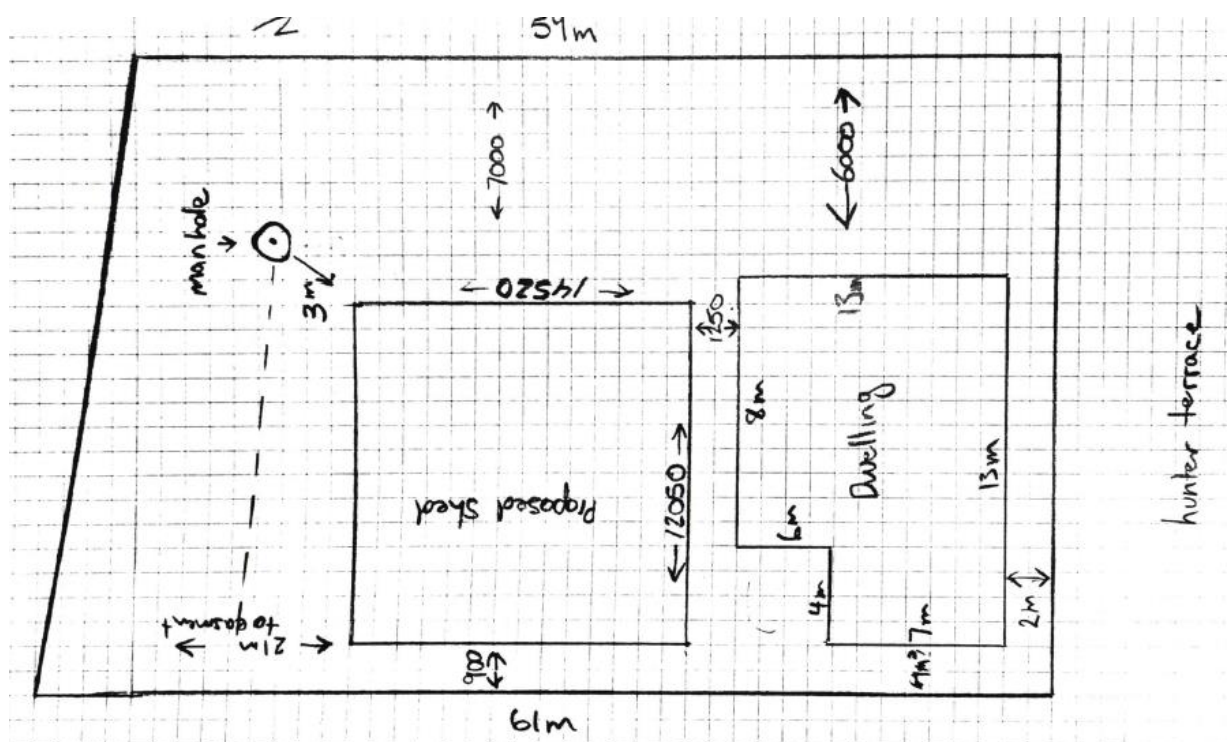
The street address for the site subject to this development application is 36 Hunter Terrace, Muswellbrook. The land is formally identified as Lot 11 DP 836622.

The subject site contains a dwelling and associated structures.



The proposed development involves the demolition of an existing shed and the construction of a new shed. The shed is proposed to be located behind the building line of an existing dwelling on the site and would be setback 0.9m from the nearest adjoining property on the southern side and more than 10m from the surface stormwater drainage system on the rear of the property. The proposed shed would have a width of 14.52m, a depth of 12.05m and an eave height of 4m.

Council's reticulated sewage network traverses the subject land in two directions and a man hole is located at the location that the two sewage lines intersect. An open swale drain is located on the western portion of the land, to the rear of the dwelling and the proposed shed. The swale drain is identified as stormwater infrastructure by Council's property information mapping and is not officially identified as a waterway. The development application has been reported to the Development Assessment Committee as no easement exists over the stormwater swale.





**ASSESSMENT SUMMARY**

Council Officers have assessed the development application against the relevant heads of consideration prescribed by 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 an outcome of this assessment Council Officers recommend that development consent be granted to the proposed development subject to recommended conditions of consent. The recommended conditions of consent are provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The proposed development 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 is in accordance with the requirements of the Muswellbrook Development Control Plan (DCP) 2009.
- The proposed shed would have a total area of 182m<sup>2</sup>, a building height 4m at its eave. The height bulk and scale of the development is slightly larger than the existing dwelling. However, it does not exceed any numerical development standard established by the Muswellbrook LEP 2009 or DCP 2009, would be located behind the existing dwelling on the site, and is not adjacent the rear outdoor living area of the adjoining single storey residence. The site is adjacent to a larger two-storey residential building. No submissions were received objecting to the proposed development. Accordingly, Council Officers are satisfied that the proposed shed would not adversely impact the visual amenity or residential context and setting of the locality.
- The site subject to this development application is identified as flood liable in a 1% or 1 in 100 year AEP flood event, in the Muswellbrook Flood Risk Management Study and Plan 2018. The proposed development has been considered against the requirements of the Muswellbrook DCP that relate to the carrying out of development on flood affected land. It was considered that development consent could be granted to the proposed development subject to the imposition of a recommended condition of consent related to the structural capacity of the shed to withstand forces of floodwaters.
- A Council sewer main is located on the land. A revised plan was submitted to Council which identified that the proposed development would be setback 3m from Council's sewer. This proposed setback will also be required through the recommended conditions of consent, along with a requirement for the development to be designed so to avoid putting any additional loading on Council's sewer network.
- An open swale drain that collects stormwater from nearby development, road reserves and the rail corridor, is located on the site. At its 29 October 2019 Meeting, Council resolved to publically exhibit a DCP amendment that includes a requirement for an easement to be registered over any waterway. A draft condition has been recommended requiring an easement, with costs payable by Council, in line with recent determinations by the Development Assessment Committee:
  - # *The provision of an easement over the stormwater swale, in favour of Council. The terms of any easement should include:*
    - *A restriction on the carrying out of works or the installation of structures in the easement.*



- *Provide Council with the authority to enter the land to carry out the works associated with the management of the stormwater system.*

*Council shall pay the reasonable costs of the Applicant for the creation and registration of the easement, being:*

- a) Surveying costs;*
- b) Legal fees;*
- c) Mortgagee consent fees; and*
- d) Registration fees*

## **COMMUNITY CONSULTATION**

Surrounding property owners were notified of the development proposal between 24 July 2019 and 8 August 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 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 subject to amended conditions of consent;
- C. Refuse development consent to the proposed development and nominate reasons for refusal; or

## **LEGAL IMPLICATIONS**

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

## **CONCLUSION**

DA 57/2019 has been reported to the Development Assessment Committee as it involves the development of a parcel of land that includes a drainage swale. Therefore, the determination of this development application is outside the function delegated to Council Officers by Council.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development and recommend that the Development Assessment Committee grant development consent to DA 57/2019 subject to conditions of consent outlined in Attachment B.



## DEVELOPMENT ASSESSMENT REPORT

**Attached:** Site Plan

### REPORT TO THE GENERAL MANAGER

|                         |   |          |           |              |
|-------------------------|---|----------|-----------|--------------|
| <b>ADDRESS:</b>         | LOT: 11 DP: 836622<br>36 Hunter Terrace MUSWELLBROOK  |          |           |              |
| <b>APPLICATION No:</b>  | 57/2019   |          |           |              |
| <b>PROPOSAL:</b>        | Demolition of Existing Shed and Replace with New Shed |          |           |              |
| <b>PLANS REF:</b>       | Drawings no.  | Drawn by | Date      | Received     |
|                         | Site Plan   | Unknown  | Not Dated | 30 Sep 2019  |
|                         | General Arrangement (389464-GA Page 1 of 1)           | Ranbuild | Not Dated | 15 July 2019 |
| <b>OWNER:</b>           | Ms J A Newson   |          |           |              |
| <b>APPLICANT:</b>       | Mr D Simpson<br>22 Barn Owl Ave<br>Wadalba NSW 2259   |          |           |              |
| <b>AUTHOR:</b>          | Mr T Bhuiya   |          |           |              |
| <b>REVIEWED BY:</b>     | Mr H McTaggart and Sharon Pope                        |          |           |              |
| <b>DATE LODGED:</b>     | 15/07/2019  |          |           |              |
| <b>AMENDED:</b>         | NA  |          |           |              |
| <b>ADD. INFO REC'D:</b> | NA  |          |           |              |
| <b>DATE OF REPORT:</b>  | 7 November 2019                                       |          |           |              |

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### SUMMARY

**ISSUES:** Proposed development next the sewer line, open drainage swale on rear of the property, Flood Prone Area

**SUBMISSIONS:** Nil

**RECOMMENDATION:** Approval subject to conditions

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## **1.0 SITE AND LOCALITY DESCRIPTION**

The development is proposed on Lot 11 DP 836622. The street address is 36 Hunter Terrace, Muswellbrook.

There is an existing dwelling and associated structures on the site. As part of the development an existing shed located on the site is proposed to be demolished. A search of council's computer system did not identify any recent development applications in relation to the dwelling or property.

This property has a mild downhill slope from east to west. Council's reticulated sewer network traverses the subject land in two directions, and a man hole is located at the junction of the two sewage lines. An open swale drain is located on the western portion of the land to the rear of the dwelling and the proposed shed. The swale drain is not formerly identified as a waterway and appears as stormwater infrastructure on Council's GIS. The swale appears to convey water from the surrounding catchment and street network.

The land is zoned R1 General Residential under the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009. The site is identified as flood liable in the Muswellbrook Flood Risk Management Study and Plan, 2018

An aerial image of the property has been included below



## **2.0 DESCRIPTION OF PROPOSAL**

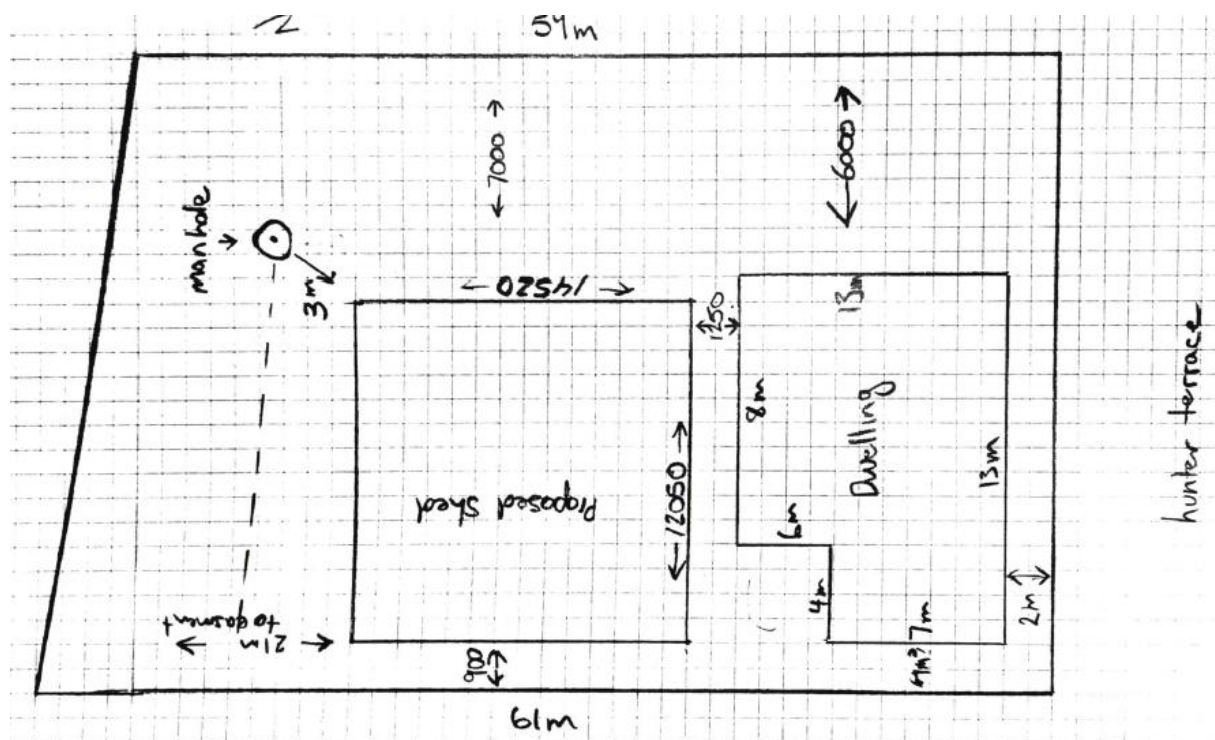
The proposed development involves the demolition of an existing shed and the construction of a new shed.

The shed is proposed to be located behind the building line of an existing dwelling on the site and would be setback 0.9m and 7m from adjoining property boundaries. A 3m setback would also be observed from a sewer main which traverses the site.

The proposed shed would have a width of 12.05m a depth of 14.52m and an eave height of 4m. The scale and location of the proposed shed was revised by the applicant through the assessment of the development application to ensure that the structure is located clear of the Council sewer main on the land.

The image below is the site plan submitted with the development application which details the location of the proposed development in relation to the front Hunter Terrace.





### 3.0 Referrals

The proposed development was referred to the following internal Council Officers.

## Water and Waste

The proposed development was referred to Council's Water and Waste Division on the 20 September 2019. A response was received to this referral on the same date which:

- Raised no objection with the location of the shed over the sewer main, provided that access to a manhole on-site was retained in an unobstructed location.
- Referenced and attached a Council Policy related to building over sewer mains.
- Requested a requirement be imposed on any consent to ensure that the property is connected to Council's sewer via a junction with an inspection shaft. The response advised that sewer connections to some of the older properties in the Muswellbrook Shire LGA did not include inspection shafts on their sewer junctions.

The Assessing Officers viewed the construction of the shed proposed as being contrary to the Building over or adjacent to a Council Sewer Main Policy S15/1, and contrary to good planning principles. There are no particular site limitations or site specific design challenges that supported a case for the structure to be located over the sewer main. The applicant was advised of this position by Council Planning Officers and a revised design provided that indicated the development would remain clear of Council's sewer infrastructure.

The redesigned development is clear of Council's sewer main but still in close proximity. Accordingly, it is recommended that a condition be imposed on the development to require the development to be designed to avoid putting any additional loading on Council's sewer infrastructure.

The proposed development does not involve the carrying out of any alterations to the sites existing sewer connection or plumbing arrangements with this infrastructure.



Accordingly, a condition is not recommended regarding additional sewage connection works as none are proposed.

### Community Infrastructure

The application was referred to Community Infrastructure on 20 August 2019 as surface stormwater drainage exists on the rear of the property.

A response to the referral was received on the 19 September 2019 which advised that the site was affected by the 1% AEP flood event and that the height of the 1% AEP flood event at the site is 145.27 AHD. A standard condition has been recommended to ensure that the proposed development is designed to withstand flood waters at the site in accordance with the Muswellbrook DCP requirements.

## **4.0 ASSESSMENT**

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

### **Section 4.15 Matters for Consideration**

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

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

##### **1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)**

#### Land Use Zone and Permitted Land Use

The development site is zoned R1 General Residential pursuant to MLEP 2009. The proposal is ancillary to the residential use of the land. The land is currently developed for residential use as a dwelling. The proposed development is considered to be permissible with consent as development ancillary to the dwelling house.

#### Objectives of the R1 General Residential Zone

Clause 2.3(2) of the Muswellbrook LEP 2009 requires the consent authority to consider the relevant land use zone objectives when determining a development application. The land use zone objectives for the R1 General Residential Zone are as follows:

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

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> |  |
| <i>2.3 Zone objectives and Land Use Table</i>     | The proposed development is a permissible development under the R1 land use table as expressed above and in accordance with the relevant to the land use zone objectives   |
| <i>Part 3 Exempt and complying development</i>    |  |
| <i>Part 4 Principal development standards</i>     |  |
| <i>4.3 Height of buildings</i>                    | MLEP 2009 specifies a maximum building height of 8.5m in relation to the land. The maximum height of the proposed development is approximately 5.62m. <b>Complies</b>  |
| <i>4.4 Floor space ratio</i>                      | MLEP 2009 specifies a floor space ratio of 0.5:1 in relation to the land.<br><br>As the proposed development is an associated structure (in accordance with Local Government Act 1993) it does not contribute to the floor space ratio, so the FSR would be unchanged and is 0.18:1. <b>Complies</b>         |
| <i>Part 5 Miscellaneous provisions</i>            |  |
| <i>Part 6 Urban release areas</i>                 |  |
| <i>Part 7 Additional local provisions</i>         |  |
| <i>7.1 Terrestrial biodiversity</i>               | The subjected site is not identified as "Biodiversity" by Council's biodiversity Mapping and therefore the provision of this clause do not require further consideration in relation to the proposed development. <b>NA</b>  |
| <i>7.6 Earthworks</i>                             | Earthworks involved with the proposed development would be minimal and associated with establishment of the foundation.<br><br>The proposed earthwork is not anticipated to have a detrimental impact on existing drainage patterns, soil stability and amenity of the adjoining properties. <b>Complies</b> |

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

Council officers are unaware of any activities on the site that are likely to have caused contamination of the land. There was no visual evidence of any contamination 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 of further consideration of the provisions of this SEPP

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

There are no draft EPIs relevant to the subject Application.

**Section 4.15(1)(a)(iii) the provisions of any development control plan****Section 3 – Site Analysis**

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

**Section 4 – Notification**

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified from 18 July 2019 to 8 August. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.



No submissions were received during the notification period.

## Section 6 – Residential Development

|  | Comments  |
|--|---|
| <b>6.1 Built Form</b>  |   |
| <b>6.1.1 Context</b> <ul style="list-style-type: none"> <li>i. The location, boundary dimensions of the site.</li> <li>ii. The position of true north.</li> <li>iii. The contours of the site</li> <li>iv. The movement of the sun across the site.</li> <li>v. The prevailing wind direction and, if in an exposed area, the likely wind speed across the site.</li> <li>vi. The zone and the zone boundaries (if there are multiple zones), protected areas and riparian corridors.</li> <li>vii. The location of any slopes greater than 20% (1 in 5) and the direction or fall of drainage from those areas.</li> <li>viii. those areas.</li> <li>ix. The location of existing vegetation. Specify the type of vegetation present.</li> <li>x. Identify any noxious or environmental weeds.</li> <li>xi. The location of any significant natural features such as cliffs, rock outcrops, water holes.</li> </ul> | <p>The built form of the proposed development would be in accordance with the requirements of the DCP and would respond to the physical capabilities of the site and the design limitations of Council's DCP.</p> <ul style="list-style-type: none"> <li>i. Location and boundary dimensions are Provided</li> <li>ii. True north marked on the drawings</li> <li>iii. The contour of site not provided</li> <li>iv. Single storied dwellings with adequate setback from neighbouring properties. Will not have any significant shadow on adjacent properties</li> <li>v. NA</li> <li>vi. NA</li> <li>vii. Not applicable as slope is less than 20%</li> <li>viii. No existing vegetation on the proposed land</li> <li>ix. NA</li> <li>x. NA</li> </ul> <p><b>Complies</b></p> |
| <b>6.1.2 Front Setbacks</b>  | <p>The proposed development is rear of the existing dwelling and will not change the current existing front setbacks. <b>NA</b></p>   |
| <b>6.1.3 Side and Rear Setbacks</b>  | <p>The proposed shed would be setback more than 18m from the rear and 0.9m from the nearest southern side boundary and would be fully enclosed. This complies with the minimum DCP setback (450mm). <b>Complies</b></p>   |
| <b>6.1.4 Building Height and Scale</b>   | <p>The proposed shed would be setback behind the building line of the existing dwelling and would be situated immediately adjacent vacant land to the south and a two-storey dwelling to the north. Council Officers have observed that the proposed shed is 4m at its eaves. The development will be setback of 7m from the adjoining property on which a two-storey building is located.</p> <p>Council Officers have reviewed other development consents for large outbuildings and identified a 4.5m tall shed behind a single storey residential dwelling at 6 Wilder Street Muswellbrook approved on the 2 January 2018.</p> <p>The proposed development does not conflict with the development controls set under this section of the DCP. <b>Complies</b></p>           |
| <b>6.1.6 Garages, Carports and Sheds</b> <ul style="list-style-type: none"> <li>1. Garages, carports and sheds visible from the street shall compliment (i.e. not detract from) the colour and roof form (i.e. pitch) of the dwelling on that allotment.</li> <li>2. Garages and sheds are not located forward of the established building line.</li> <li>3. Open carports, less than 36m<sup>2</sup> in roof area and no greater than 6m wide, may be built to the side boundary or no closer than 1m to the street frontage provided they meet the objectives of this clause.</li> </ul>   | <ul style="list-style-type: none"> <li>1. The proposed development is rear of the existing dwelling and would be largely obscured from the adjoining streetscape.</li> <li>2. Proposed shed would be behind the existing building line</li> <li>3. NA</li> </ul> <p><b>Complies</b></p>   |
| <b>6.1.7 Dwelling Entry</b>  | <p>Proposed development would be rear of the existing dwelling and the entry of the dwelling would be clearly identifiable from the front Hunter</p>  |



|                                      |   |
|--------------------------------------|---|
|                                      | Terrace. <b>NA</b>  |
| 6.1.8 Accessibility and Adaptability | Not applicable as the proposed development is single dwelling. <b>NA</b>  |
| 6.2 Urban Landscape                  |   |
| 6.3 Environmental                    |   |
| 6.3.1 Topography                     | Finished ground level will not alter the existing Natural topography and landform. <b>Complies</b>                            |
| 6.4 Site Operation                   |   |
| 6.4.2 Stormwater Management          | Condition to be included on any consent requiring stormwater drainage to the street or via existing drainage. <b>Complies</b> |

### Section 13 – Flood Prone Land

The Muswellbrook Flood Risk Management Study and Plan identifies the site as being affected by the 1 in 100 year flood event. Section 13.2 of the DCP includes additional provisions for new residential development.

This clause requires that structural certification for development to ensure that it is designed to withstand the force of flowing floodwaters including debris and buoyancy forces. A condition of consent is recommended requiring the submission of a detailed engineered design capable of the force of flowing floodwaters including debris and buoyancy forces.

### Section 7.11 (Previous Section 94) Contributions Plan 2001

Not Applicable

### Section 7.12 (Previous Section 94A) Contributions Plan 2009

Estimated cost of the development is \$42,985.00. A Section 7.12 contribution in accordance with Council's section 7.12 Contribution Plan would not be applicable given the value of the proposed development would be less than \$100,000.

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

Given the limited scope of the proposed development and its compatibility with the relevant provisions of Council's DCP and LEP the proposed development is considered to be reasonably in accordance with the type of residential development expected within a general residential area. Accordingly the proposed development is considered unlikely to have any significant adverse environmental impacts in any of the following areas.

Context & Setting  
Built Form  
Potential Impact on Adjacent Properties  
Access, Traffic and Transport  
Public Domain

Waste  
Energy  
Noise and Vibration  
Natural hazards  
Technological hazards



Utilities  
Heritage  
Other land resources  
Water  
Soils  
Air & microclimate  
Flora & fauna

Safety, Security, and Crime Prevention  
Social Impact on Locality  
Economic Impact on the Locality  
Site Design and Internal Design  
Construction  
Cumulative Impacts

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

It is considered that the development is compatible with surrounding land uses and site characteristics, 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.**

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

A Council swale drain that collects stormwater from nearby development, road reserves and the rail corridor, is located on the site. At its 29 October 2019 Meeting, Council resolved to publically exhibit a DCP amendment that includes a requirement for an easement to be registered over any waterway. A draft condition has been recommended requiring an easement, with costs payable by Council, in line with recent determinations by the Development Assessment Committee:

# *The provision of an easement over the stormwater swale, in favour of Council. The terms of any easement should include:*

- *A restriction on the carrying out of works or the installation of structures in the easement.*
- *Provide Council with the authority to enter the land to carry out the works associated with the management of the stormwater system.*

*Council shall pay the reasonable costs of the Applicant for the creation and registration of the easement, being:*

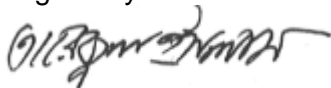
- a) *Surveying costs;*
- b) *Legal fees;*
- c) *Mortgagee consent fees; and*
- d) *Registration fees*

## **5 CONCLUSION**

The application has been assessed in accordance with s4.15 of the *EP&A Act*

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

Signed by:



Taraqual Bhuiya  
Graduate Building Surveyor

Reviewed by



Hamish McTaggart  
Co-ordinator – Development

Reviewed by

Sharon Pope  
Assistant Director  
Environment and Community  
Services

Date: 7 November 2019



**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.

| Drawing No.                                 | Revision | Drawn by | Drawing Date | Received          |
|---|----------|----------|--------------|-------------------|
| Site Plan                                   | -        | Unknown  | Not Dated    | 30 September 2019 |
| General Arrangement (389464-GA Page 1 of 1) | -        | Ranbuild | Not Dated    | 15 July 2019      |

**(2) Setback from Council Sewer Main**

The shed is to be setback 3m from the Council Sewer Main located on the land in accordance with the approved plans and requirements of this consent.

Should the sewer main be damaged at any stage during construction, all work is to cease immediately and will not resume until after further consultation with Council.

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

**(3) Building Code of Australia**

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

**(4) Carrying out of demolition work**

All demolition is to be carried out in accordance with AS 2601–1991, *Demolition of structures*

**(5) Home Building Act**

- (1) Building work that means residential building works (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development which the work relates:
  - (a) In the case of work being carried out by a licensed builder :
    - (i) Has been informed in writing of the licensee's name and license number, and;
    - (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
  - (b) In the case of an Owner Builder:



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

|   |
|---|
| <b>ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE</b> |
|---|

**(6) Construction Certificate Requirement**

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

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

**(7) Potential Flood Damage to Buildings**

An assessment report and certification by a qualified practising Consulting Engineer stating that the structure has been designed to withstand the force of floodwaters, including debris and buoyancy forces, imposed in the event of a 1% AEP flood event, and that the structure will not sustain unacceptable damage from the impact of floodwater and debris, is to be submitted to the Certifying Authority for approval with the Construction Certificate.



**(8) Foundations Adjacent to Sewer**

The foundations for building structures and walls adjacent to the sewer main are to be constructed in such a manner that does not affect the integrity of sewer main. Details demonstrating compliance approval by Manager Water & Waste of Muswellbrook Sire Council are to be submitted to Certifying Authority for approval with the Construction Certificate.

|  |
|--|
| <b>CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT</b> |
|--|

**(9) Sediment and Erosion Control**

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

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

**(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 to building work or demolition work is being carried out, but must be removed when the work has been completed.

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

**(11) 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.

|  |
|--|
| <b>CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK</b> |
|--|

**(12) Construction Hours**

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

**(13) Demolition or Removal of Buildings**

- (a) Demolition must be carried out in accordance with AS 2601–1991, *Demolition of structures*.
- (b) Demolition materials must not be burnt or buried on the work site.
- (c) A person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials, have their loads covered and do not track soil or waste material onto the road.
- (d) If demolition work obstruct or inconvenience pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to council to enclose the public place with a hoarding or fence.
- (e) 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 and must be maintained in a functional condition throughout the construction activities until the site is stabilised.
- (f) The work site must be left free of waste and debris when work has been completed.



**(14) Mandatory inspections under Section 68 of the Local Government Act 1993**

The person acting with this consent shall ensure that all mandatory sewer, water and stormwater inspections are carried out by Council Officers at the relevant stages of construction in accordance with any Section 68 approval issued for the development.

Note: a minimum notice of 48 hours is required when booking an inspection. Inspection fees will be charged in accordance with Council's adopted fees and charges and must be paid prior to the issue of the Construction Certificate.

**(15) Site Waste Minimisation**

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

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

|  |
|--|
| <b>CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE</b> |
|--|

**(16) 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.

**(17) Driveway Crossover Construction**

Prior to the issue of any Occupation Certificate a sealed vehicle crossover is to be constructed from the existing driveway layback to the property boundary.

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

**(18) Repair of any damage to Council infrastructure**

Should any damage occur to Council's infrastructure and sewer main located on the site during the construction of the development the person acting with this



consent must repair any damage caused at their expense and subject to any reasonable direction from Council Officers.

Prior to the issue of an Occupation Certificate written confirmation shall be obtained from Council advising that Council is satisfied that no damage has been caused to its infrastructure or that any damage has been repaired to the satisfaction of Council.

**(19) Easement over drainage swale**

The provision of an easement over the stormwater swale, in favour of Council. The terms of any easement should include:

- A restriction on the carrying out of works or the installation of structures in the easement.
- Provide Council with the authority to enter the land to carry out the works associated with the management of the stormwater system.

Council shall pay the reasonable costs of the Applicant for the creation and registration of the easement, being:

- a) Surveying costs;
- b) Legal fees;
- c) Mortgagee consent fees; and
- d) Registration fees

|   |
|---|
| <b>CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES</b> |
|---|

**(20) Stormwater Disposal**

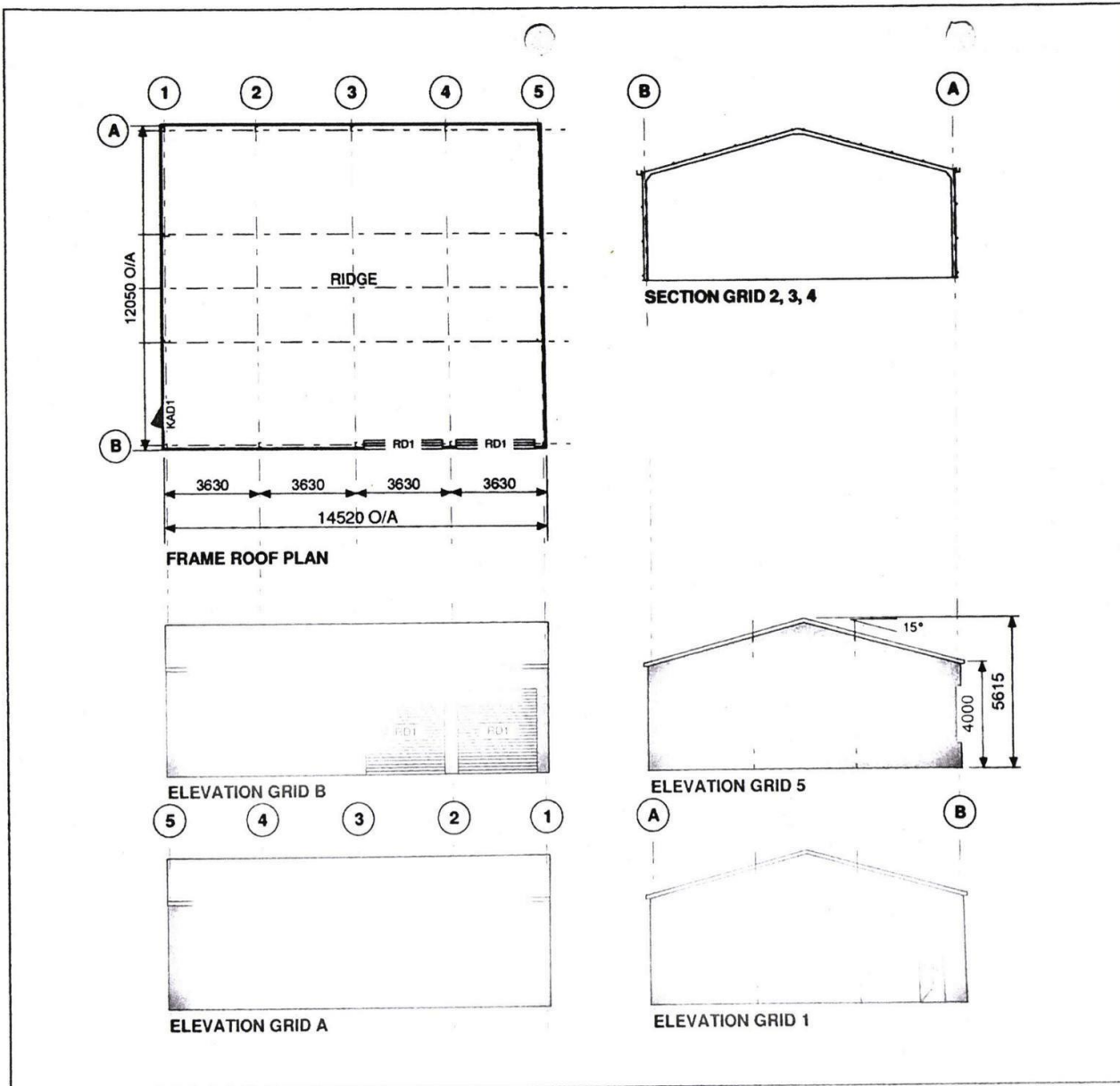
All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of either by:

- a) the kerb and gutter (piped) or the existing stormwater drainage on site; or
- b) A connection point to the Council swale drain located at the rear of the site.  
Any connection point to this swale drain is to be provided with a suitable rocky mattress to prevent the erosion of the bank.

**(21) Shed Use**

The Shed is to be used for domestic purpose only. The shed must not be used for any home based commercial or industrial purpose without prior written consent from council. At no times shall the shed be used for short or long term residential accommodation.





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| CLADDING |                     |        |        |
|----------|---------------------|--------|--------|
| ITEM     | PROFILE (min)       | FINISH | COLOUR |
| ROOF     | CUSTOM ORB 0.42 BMT | CB     | SH     |
| WALLS    | TRIMDEK 0.35 BMT    | CB     | WB     |
| CORNERS  |                     | CB     | WB     |
| BARGE    |                     | CB     | SH     |
| GUTTER   | SHEERLINE           | CB     | SH     |
| DOWNPIPE | 100x50              | CB     | WB     |

0.35bmt=0.40tct; 0.42bmt=0.47tct; 0.48bmt=0.53tct

| ACCESSORY SCHEDULE & LEGEND |      |   |
|-----------------------------|------|---|
| QTY                         | MARK | DESCRIPTION   |
| 1                           | KAD1 | Premium (TA65000) Access Door Kit, C/B (D). (Not Available in WA)           |
| 2                           | RD1  | B&D, Firmador, R.L.D. "R1F-W/Lock-Drive Through", 3000H x 3000W Ctr Open C/ |

ARCHITECTURAL DRAWING ONLY. NOT FOR CONSTRUCTION USE

| WIND DESIGN      |        |         |                |
|------------------|--------|---------|----------------|
| IMPORTANCE LEVEL | REGION | TERRAIN | M <sub>0</sub> |
| 2                | A      | 2.5     | 1.0            |

CLIENT  
**DARREN SIMPSON**

SITE  
**36 Hunter Terrace  
MUSWELLBROOK NSW 2333**

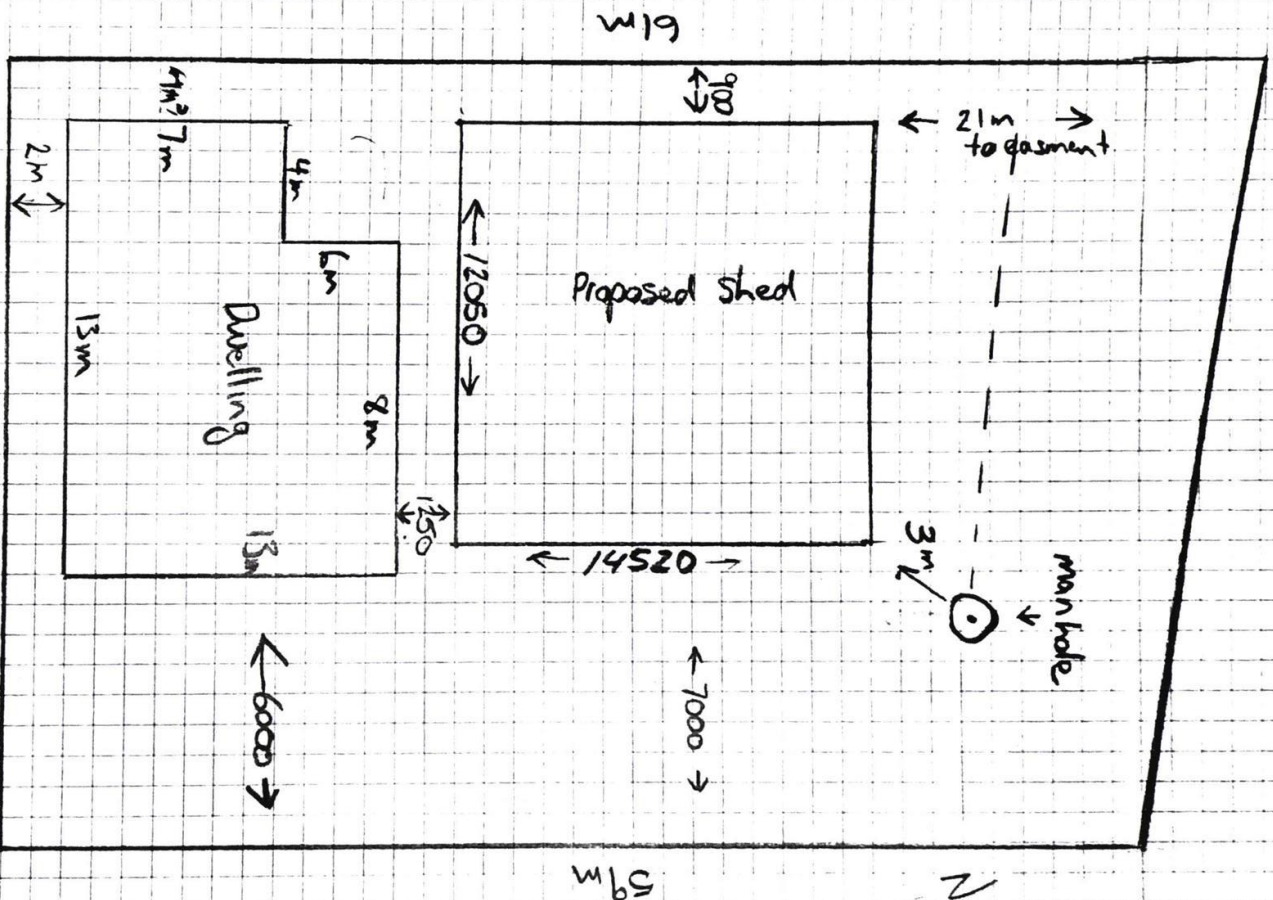
BUILDING  
**SUNDOWN DELUXE  
12050 SPAN x 4000 EAVE x 14520 LONG**

TITLE  
**GENERAL ARRANGEMENT**

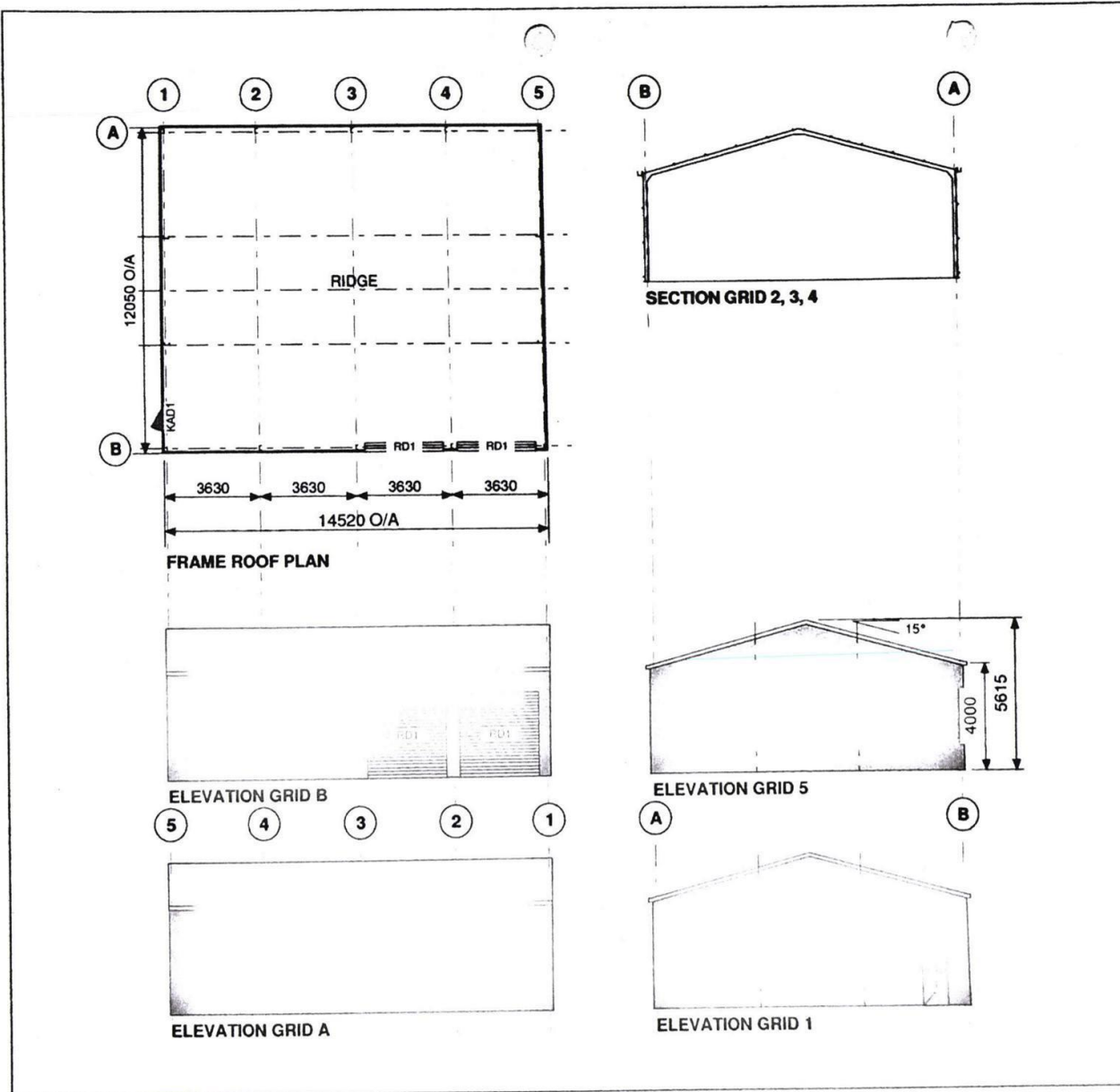
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| SCALE<br>A4 SHEET 1:200 | DRAWING NUMBER<br><b>MAITL3-17965</b> | REV<br><b>A</b> | PAGE<br><b>1/1</b> |
|-------------------------|---------------------------------------|-----------------|--------------------|




36 Hunter terrace (amended shed plan)  
muswellbrook  
30-10-19









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| CLADDING |                     |        |        |
|----------|---------------------|--------|--------|
| ITEM     | PROFILE (min)       | FINISH | COLOUR |
| ROOF     | CUSTOM ORB 0.42 BMT | CB     | SH     |
| WALLS    | TRIMDEK 0.35 BMT    | CB     | WB     |
| CORNERS  |                     | CB     | WB     |
| BARGE    |                     | CB     | SH     |
| GUTTER   | SHEERLINE           | CB     | SH     |
| DOWNPIPE | 100x50              | CB     | WB     |

0.35bmt=0.40lct; 0.42bmt=0.47lct; 0.48bmt=0.53lct

| ACCESSORY SCHEDULE & LEGEND |      |  |
|-----------------------------|------|--|
| QTY                         | MARK | DESCRIPTION  |
| 1                           | KAD1 | Premium (TA6500D) Access Door Kit, C-B (D), (Not Available in WA)        |
| 2                           | RD1  | B&D, Firmador, R.D. "R1F-W/Lock-Drive Through", 3000H x 3000W Ctr Open C |

ARCHITECTURAL DRAWING ONLY NOT FOR CONSTRUCTION USE

| WIND DESIGN      |        |         |                |
|------------------|--------|---------|----------------|
| IMPORTANCE LEVEL | REGION | TERRAIN | M <sub>s</sub> |
| 2                | A      | 2.5     | 1.0            |

**CLIENT**  
**DARREN SIMPSON**

**SITE**  
**36 Hunter Terrace**  
**MUSWELLBROOK NSW 2333**

**BUILDING**  
**SUNDOWN DELUXE**  
**12050 SPAN x 4000 EAVE x 14520 LONG**

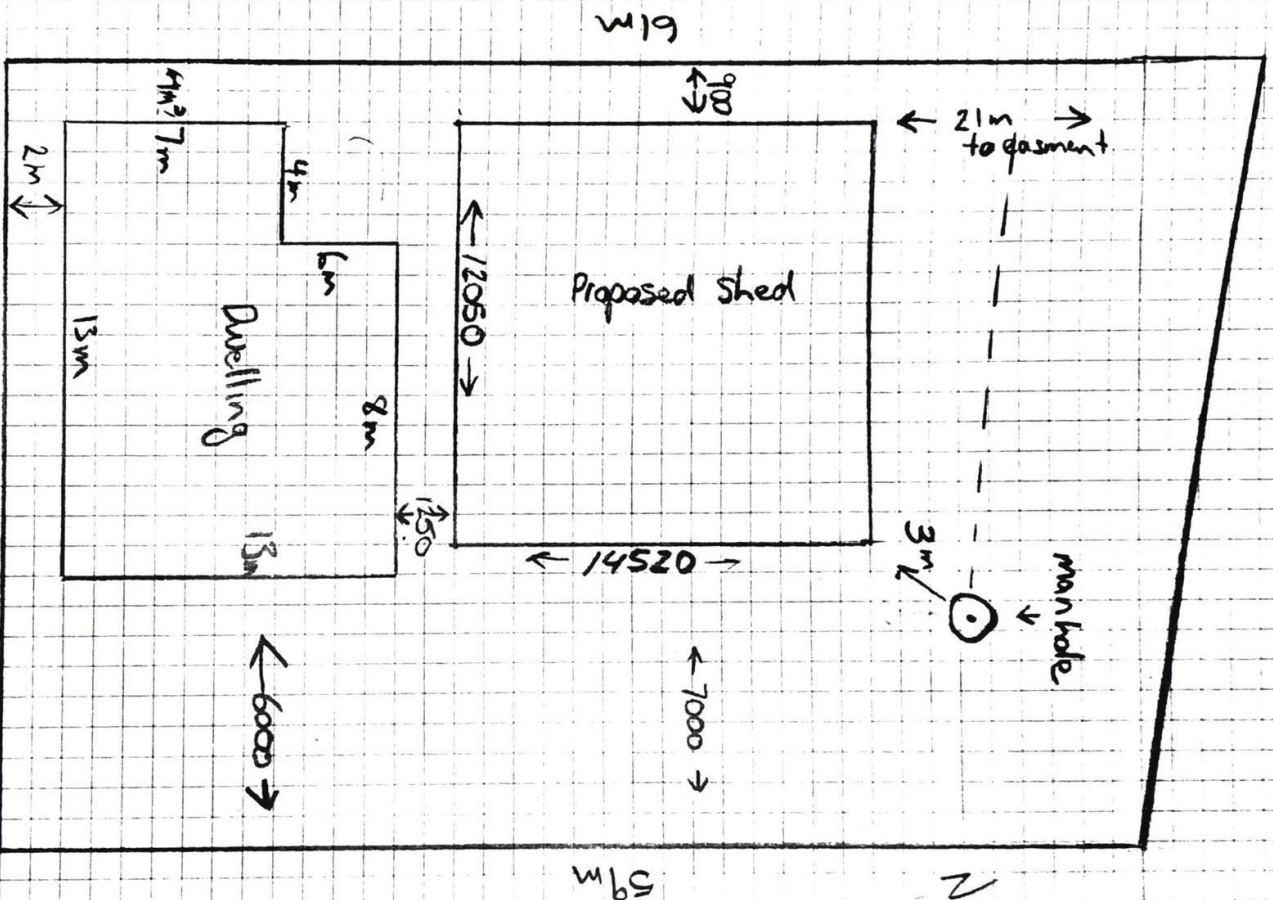
**TITLE**  
**GENERAL ARRANGEMENT**

|                         |                                       |                 |                    |
|-------------------------|---------------------------------------|-----------------|--------------------|
| SCALE<br>A4 SHEET 1:200 | DRAWING NUMBER<br><b>MAITL3-17965</b> | REV<br><b>A</b> | PAGE<br><b>1/1</b> |
|-------------------------|---------------------------------------|-----------------|--------------------|



36 Hunter terrace (amended Shed plan)  
muswellbrook  
30-10-19

30-10-19



## hunter terrace



**6.2 DA 73/2019 - RELOCATION/ DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF A NEW DWELLING, GARAGE, SWIMMING POOL, DRIVEWAY, TENNIS COURT AND PERGOLAS - LOT 31 DP 755437, 3679 BYLONG VALLEY WAY, BAERAMI**

|                                 |  |
|---------------------------------|--|
| <b>Attachments:</b>             | <p>A. DA 73/2019 - Section 4.15 Assessment Report</p> <p>B. DA 73/2019 - Recommended Conditions of Consent</p> <p>C. DA 73/2019 - Proposed Plans</p> <p>D. DA 73/2019 - Bushfire Threat Assessment</p> |
| <b>Responsible Officer:</b>     | Sharon Pope - Assistant Director - Environment & Community Services  |
| <b>Author:</b>                  | Hamish McTaggart - Co-Ordinator - Development  |
| <b>Community Plan Issue:</b>    | <i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>   |
| <b>Community Plan Goal:</b>     | <i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>  |
| <b>Community Plan Strategy:</b> | <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 Committee in determining Development Application (DA) 73/2019. The 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

The Kerrabee Arm waterway, which is a tributary of the Goulburn River, is located on the subject site.

Accordingly, the determination of the development application is not within the delegations of the General Manager. The determination of this development is within the function delegated to the Development Assessment Committee.

## RECOMMENDATION

**Development Application No. 73/2019, involving the relocation/demolition of an existing dwelling and the construction of a new dwelling, garage, swimming pool, driveway, tennis court and pergolas at, Lot 31 DP 755437, 3679 Bylong Valley Way, Baerami, be approved subject to the recommended conditions contained in Appendix B.**

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

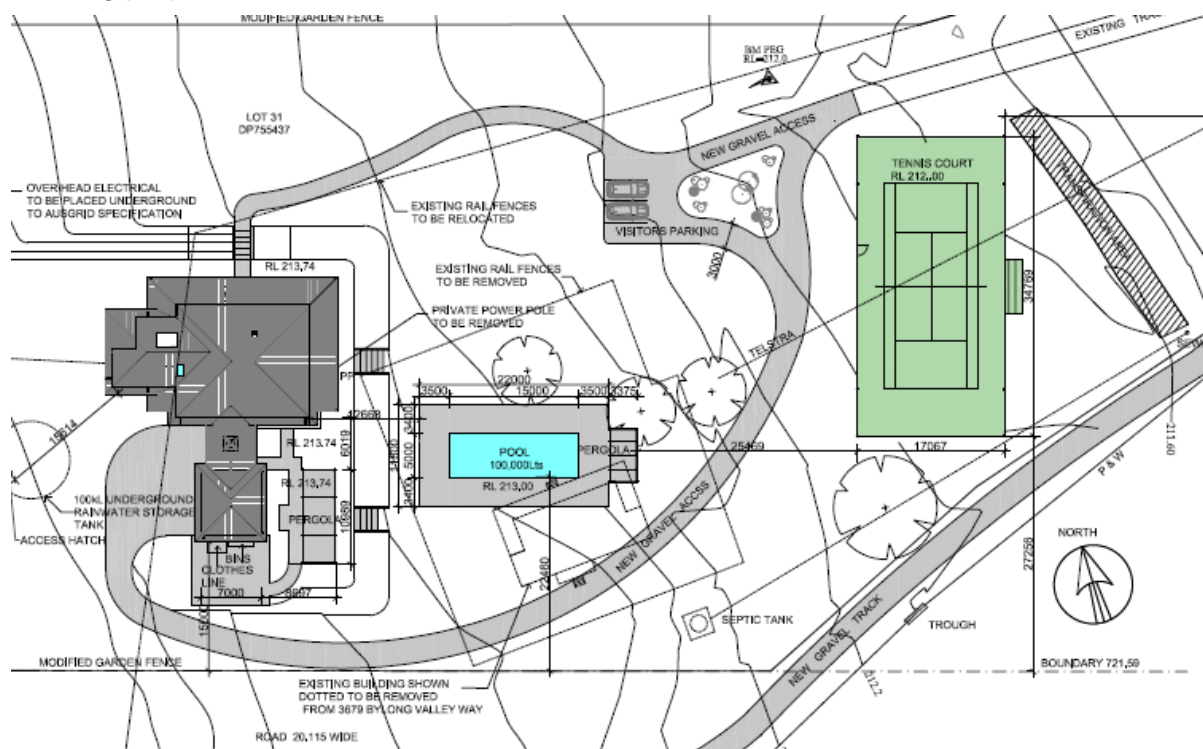
## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development relates to 3679 Bylong Valley Way, Kerrabee. The property is formally identified as Lot 31 in DP 755437.



- replacement of an existing dwelling on Lot 31 DP 755437 with a new four (4) bedroom dwelling
- construction of a garage, driveway
- construction of a swimming pool, tennis court and associated landscaping.

The image below shows the location of the proposed development on the site and the outline of the dwelling proposed to be removed/demolished.



An aerial photograph of a rural area with several land parcels outlined in black. One parcel, located in the lower-middle section, is highlighted with a thick red boundary. A purple location pin is placed within this red-outlined parcel. The surrounding area includes green fields, wooded regions, and a road. Parcel numbers are visible: 771152, 771151, 756127, and 756122.



**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* (see Attachment A). Council Officers recommend that development consent be granted subject to conditions. The recommended conditions of consent are provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The proposed development has been considered against the dwelling entitlement provisions prescribed by Clause 7.3 of the Muswellbrook LEP 2009. Council Officers are satisfied that sub-clause 7.3(3)(a) permits the erection of dwellings as a replacement dwelling where '*there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house*'. The dwelling house proposed to be replaced is a lawfully erected dwelling approved by Council under DA 327/2011.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no inconsistencies which would prevent Council from granting development consent to the proposed development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- The assessment considered the environmental impacts that may result from the proposed development. It was found that the proposed development was unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.

**COMMUNITY CONSULTATION**

Surrounding properties were notified of the development proposal between 11 September 2019 and 26 September 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

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

**OPTIONS**

The Development Assessment Committee may:

- (A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- (B) Grant development consent to the proposed development subject to amended conditions of consent,
- (C) Refuse development consent to the proposed development and nominate reasons for refusal, or

**LEGAL IMPLICATIONS**

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

**CONCLUSION**

DA 73/2019 has been reported to the Development Assessment Committee as it involves the development of a parcel of land that encompasses a waterway. The determination of the development application 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 and recommend that the Development Assessment Committee grant development consent to DA 73/2019, subject to conditions of consent outlined in Attachment B.



## DEVELOPMENT ASSESSMENT REPORT

**Attached:** Site Plan

### REPORT TO THE GENERAL MANAGER

|                         |  |
|-------------------------|--|
| <b>ADDRESS:</b>         | LOT: 31 DP: 755437<br>Bylong Valley Way BAERAMI  |
|                         |  |
| <b>APPLICATION No:</b>  | 73/2019  |
|                         |  |
| <b>PROPOSAL:</b>        | Relocation of Existing Dwelling, New Dwelling, Ancillary Development (Garage, Swimming Pool, Driveway, Tennis Court, Pergolas) and associated Landscaping. |
|                         |  |
| <b>OWNER:</b>           | Kerrabee Park Pty Ltd  |
|                         |  |
| <b>APPLICANT:</b>       | Mrs P Beak<br>C/- Michael Bell Architects Pty Ltd<br>C3/372 - 428 Wattle Street<br>Ultimo NSW 2007   |
|                         |  |
| <b>AUTHOR:</b>          | Mr A Kazi  |
|                         |  |
| <b>DATE LODGED:</b>     | 29/08/2019   |
|                         |  |
| <b>AMENDED:</b>         |  |
|                         |  |
| <b>ADD. INFO REC'D:</b> |  |
|                         |  |
| <b>DATE OF REPORT:</b>  | 6 November 2019  |

---

### SUMMARY

**ISSUES:**

**SUBMISSIONS:**

**RECOMMENDATION:** Approval subject to conditions



## **1.0 SITE AND LOCALITY DESCRIPTION**

The address of the land subject is 3679 Bylong Valley Way, Baerami and it is formerly identified as Lot 31 in DP 755437.

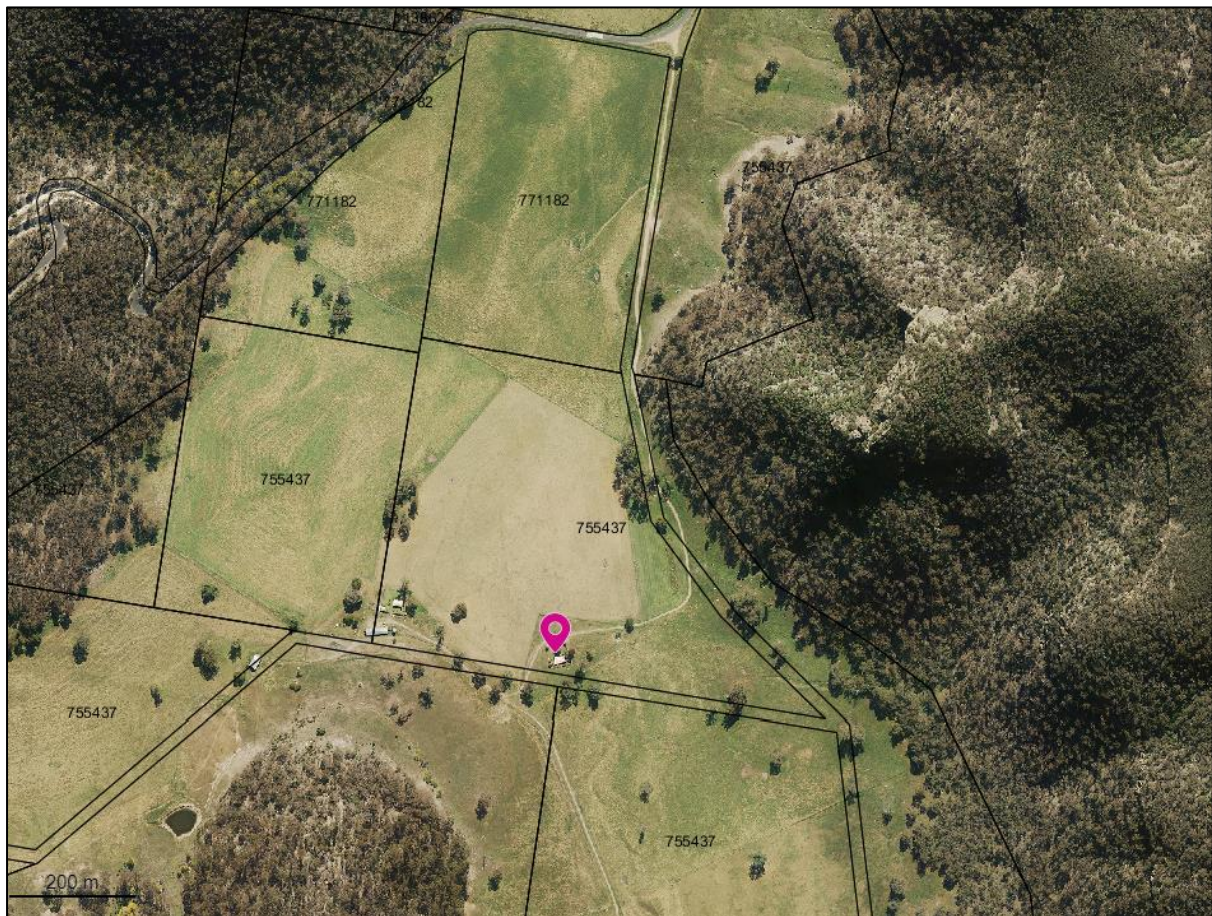
This lot is under the same ownership as a number of a number of adjoining properties that form part of a larger rural holding. Based on Council records it is understood that the total area of the holding is approximately 1279.3ha.

The subject lot has legal and practical vehicle access from Bylong Valley Way via road that is not maintained by Council.

There is an existing dwelling, a rural workers' dwelling (approved by Council under DA 55/2014) and two farm sheds located on the land. Under the proposed development the dwelling would be relocated from the site, while the rural workers' dwelling and farm buildings would remain.

Under the Muswellbrook LEP 2009 the land is zoned RU1 Primary Production and is identified as bushfire prone land on Council's Bushfire Information Mapping.

The Kerrabee Arm, a tributary of Kerrabee Creek traverses the property.



## **2.0 DESCRIPTION OF PROPOSAL**

The proposed development involves:

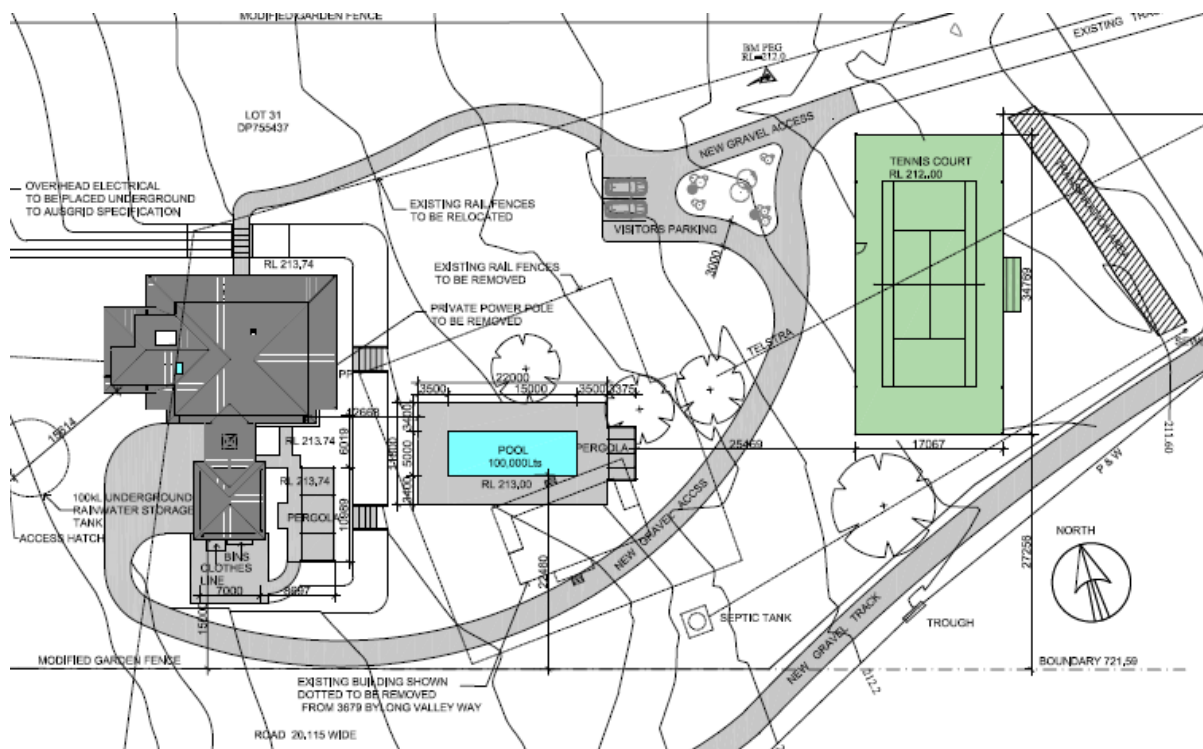
- the replacement of an existing dwelling on Lot 31 DP 755437 with a new four (4) bedroom dwelling



- the construction of a garage and driveway
- the construction of a swimming pool, tennis court and associated landscaping.

The existing dwelling is proposed to be demolished or relocated from the site.

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



### Referrals

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

### 3.0 ASSESSMENT

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

#### Section 4.15 Matters for Consideration

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

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

##### 1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

##### Land Use Zone and Permitted Land Use

The development site is zoned RU1 Primary Production pursuant to MLEP 2009. The proposal is best defined as a dwelling house and ancillary development, which is permitted with consent in the subject Zone.



**Objectives of the RU1 Primary Production Zone**

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

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>  |  |
| <b>2.3 Zone objectives and Land Use Table</b>  | The land uses which are permissible with consent are listed under the land use table of the MLEP 2009.<br>The proposed development is permissible with consent within the RU1 Primary production zone under the land use table of the MLEP 2009. <b>Complies</b> |
| <i>Part 3 Exempt and complying development</i>   |  |
| <i>Part 4 Principal development standards</i>  |  |
| <b>4.3 Height of buildings</b>   | MLEP 2009 specifies a maximum building height of 12m in relation to the land. The proposal does not involve building works over 10m which is compliant with this part of the MLEP 2009. <b>Complies</b>  |
| <b>4.4 Floor space ratio</b>   | MLEP 2009 does not specify any floor space requirements for the subject site. <b>Not Relevant</b>  |
| <i>Part 5 Miscellaneous provisions</i>   |  |
| <i>Part 6 Urban release areas</i>  |  |
| <i>Part 7 Additional local provisions</i>  |  |
| <b>7.1 Terrestrial biodiversity</b>  | The subject site is not identified as 'biodiversity' on Council's Biodiversity Mapping. Hence this part of the MLEP 2009 is not applicable to this assessment. <b>Not relevant</b>   |
| <b>7.5 Erection of dwelling houses on land in certain rural and environmental protection zones</b> | Sub-clause 7.5(3)(a) permits the granting of development consent to the erection of a dwelling where it is intended to replace a lawful dwelling.  |



|                |  |
|----------------|--|
|                | <p>The development application involves the removal of an existing dwelling approved under DA 327/2011.</p> <p><b>Complies</b></p>   |
| 7.6 Earthworks | <p>The proposed development would involve the carrying out of earthworks related to the establishment of the building site, installation of the swimming pool and tennis court.</p> <p>The carrying out of these earthworks is not anticipated to create any issue in respect of the matters for consideration prescribed by this Clause. <b>A condition would be imposed on any development consent to ensure the works are carried out in accordance with Council's standard requirements.</b></p> |

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

The land subject to this development application is part of a farming enterprise and adjacent to an existing dwelling.

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**

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

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

There are no draft EPIs relevant to the subject Application.

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

#### Section 3 – Site Analysis

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

#### Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified from 5 September 2019 to 26 September 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

|  | <b>Control</b>   | <b>Comments</b>  |
|--|--|--|
| <b>8.1 Introduction</b>                              |  |  |
| <b>8.2 Built Form</b>                                |  |  |
| <b>8.2.1 Scenic Protection and Building Location</b> | <p>(i) The roof line of the building must not protrude above natural ridge or tree lines when viewed from public areas and public roads.</p> <p>(ii) Substantial remnant vegetation is protected from disturbance.</p> <p>(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.</p> <p>(iv) The dwelling house is sited on land identified as being suitable for construction and free from contamination, flooding and bushfire risk.</p> <p>(v) Privacy and views of neighbouring houses are reasonably retained.</p>   | <p>(i) The proposed development does not involve works which would protrude above the natural ridge or tree lines and would not be viewable from public areas or public roads due to its locality within the subject site.</p> <p>(ii) Substantial remnant vegetation would not be disturbed by the proposed development.</p> <p>(iii) Outbuildings would be subservient to the principle dwelling.</p> <p>(iv) The site selected for the construction of the new dwelling is in close proximity to the location of the existing dwelling. A Bushfire Threat Assessment has been prepared in relation to the development which recommends measures to manage the bushfire risk at the site.</p> <p>(v) The privacy of the owners and views of the neighbouring houses would be minimally affected as the proposal would be situated on a large lot well setback from neighbouring dwellings and property.</p> <p><b>Complies</b></p> |
| <b>8.2.2 Setbacks</b>                                | <p>(i) Buildings are setback a minimum of 50m from any public road</p> <p>(ii) Buildings are not located within 10m of any property boundary.</p> <p>(iii) A suitable buffer area is established in the vicinity of agricultural operations that may occur on adjoining land.</p> <p>(iv) Separation fencing is provided between development land and any adjoining rail corridor.</p> <p>(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:-</p> <ul style="list-style-type: none"> <li>- Rail Related Noise and Vibration; Issue to Consider in Local Environmental Planning</li> <li>- Interim Guidelines for Councils - consideration of rail noise and vibration in the planning process</li> <li>- Guidelines for applicants - consideration of rail noise and vibration in the planning process</li> </ul> | <p>(i) The buildings would be setback greater than 50m from any public road. This complies.</p> <p>(ii) The proposed buildings would not be located within 10m of any property boundary. This complies.</p> <p>(iii) A suitable buffer area would be established in the vicinity of agricultural operations that may occur on adjoining land.</p> <p>(iv) There is no adjoining rail corridor in relation to the subject site.</p> <p>(v) This control is not applicable.</p>  |
| <b>8.2.3 Colours and Materials</b>                   | <p>(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</p> <p>(ii) Use factory pre-coloured materials with low reflective properties.</p> <p>(iii) Avoid extensive use of highly reflective glass, highly reflective metal cladding (such as Zinalume and white Colorbond) and plastics on the exterior of buildings, unless it can be demonstrated that this appropriate to the particular circumstances that exist on the site.</p>   | <p>A condition of consent should be included to ensure corrugated sheet cladding used in the development is non-reflective in order to comply with the requirements of this part. <b>complies</b></p>  |



|                                     | <b>Control</b>  | <b>Comments</b>  |
|-------------------------------------|---|--|
| <b>8.2.4 Car Parking and Access</b> | <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 &amp; AUS-PEC requirements relative to the projected traffic flows.</p> <p>(iii) Entry gateways are set back sufficiently from the front boundary to allow vehicles to pull up off the public road carriageway.</p> <p>(iv) Access directly from a sealed road is to incorporate a sealed section between the road seal and the boundary alignment to minimise gravel being deposited on the road surface.</p> <p>(v) Rural property accesses shall be designed to comply with Council's specifications for Rural Property Access.</p> <p>(vi) Rural property access is to be designed so that stormwater flows do not discharge down the access carrying sediment and debris onto Council's roads. To accommodate this requirement the road shall be designed to include measures such as mitre drains, pipe culverts, causeways, diversion banks, or other similar water management devices.</p> | <p>(i) There is an existing access road which provides access to the subject site. The proposal does include a new driveway which would meet the requirements of this control.</p> <p>(ii) The proposed car parking spaces for the proposal would meet the relevant requirements of section 16. Should the proposal be approved the car parking spaces would not need to comply with the provisions of AS2890.1 as the proposal is for residential purpose. As the locality of the subject site is in a remote area traffic AUS-PEC requirements would not be applicable.</p> <p>(iii) The current entry gateway for 3679 Bylong Valley Way complies with this control.</p> <p>(iv) Access directly from a sealed road currently exists to the boundary alignment of the subject site.</p> <p>(v) Should this application be approved, a condition of consent should be implemented for property accesses to be designed in order to comply with Council's specifications for Rural Property Access.</p> <p>(vi) As the proposed access way would be well setback from the nearby Council road it is considered that this control would not be applicable in this instance.</p> <p><b>Complies</b></p> |
| <b>8.2.5 Temporary Dwellings</b>    | <p>(i) Buildings may be used for the purpose of temporary dwellings for a maximum period of three (3) years from the date upon which any Occupation Certificate is issued for the building</p> <p>(ii) Upon the expiration of the time period referred to in (i) above, the building shall not be used for residential purposes, and fixtures that render the building capable of separate habitation shall be removed</p> <p>(iii) Temporary dwellings shall comprise buildings that can be easily adapted to a compatible non-habitable use upon expiration of the period for temporary habitation</p>  | <p>The proposed development is not for a temporary dwelling. Hence, this part is not relevant. <b>Not relevant</b></p>   |
| <b>8.3 Environmental Matters</b>    |   |  |
| <b>8.3.1 Topography</b>             | <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>A site evaluation during the assessment process of this development application was completed. The evaluation found that although there would be alterations to the natural topography of the subject site, in the context of the locality there would be minimal implications to approving a development of this nature. A condition of consent is proposed to ensure the materials and colours utilised are relevant to the surrounding rural landscape with regard to the protection of the visual amenity of the area.</p> <p><b>Complies</b></p>   |
| <b>8.3.2 Vegetation</b>             | <p>(i) Identification and control of developments which are expected to impact on the areas of remnant vegetation as determined and mapped by The</p>   | <p>The relevant required control of this part of the MDCP 2009 id as follows: identification and control of</p>  |



|   | <b>Control</b>   | <b>Comments</b>   |
|---|--|---|
|   | <p>Vegetation of the Central Hunter Valley NSW 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 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 Environmental Planning and Assessment Act 1979 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> | <p>developments which are expected to impact areas of remnant vegetation as mapped by Council's native vegetation mapping layer. Significant clearing of vegetation would not occur should the proposal be approved. This complies with the requirements of this part of the MDCP 2009. <b>Complies</b></p>   |
| <b>8.3.3 Riparian Buffers</b>                                   |  | <p>The proposed development is not located in the near vicinity of any Riparian areas and thereby this part of the MDCP 2009 is not required. <b>Complies</b></p>   |
| <b>8.3.4 Management of Rivers, Creeks, Streams and Drainage</b> | <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>  | <p>There are no rivers, creeks or streams which are in the immediate vicinity of the proposal and thereby this section of the MDCP is not applicable to the subject site. For a detailed drainage assessment see section 25. The proposal would not have any negative impacts towards the management of any rivers, creeks, streams or drainage. Thereby the proposed development complies with this part of the MDCP 2009. <b>complies</b></p> |
| <b>8.3.5 Services</b>   | <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>A condition of consent should be implemented for onsite sewerage management system and stormwater drainage to be in accordance with Council's standard requirements. An adequate water supply should be conditioned through a rainwater tank requirement. This would be compliant with the abovementioned controls. <b>Complies</b></p>  |

## Section 20 – Erosion and Sediment Control

Areas of disturbance between 250m<sup>2</sup> & 1000m<sup>2</sup> must submit Erosion and Sediment Control Plan and a schedule of works with a development application. Existing vegetation must not be cleared in areas not relevant to direct impact from the development. All conditions must be consistent



with the *Managing Urban Stormwater: Soils and Construction* manual prepared by Landcom. An erosion and sediment control plan has been provided in accordance with the MDCP 2009 requirements.

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

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

### Section 24 – Waste Management

A waste minimisation management plan has not been submitted. It is recommended that a Waste Management Minimisation Plan be provided, in accordance with the DCP, as a condition of consent.

### Section 94A Contributions Plan 2009

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

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

### **Section 4.15(1)(a)(iiia) the provisions of any planning agreement**

There are no planning agreements relevant to the subject Application.

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

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 proposed development is considered to be in accordance with the type of residential and ancillary development expected within the Primary Production zone. The proposed development is considered unlikely to have any significant adverse environmental impacts in any of the following areas.

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

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



**Technical Hazards – bushfire protection**

The site is identified as bushfire prone land. The provisions of Planning for Bushfire Protection 2006 are relevant to the assessment of the proposed development pursuant to Section 4.14 of the Environmental Planning and Assessment Act 1979.

A Bushfire Threat Assessment has been prepared in relation to the proposed development by Bushfire Planning and Design. The Assessment Report recommends no bushfire construction standard should be imposed on the development. Council Officers have reviewed this Bushfire Threat Assessment and the recommendations and have found the information to be accurate to the locality of proposed development.

**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. While a number of creeks run through the property the proposed dwelling is not located close to a creek.

**Section 4.15(1)(d) any submissions made**

No submissions were received during the notification period.

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

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

**5 CONCLUSION**

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

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

**RECOMMENDATION**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED) the Development Assessment Committee grant development consent to DA 73/2019 subject to standard conditions of consent and the conditions of consent recommended by this 4.15 Assessment.

Signed by:

Atef Kazi  
Project Planner

Hamish McTaggart  
Co-ordinator Development



## IDENTIFICATION OF APPROVED PLANS

## (1) Development in Accordance with Plans

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

| Drawing No.                                   | Revision | Drawn by                        | Drawing Date     | Received       |
|---|----------|---------------------------------|------------------|----------------|
| A0 (Site Plan & Site Analysis)                | 6        | Michael Bell Architects Pty Ltd | 26 June 2018     | 29 August 2019 |
| A01 (Floor Plan Part 1)                       | 6        | Michael Bell Architects Pty Ltd | 26 June 2018     | 29 August 2019 |
| A02 (Floor Plan Part 2)                       | 6        | Michael Bell Architects Pty Ltd | 26 June 2018     | 29 August 2019 |
| A03 (Roof Plan Part 1)                        | 3        | Michael Bell Architects Pty Ltd | 26 June 2018     | 29 August 2019 |
| A04 (Roof Plan Part 2)                        | 3        | Michael Bell Architects Pty Ltd | 26 June 2018     | 29 August 2019 |
| A05 (North & South Elevations)                | 4        | Michael Bell Architects Pty Ltd | 26 June 2018     | 29 August 2019 |
| A06 (East & West Elevations)                  | 4        | Michael Bell Architects Pty Ltd | 26 June 2018     | 29 August 2019 |
| A07 (Sections)                                | 2        | Michael Bell Architects Pty Ltd | 26 June 2018     | 29 August 2019 |
| A09 (Locality Plan)                           | 2        | Michael Bell Architects Pty Ltd | 7 December 2018  | 29 August 2019 |
| A11 (Storm Water Plan)                        | 2        | Michael Bell Architects Pty Ltd | 10 December 2018 | 29 August 2019 |
| A12 (Sitting Room Fireplace Plan & Elevation) | 2        | Michael Bell Architects Pty Ltd | 12 December 2018 | 29 August 2019 |
| A13 (Sitting Room Fire Place Typical Section) | 2        | Michael Bell Architects Pty Ltd | 12 December 2018 | 29 August 2019 |
| A14 (Notification Plan)                       | 2        | Michael Bell Architects Pty Ltd | 12 December 2018 | 29 August 2019 |
| A15 (Sediment Control Plan)                   | 2        | Michael Bell Architects Pty Ltd | 26 June 2018     | 29 August 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) Carrying out of demolition work

All demolition work related to the demolition or relocation of the existing dwelling must be carried out in accordance with AS 2601-2001 the demolition of structures.



**(4) Home Building Act**

- (1) Building work that means residential building works (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development which the work relates:
  - (a) In the case of work being carried out by a licensed builder :
    - (i) Has been informed in writing of the licensee's name and license number, and;
    - (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
  - (b) In the case of an Owner Builder:
    - (i) Has been informed in writing of the person's name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
    - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

**(5) Bushfire Prone Developments**

All bushfire protection measures specified by the Bushfire Threat Assessment prepared by Bushfire Planning and Design dated 16 August 2019 along with the following requirements shall be provided to the development:-

- (a) a 20,000 litre dedicated water supply/tank exclusively for use for fire fighting purposes shall be provided of non flammable construction or shielded from the bushfire threat. A 65mm storz fitting and metal ball valve shall be installed in the tank for connection to local fire service appliances.
- (b) A 280m Asset Protection zone is to be situated is to be maintained around the perimeter of the dwelling at all times in accordance with the recommendations of the Bushfire Threat Assessment and Section 4.1.3, Appendix 2 and Appendix 5 of the NSW Rural Fire Service's document planning for Bushfire Protection, 2006.



- (c) The dwelling is to be designed and constructed in accordance with the requirements of AS3959-1999 to achieve the Bushfire Attack Levels (BALs) specified below:

i. **a minimum BAL rating of BAL-LOW**

- (d) The property access shall be maintained at all times to comply with the requirements of Section 4.1.3(2) of Planning for Bushfire Protection, 2006.

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

(6) **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.

(7) **Section 7.12 Contributions**

Prior to the issue of a Construction Certificate pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$8000.00 shall be paid to Muswellbrook Shire Council.

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

(8) **Waste Management Plan**

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

(9) **BASIX Commitments**

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

In this condition:

- (a) relevant BASIX Certificate means:



- i. a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
  - ii. if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

**(10) Installation of Solid Fuel Heater**

Prior to the issue of any Construction Certificate where a solid fuel heater is to be installed as a part of the development the person acting with this consent shall obtain approval from Council under Section 68 of the Local Government Act 1993 for the installation of a domestic oil or solid fuel heating appliance and provide the Certifying Authority with documentary evidence confirming that this approval has been obtained.

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

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

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| <b>CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT AND DURING BUILDING WORKS</b> |
|--|

**(11) 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.

**(12)      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.

**(13)      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.



**(16) Materials**

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

**(17) Erosion and Sediment Plan**

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

**(18) Protection of Aboriginal relics**

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

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| <b>CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE</b> |
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**(19) Occupation**

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

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

The development will require an On-Site Sewage Management System. Such a system requires approval from Council to install, construct or modify under Section 68 of the Local Government Act 1993.

A current Approval to Operate will also be required before an Occupation Certificate can be issued. Applications to install a system must be accompanied by a Wastewater Management Plan including a Site and Soil Assessment prepared by a suitably qualified person. The On-Site Sewage Management System must be pursuant to Section 23 of the Muswellbrook Shire Development Control Plan 2009.

**(21) Bushfire**

Prior to the issue of any Occupation Certificate all identified matters relating to bushfire damage prevention shall be addressed and implemented at the site in the development in accordance with the requirements of Condition 5 of this consent.

**(22) Relocation or demolition of dwelling**

Prior to the issue of an Occupation Certificate the existing dwelling is to be demolished or relocated from the site.



**Note:** Where the dwelling is relocated, the applicant must ensure that development consent has been obtained from the relevant consent authority for the installation of the dwelling.

**(23) Swimming Pools**

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

- (a) the pool must not to be completely filled with water until such time as a safety fence has been erected in accordance with this certificate.
- (b) Where the depth of water in the pool exceeds 300mm during construction a temporary barrier or fence must be erected or other precautions taken so as to prevent the entry of children into the pool.
- (c) The swimming pool including overflow water must be drained to the sewer or, if the sewer is not available, overflow water must be disposed of to Council's satisfaction.
- (d) The consent of the Council must be obtained 48 hours prior to any emptying of pool water into the sewer.

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

**(24) Pool Safety Requirements**

The owner of the pool shall display a notice showing:

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

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

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

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



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

All stormwater from the development, including from hard surfaces and overflows from rainwater tanks, is to be collected and disposed of 6m clear of any property boundary and structures.

**(26)      Operation of wood heater**

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





## TRANSMITTAL FORM

JOB NUMBER: 441 CLIENT: Mr & Mrs Beak  
PROJECT: 3679 Bylong Valley Way, Kerrabee NSW 2328

[illegible]

| PURPOSE FOR ISSUE |                |               |   |   |   |   |   |   |  |  |  |  |
|-------------------|----------------|---------------|---|---|---|---|---|---|--|--|--|--|
| I=INFO            | A=APPROVAL     | P=PRELIMINARY |   |   |   |   |   |   |  |  |  |  |
| T=TENDER          | C=CONSTRUCTION |               | A | A | I | I | I | A |  |  |  |  |

|                                 |  |   |   |   |   |  |  |  |  |  |  |  |
|---------------------------------|--|---|---|---|---|--|--|--|--|--|--|--|
| TYPE OF ISSUE                   |  |   |   |   |   |  |  |  |  |  |  |  |
| D=DISC E=EMAIL P=PRINT U=UPLOAD |  |   |   |   |   |  |  |  |  |  |  |  |
| P                               |  | E | E | E | P |  |  |  |  |  |  |  |
| COMMENTS                        |  |   |   |   |   |  |  |  |  |  |  |  |

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michael bell architects pty ltd  
abn 13 082 420 942  
nsw architect's reg no. 6335

C3 / 372 - 428 wattle st  
ultimo nsw 2007

**T** 02 9212 0422  
**F** 02 9212 0322

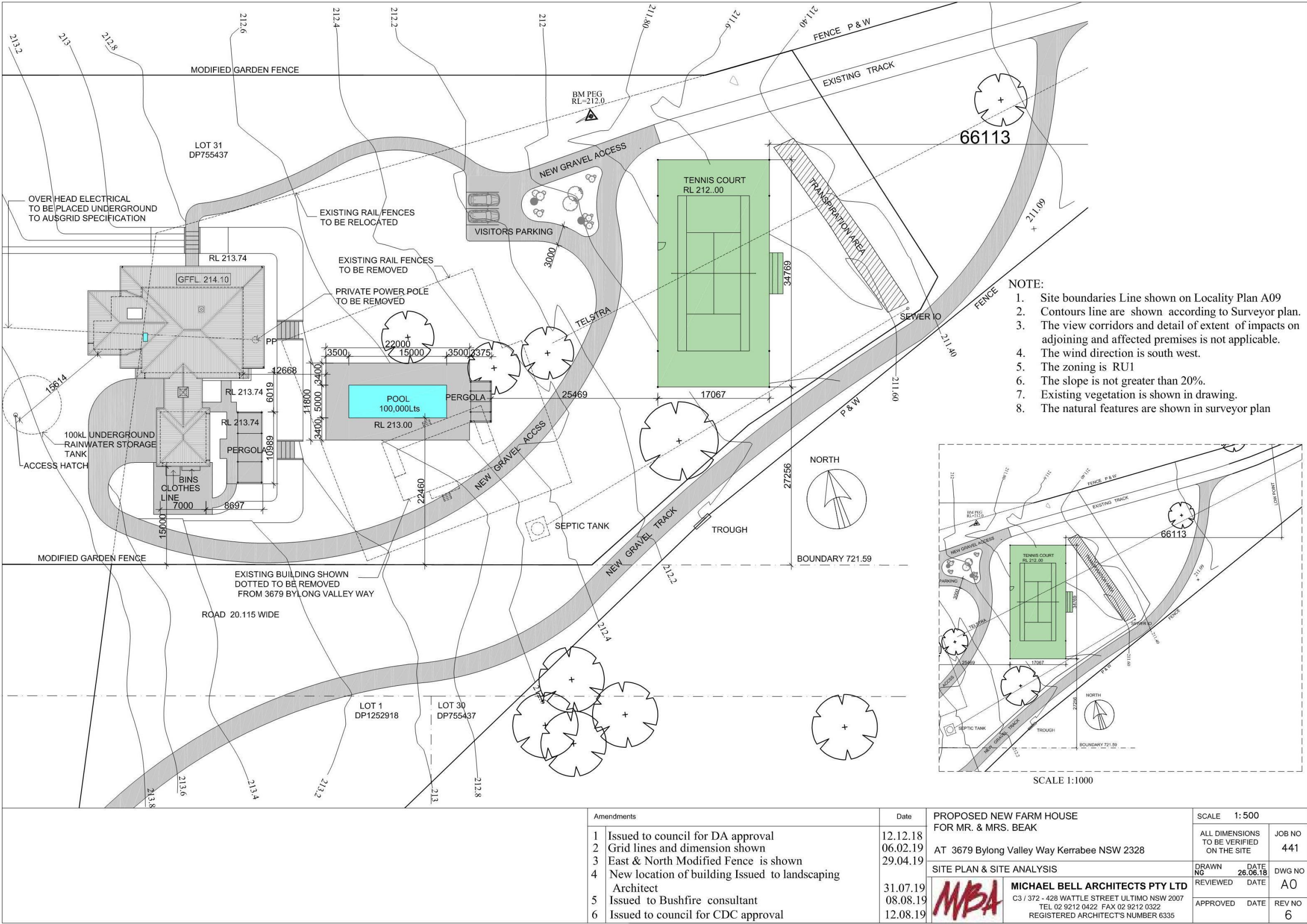
**E** [admin@michaelbellarchitects.com](mailto:admin@michaelbellarchitects.com)  
**W** [www.michaelbellarchitects.com](http://www.michaelbellarchitects.com)

J:\(441) Kerrabee Park\Transmittal\ (441) Transmittal

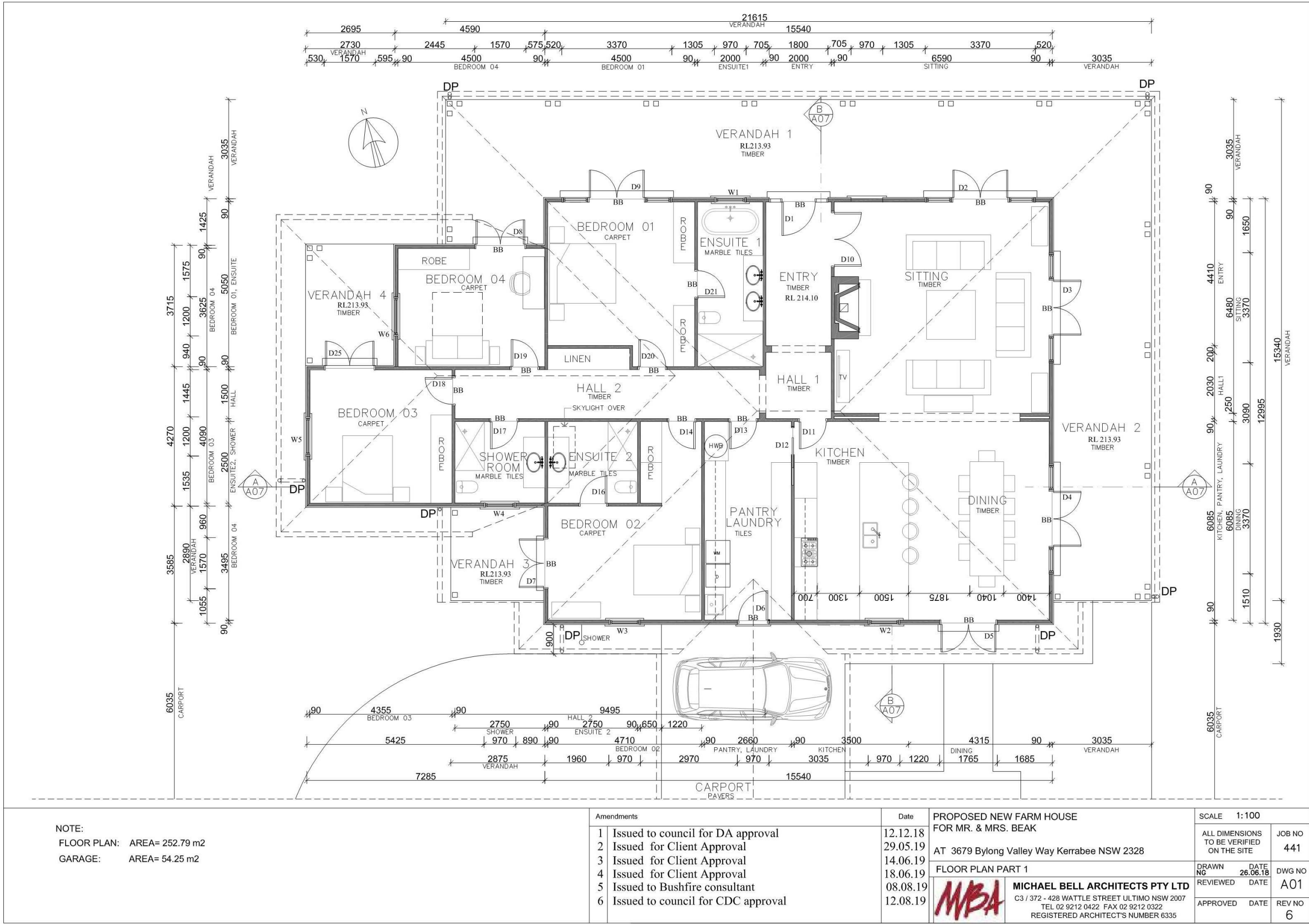




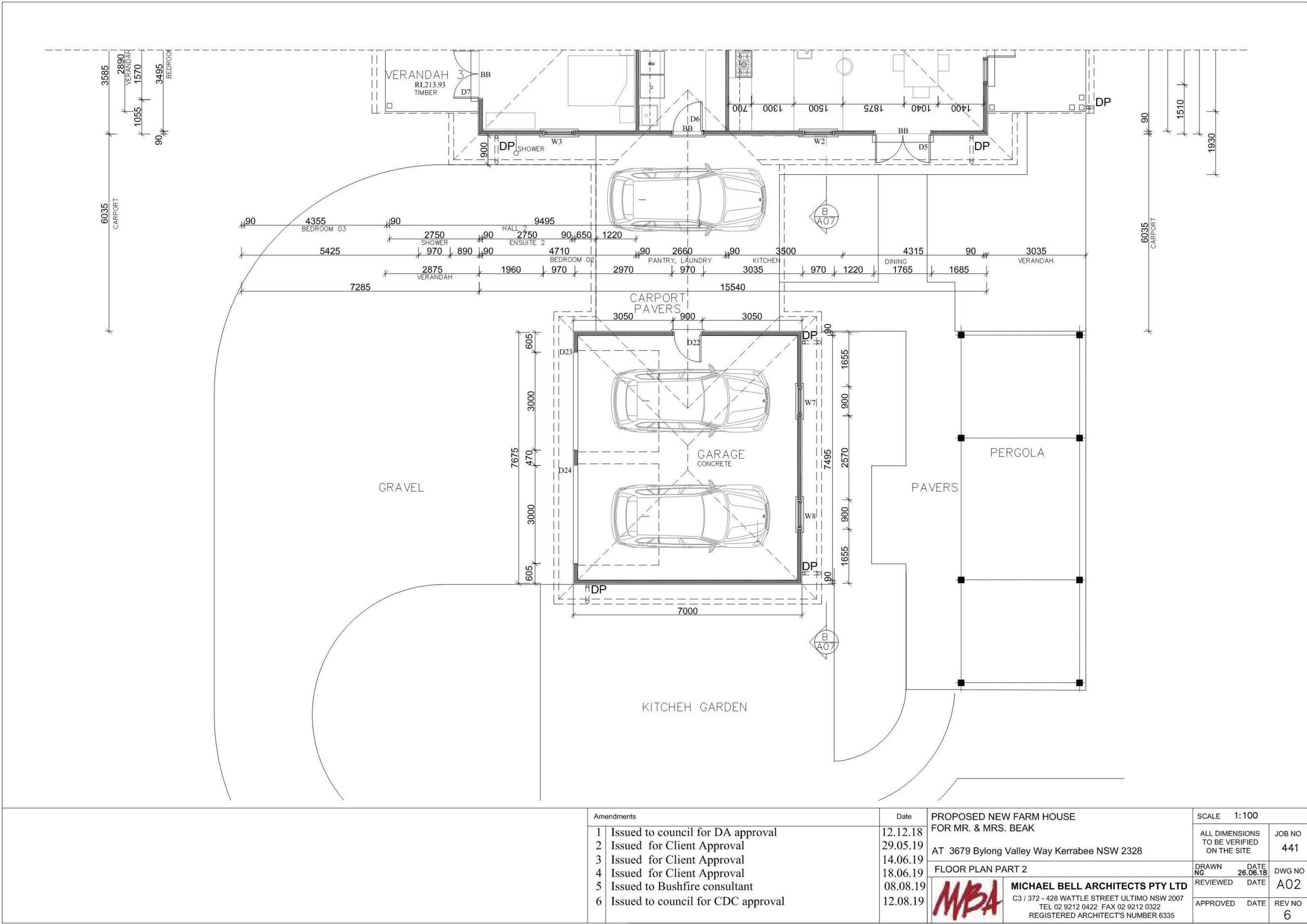




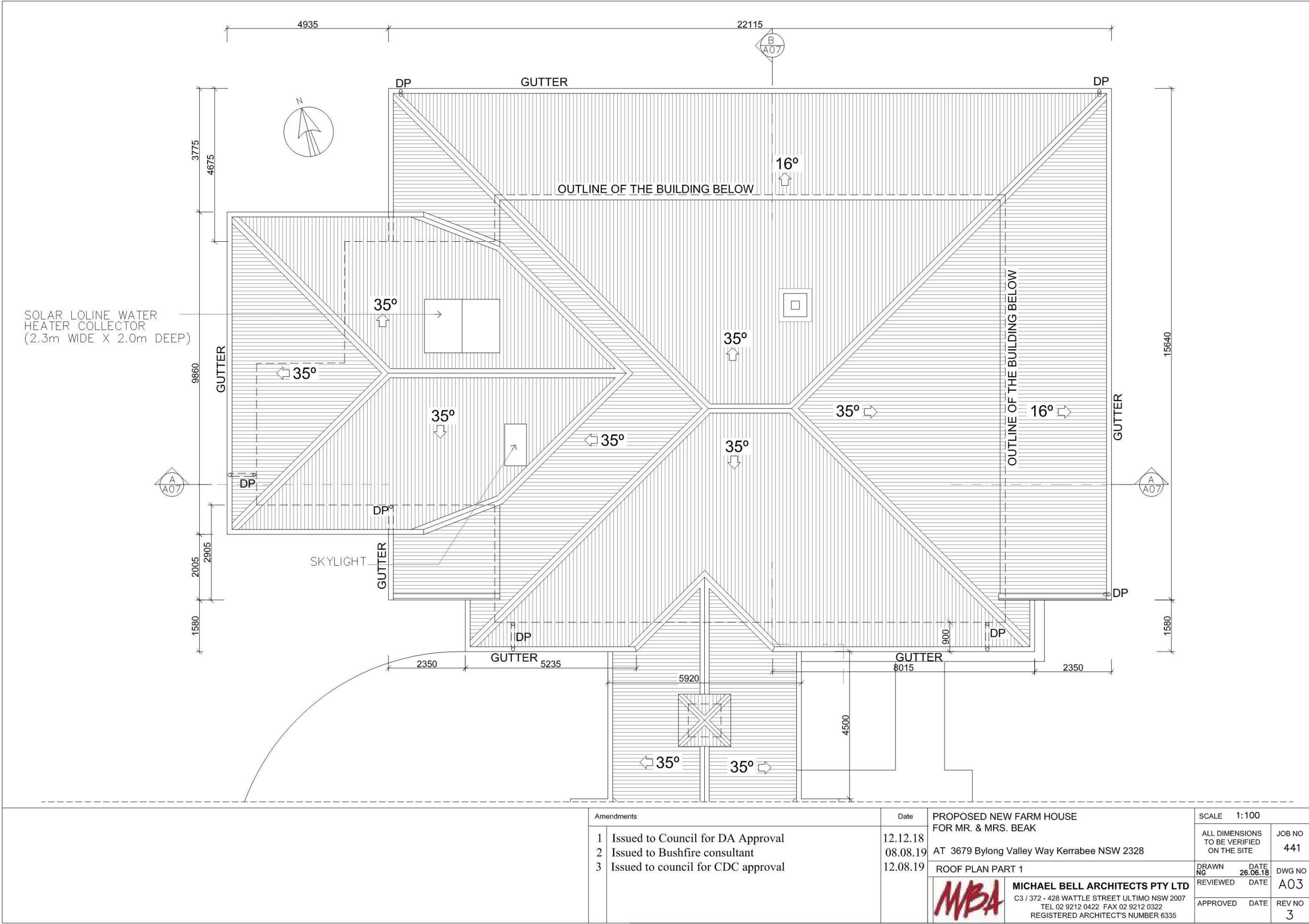




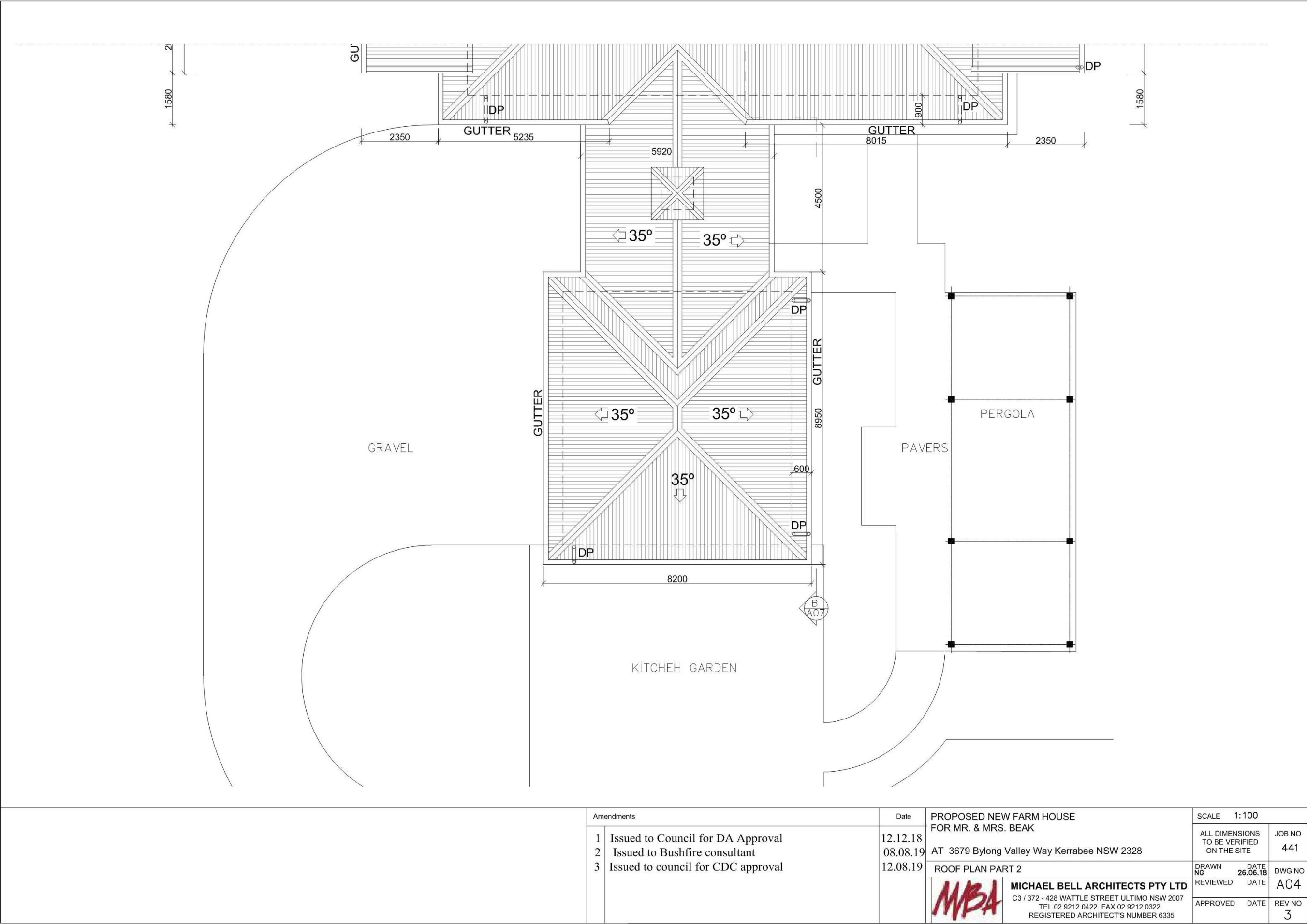








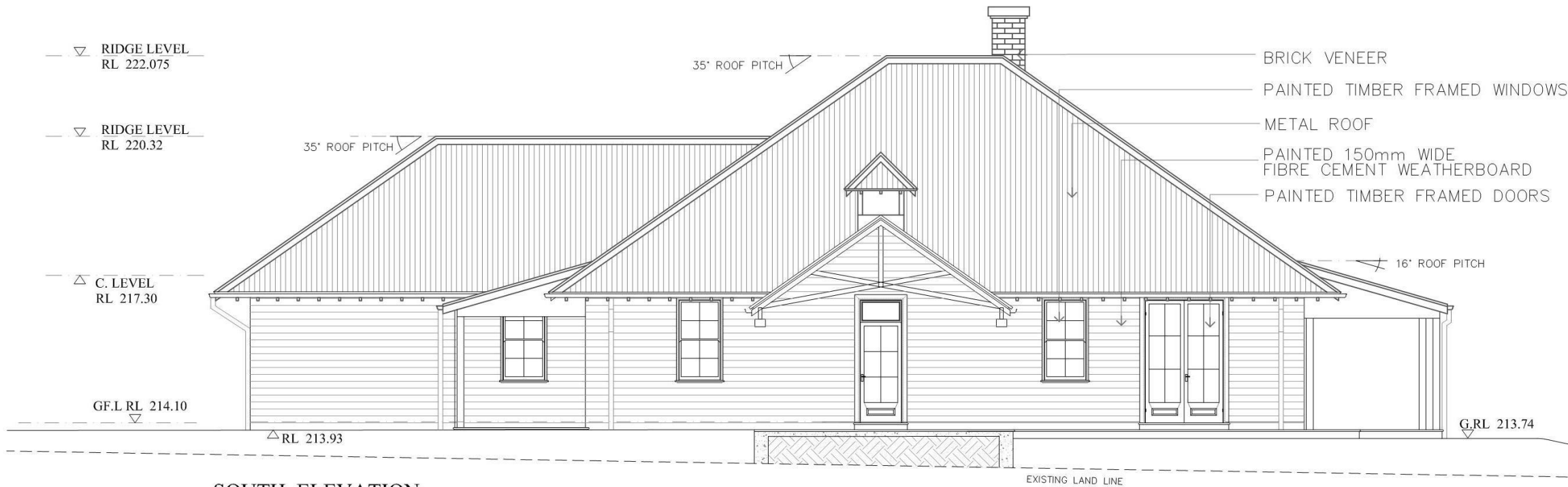









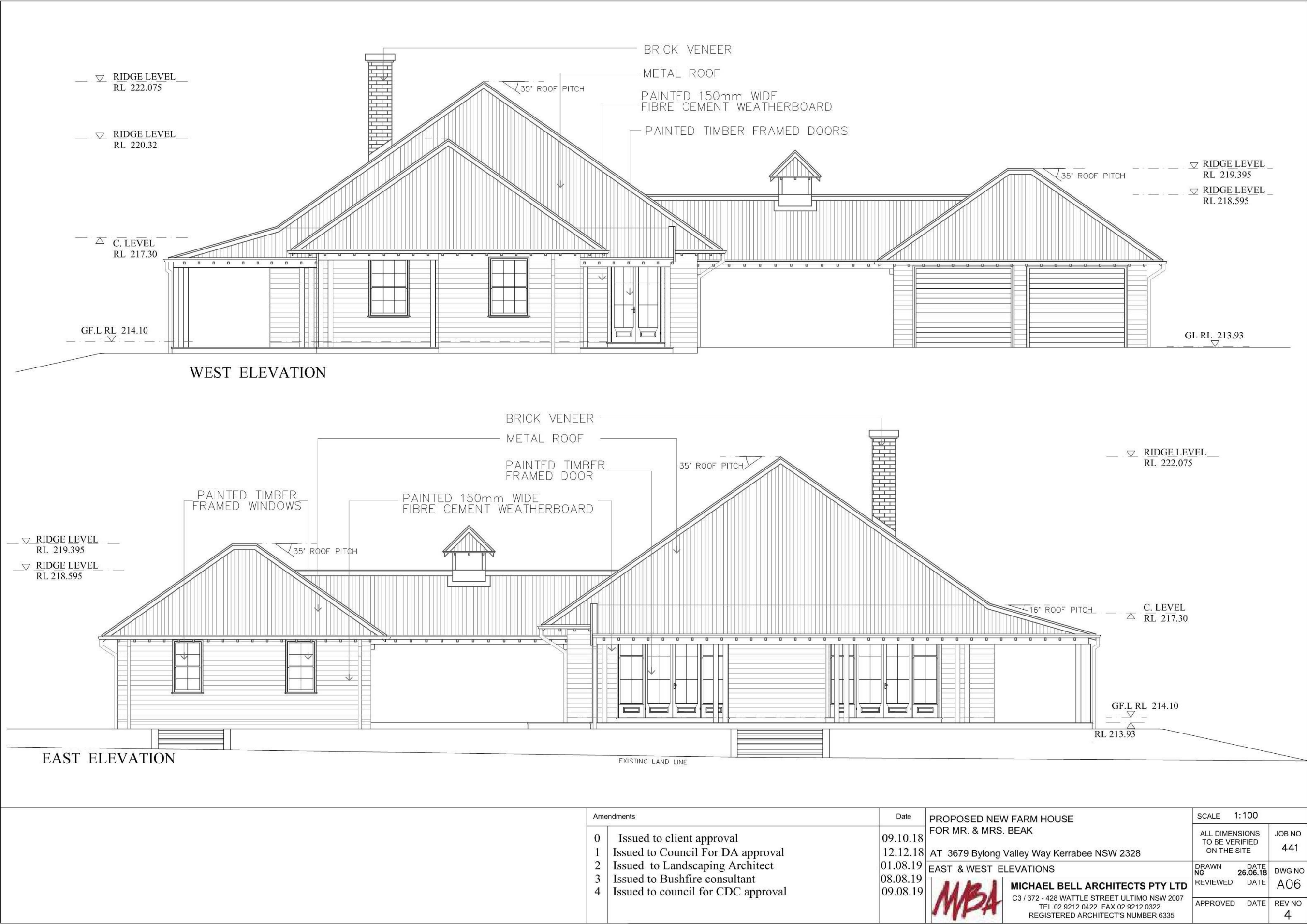
NORTH ELEVATION



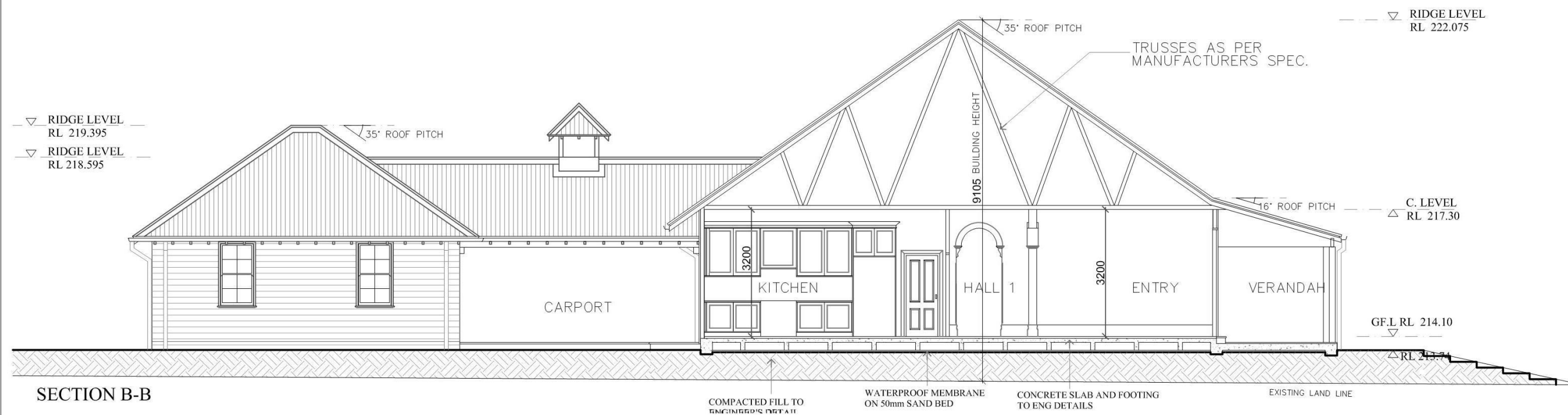
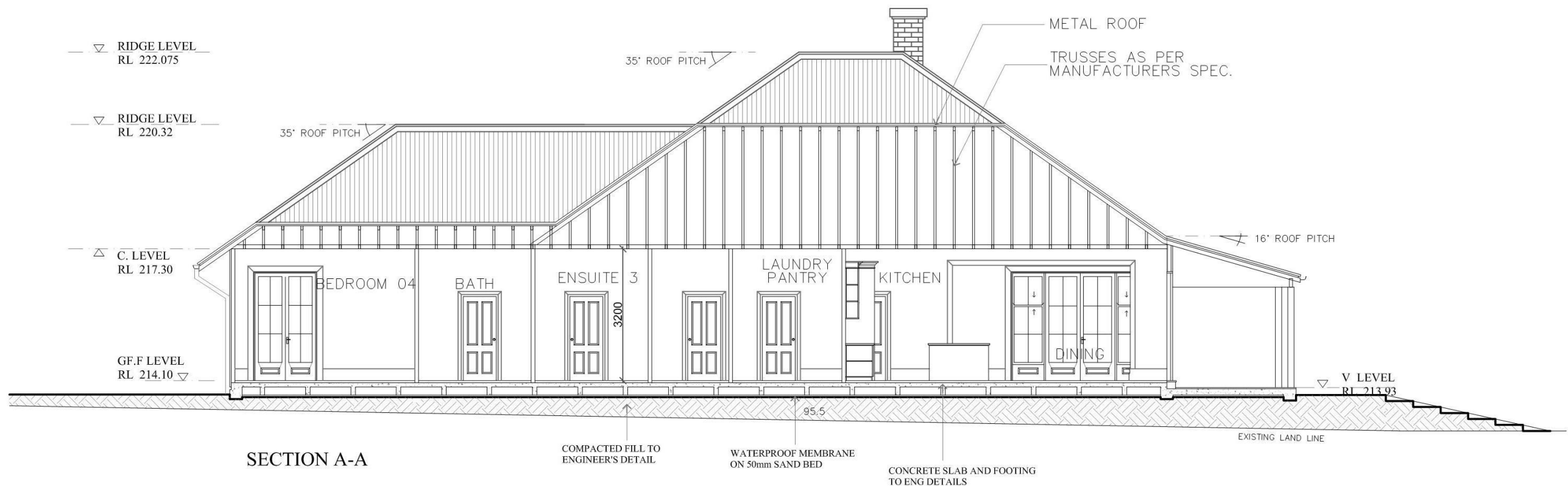
SOUTH ELEVATION


| Amendments |                                    | Date     | PROPOSED NEW FARM HOUSE<br>FOR MR. & MRS. BEAK  | SCALE 1:100                                     |                  |
|------------|------------------------------------|----------|---|---|------------------|
| 0          | Issued to client approval          | 09.10.18 | AT 3679 Bylong Valley Way Kerrabee NSW 2328   | ALL DIMENSIONS<br>TO BE VERIFIED<br>ON THE SITE | JOB NO<br>441    |
| 1          | Issued to Council For DA approval  | 12.12.18 | NORTH & SOUTH ELEVATIONS<br> <b>MICHAEL BELL ARCHITECTS PTY LTD</b><br>C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007<br>TEL 02 9212 0422 FAX 02 9212 0322<br>REGISTERED ARCHITECT'S NUMBER 6335 | DRAWN<br>NG                                     | DATE<br>26.06.18 |
| 2          | Issued to Landscaping Architect    | 01.08.19 |   | REVIEWED  | DATE             |
| 3          | Issued to Bushfire consultant      | 08.08.19 |   | APPROVED  | DATE             |
| 4          | Issued to council for CDC approval | 09.08.19 |   |   | REV NO<br>4      |







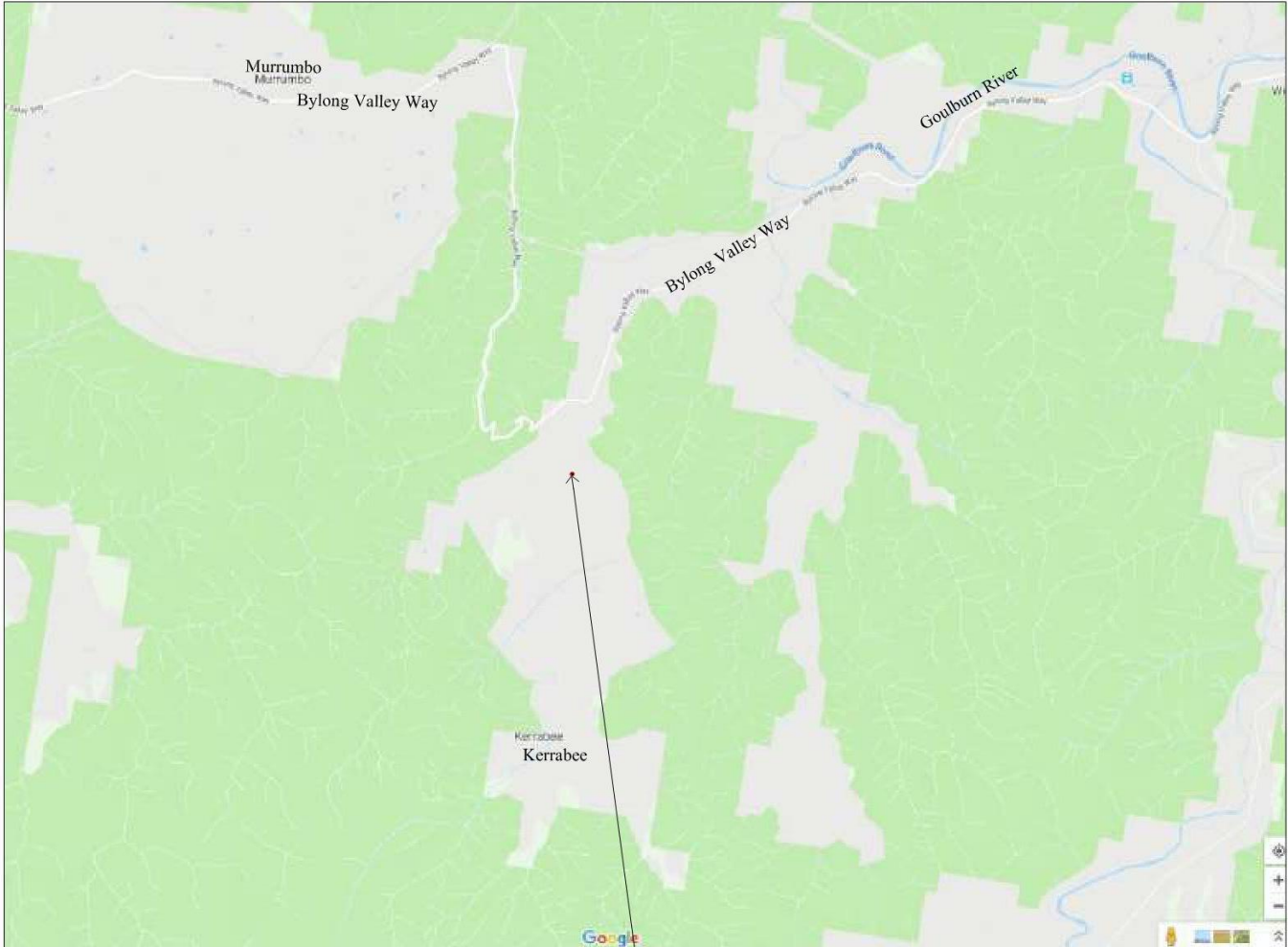


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|---|--|----------|---|--|---|------------------|
| Amendments                              |  | Date     | PROPOSED NEW FARM HOUSE<br>FOR MR. & MRS. BEAK  |  | SCALE 1:100                                     |                  |
|   |  |          | AT 3679 Bylong Valley Way Kerrabee NSW 2328   |  | ALL DIMENSIONS<br>TO BE VERIFIED<br>ON THE SITE |                  |
|   |  |          | SECTIONS  |  | DRAWN<br>NG                                     | DATE<br>26.06.18 |
|   |  |          |  <b>MICHAEL BELL ARCHITECTS PTY LTD</b><br>C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007<br>TEL 02 9212 0422 FAX 02 9212 0322<br>REGISTERED ARCHITECT'S NUMBER 6335 |  | REVIEWED  | DATE             |
|   |  |          |   |  | APPROVED  | DATE             |
| 0 Issued for client approval            |  | 14.08.18 |   |  | JOB NO<br>441                                   |                  |
| 1 Issued for to Council for DA approval |  | 12.12.18 |   |  | DWG NO<br>A07                                   |                  |
| 2 Issued to council for CDC approval    |  | 09.08.19 |   |  | REV NO<br>2                                     |                  |






AERIAL PHOTO VIEW, NTS



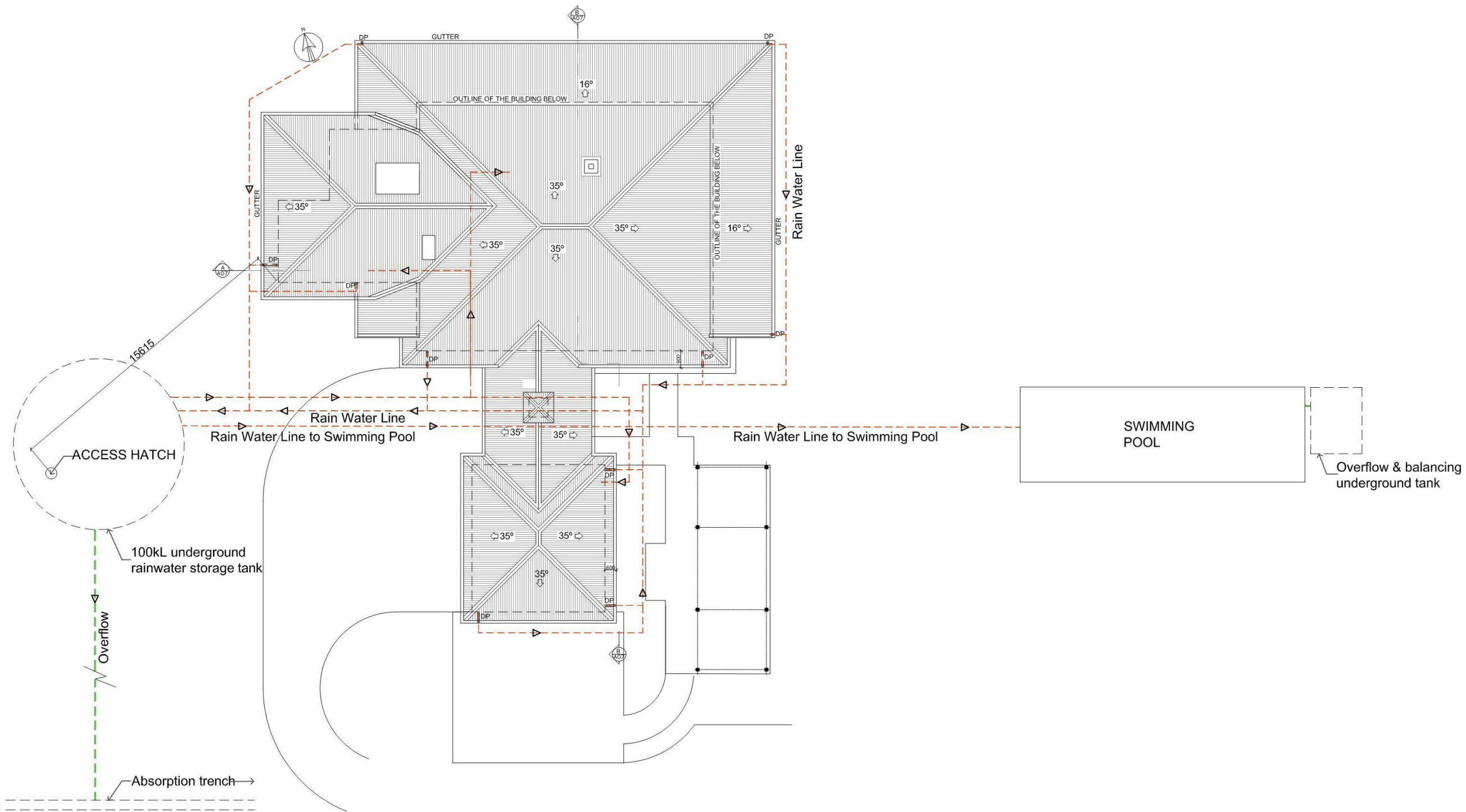
LOCALITY MAP, NTS


PROPOSED NEW FARM HOUSE

BOUNDARY LINE

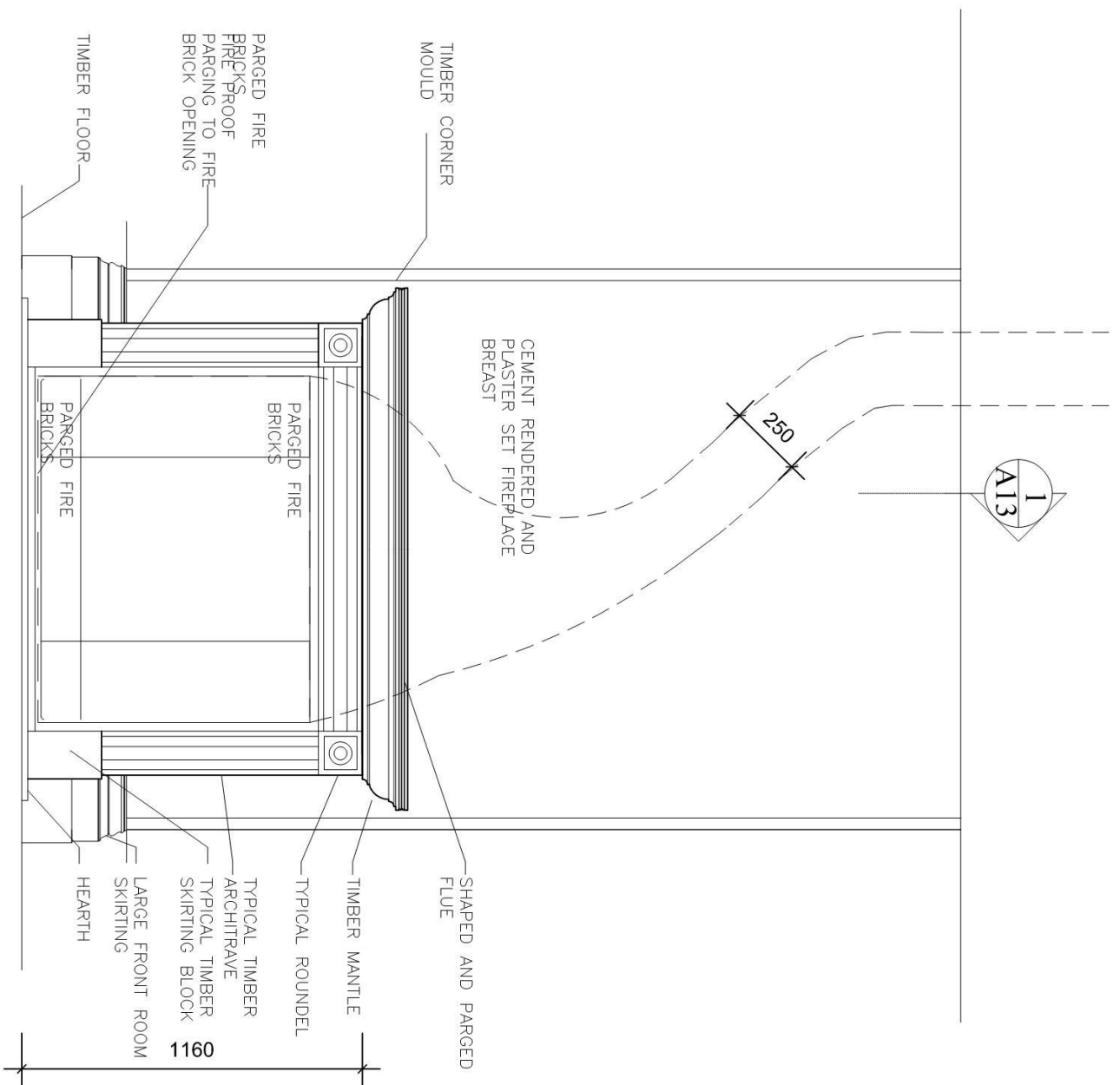
| Amendments |                                    | Date     | PROPOSED NEW FARM HOUSE<br>FOR MR. & MRS. BEAK  | SCALE NTS                                       |                  |
|------------|------------------------------------|----------|---|---|------------------|
| 1          | Issued to council for DA approval  | 12.12.18 | AT 3679 Bylong Valley Way Kerrabee NSW 2328   | ALL DIMENSIONS<br>TO BE VERIFIED<br>ON THE SITE | JOB NO<br>441    |
| 2          | Issued to council for CDC approval | 12.08.19 |   |   |                  |
|            |                                    |          | LOCALITY PLAN   | DRAWN<br>NG                                     | DATE<br>07.12.18 |
|            |                                    |          |   | REVIEWED  | DATE             |
|            |                                    |          |  <b>MICHAEL BELL ARCHITECTS PTY LTD</b><br>C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007<br>TEL 02 9212 0422 FAX 02 9212 0322<br>REGISTERED ARCHITECT'S NUMBER 6335 | APPROVED  | DATE             |
|            |                                    |          |   |   | REV NO<br>2      |



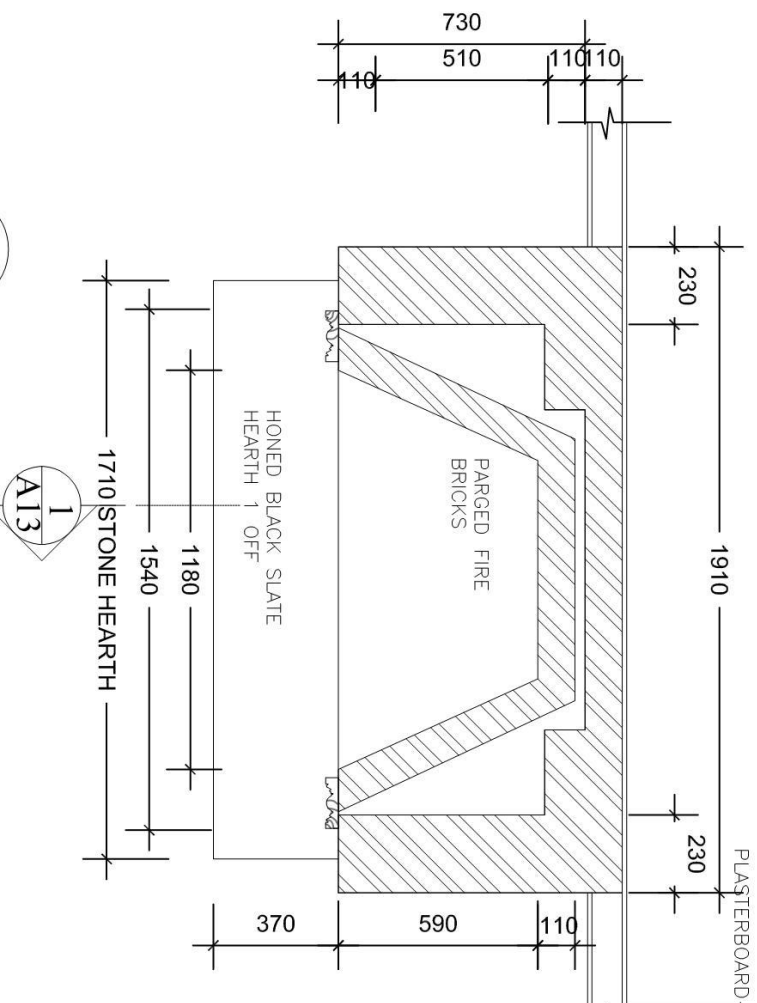


| Amendments |                                    | Date     | PROPOSED NEW FARM HOUSE<br>FOR MR. & MRS. BEAK  | SCALE 1: 200                                    |               |
|------------|------------------------------------|----------|---|---|---------------|
| 1          | Issued to Council for DA Approval  | 12.12.18 | AT 3679 Bylong Valley Way Kerrabee NSW 2328   | ALL DIMENSIONS<br>TO BE VERIFIED<br>ON THE SITE | JOB NO<br>441 |
| 2          | Issued to council for CDC approval | 12.08.19 |   | STORM WATER PLAN                                |               |
|            |                                    |          |  <b>MICHAEL BELL ARCHITECTS PTY LTD</b><br>C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007<br>TEL 02 9212 0422 FAX 02 9212 0322<br>REGISTERED ARCHITECT'S NUMBER 6335 | DRAWN<br>NG 10.12.18                            | DWG NO<br>A11 |
|            |                                    |          |   | REVIEWED<br>DATE                                | REV NO<br>2   |
|            |                                    |          |   | APPROVED<br>DATE                                |               |






|   |                      |
|---|----------------------|
| 2 | FIREPLACE            |
| - | ELEVATION SCALE 1:20 |

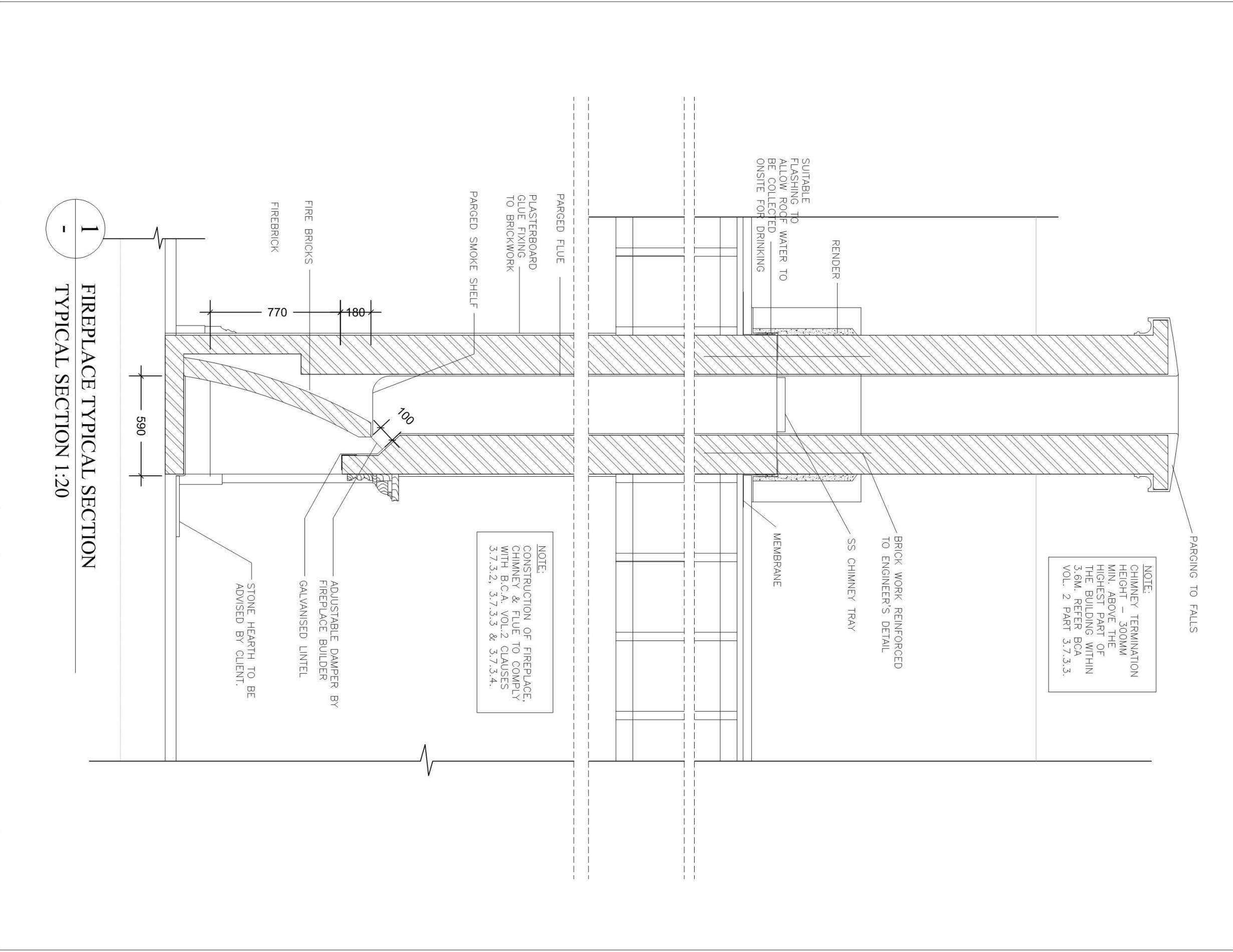


NOTE:  
CONSTRUCTION OF FIREPLACE,  
TO COMPLY WITH AUSTRALIAN  
STANDARD SAA HB33-1992

|   |                 |
|---|-----------------|
| 1 | FIREPLACE       |
| - | PLAN SCALE 1:20 |

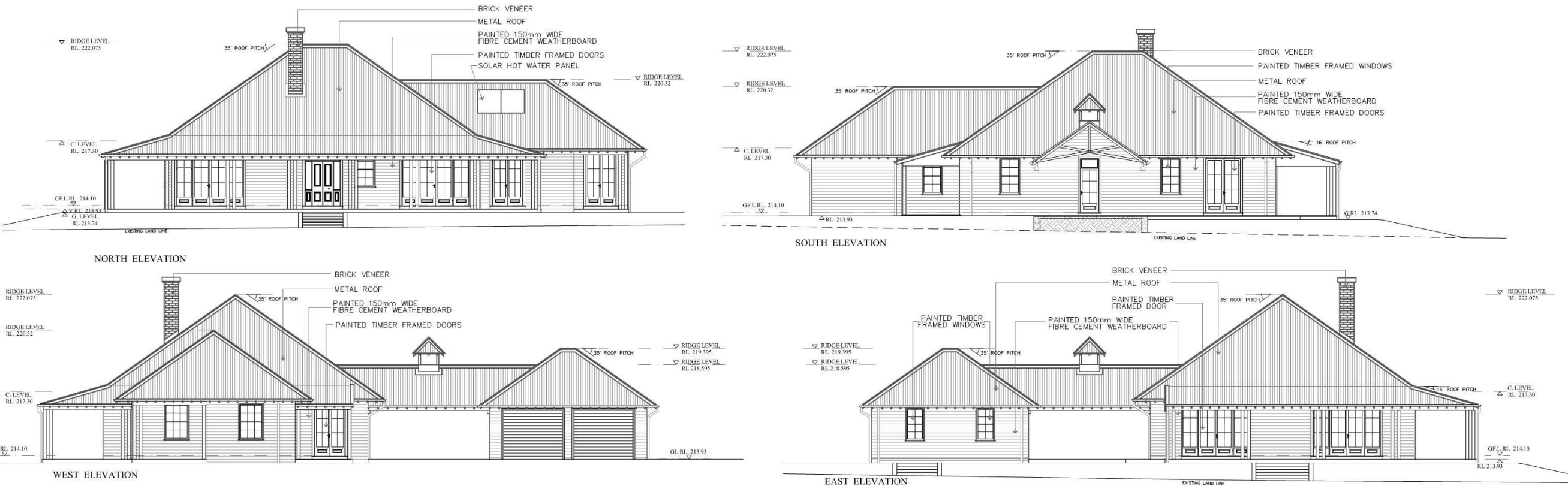
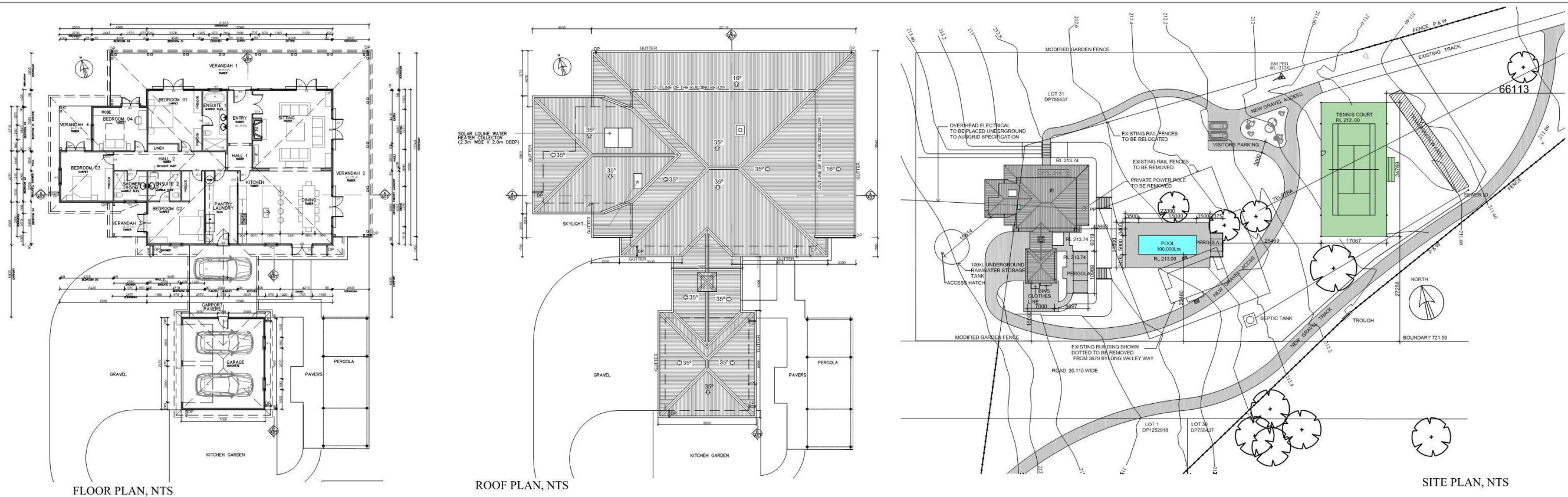
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|            |                                       | SCALE 1:200A3  |            |
| Amendments |                                       | ALL DIMENSIONS TO BE VERIFIED ON THE SITE<br>JOB NO 441  |            |
| 1          | Issued for to Council for DA approval | 12.12.18   | DWG NO A12 |
| 2          | Issued to council for CDC approval    | 09.08.19   | REV NO 2   |
|            |                                       | PROPOSED NEW FARM HOUSE<br>FOR MR. & MRS. BEAK<br>AT 3679 Bylong Valley Way Kerabee NSW 2328<br>SITTING ROOM FIREPLACE PLAN & ELEVATION<br> |            |
|            |                                       | MICHAEL BELL ARCHITECTS PTY LTD<br>C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007<br>TEL 02 9212 0422 FAX 02 9212 0322<br>REGISTERED ARCHITECT'S NUMBER 6335   |            |
|            |                                       | DRAWN NG<br>REVIEWED DATE<br>APPROVED DATE   |            |






|            |                                       |          |   |                  |
|------------|---------------------------------------|----------|---|------------------|
| Amendments |                                       | Date     | SCALE 1:20@A3   |                  |
| 1          | Issued for to Council for DA approval | 12.12.18 | PROPOSED NEW FARM HOUSE<br>FOR MR. & MRS. BEAK<br>AT 3679 Bylong Valley Way Kerabee NSW 2328  | JOB NO<br>441    |
| 2          | Issued to council for CDC approval    | 09.08.19 |   |                  |
|            |                                       |          | SITTING ROOM FIREPLACE TYPICAL SECTION  | DWG NO<br>A1 3   |
|            |                                       |          | <div><div>MB4</div><div>MICHAEL BELL ARCHITECTS PTY LTD<br/>C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007<br/>TEL 02 9212 0422 FAX 02 9212 0322<br/>REGISTERED ARCHITECT'S NUMBER 6335</div></div> | DATE<br>12/12/18 |
|            |                                       |          | DRAWN<br>16   | REV NO<br>2      |
|            |                                       |          | REVIEWED<br>DATE  |                  |
|            |                                       |          | APPROVED<br>DATE  |                  |



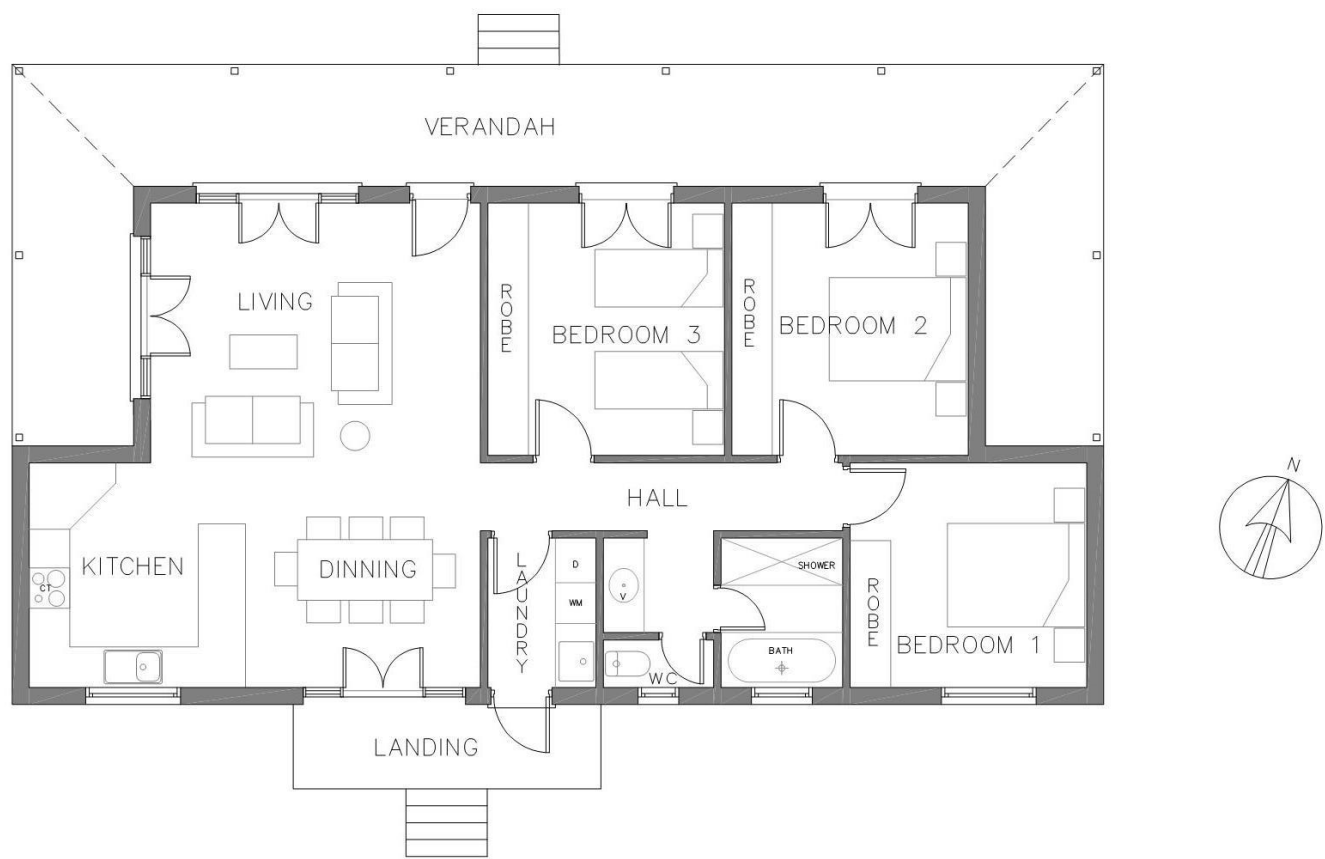


| Amendments |                                    | Date     | PROPOSED NEW FARM HOUSE<br>FOR MR. & MRS. BEAK  | SCALE       | NTS   |        |
|------------|------------------------------------|----------|---|-------------|---|--------|
| 1          | Issued to council for DA approval  | 12.12.18 |   |             | ALL DIMENSIONS<br>TO BE VERIFIED<br>ON THE SITE | JOB NO |
| 2          | Issued to council for CDC approval | 09.08.19 | AT 3679 Bylong Valley Way Kerrabee NSW 2328   |             |   | 441    |
|            |                                    |          | NOTIFICATION PLAN   | DRAWN<br>NG | DATE<br>12.12.18                                | DWG NO |
|            |                                    |          |  <b>MICHAEL BELL ARCHITECTS PTY LTD</b><br>C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007<br>TEL 02 9212 0422 FAX 02 9212 0322<br>REGISTERED ARCHITECT'S NUMBER 6335 | REVIEWED    | DATE  | A14    |
|            |                                    |          |   | APPROVED    | DATE  | REV NO |
|            |                                    |          |   |             |   | 2      |










EXISTING BUILDING TO BE REMOVED  
FROM 3679 BYLONG VALLEY WAY  
RELOCATABLE DWELLING

|  |            |                                    |          |   |   |                  |
|--|------------|------------------------------------|----------|---|---|------------------|
|  | Amendments |                                    | Date     | PROPOSED NEW FARM HOUSE<br>FOR MR. & MRS. BEAK  | SCALE 1:100                                     |                  |
|  | 1          | Issued to council for CDC approval | 09.08.19 | AT 3679 Bylong Valley Way Kerrabee NSW 2328   | ALL DIMENSIONS<br>TO BE VERIFIED<br>ON THE SITE | JOB NO<br>441    |
|  |            |                                    |          | EXISTING FLOOR PLAN   | DRAWN<br>NG                                     | DATE<br>05.08.19 |
|  |            |                                    |          |  <b>MICHAEL BELL ARCHITECTS PTY LTD</b><br>C3 / 372 - 428 WATTLE STREET ULTIMO NSW 2007<br>TEL 02 9212 0422 FAX 02 9212 0322<br>REGISTERED ARCHITECT'S NUMBER 6335 | REVIEWED  | DATE             |
|  |            |                                    |          |   | APPROVED  | DATE             |
|  |            |                                    |          |   |   | DWG NO<br>A44    |
|  |            |                                    |          |   |   | REV NO<br>1      |





**BushFire Consultant Pty. Ltd.**

FPA Bronze Corporate Member

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## BUSHFIRE THREAT ASSESSMENT REPORT

FOR

Pippa & David Beak

3679 Bylong Valley Way

Kerrabee

NSW 2328

Job #0349 V2.0 16/8/2019







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## Disclaimer

The report is prepared in accordance with current accepted practice as described in Australian Standard AS 3959 - 2018 and amendments thereto "Construction of Buildings in Bushfire Prone Areas" and N.S.W. Rural Fire Services guide "Planning for Bushfire Protection 2018" and amendments thereto and other relevant regulations.

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

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

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Job # 0349 V2.0





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|------------------|-------------------------|-------------------------|
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| 2.0              | Thursday 15 August 2019 | Relocation of footprint |



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**LIST OF ABBREVIATIONS**

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



---

## EXECUTIVE SUMMARY

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

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

The assessment, carried out using the revised methodology, as outlined in Addendum: Appendix 3 2010 PBP 2006, concludes BAL-LOW is the expected maximum attack level. The proposal is to construct a new Class 1A dwelling, at the address known as 3679 Bylong Valley Way, Kerrabee. NSW 2328. The calculated attack level for all directions is BAL-LOW. Accordingly, no bushfire construction standard should be imposed on the development. The normal fire safety requirements of the BCA will still apply to the proposal.

The primary access for the proposal is >200 metres from a public road but does not pass through wooded or timbered areas. This road can accommodate both responding appliances and evacuating residents simultaneously. This proposal does have access to an alternative access route which is the Kerrabee Trail. This road is approximately six kilometres to the Widden Valley.

The proposal will be provided with  $\geq 20,000$  L of static water supply for firefighting purposes. In recognition of the isolated nature of the proposal it will also be recommended that the water supply be connected to a  $\geq 3$  kW (5hp) (minimum) petrol/diesel portable fire pump set. A 19 mm (internal diameter) fire hose and reel(s) shall be connected to the pump. Should more than 1 hose reel be required, hose lengths should be able to reach and cross over one another.

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



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

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

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



## 1.0 INTRODUCTION

| SITE CADASTRE              |  |
|----------------------------|--|
| <b>Determined BAL</b>      | BAL-LOW                                    |
| <b>FDI</b>                 | 100  |
| <b>Address</b>             | 3679 Bylong Valley Way, Kerrabee. NSW 2328 |
| <b>Lot Number</b>          | 109  |
| <b>Deposited Plan</b>      | DP755437                                   |
| <b>Area of Parcel</b>      | >10,000 m <sup>2</sup> Approx.             |
| <b>LGA</b>                 | Muswellbrook Shire Council (MSC)           |
| <b>Zoning</b>              | E3 Environmental Management                |
| <b>LEP &amp; Mapping</b>   | NSW Planning Portal                        |
| <b>10/50 Code Area</b>     | Yes  |
| <b>BPL Mapping</b>         | NSW Planning Portal                        |
| <b>Fire Danger Index</b>   | 100 @ 1:50 year event                      |
| <b>Vegetation type</b>     | Forest                                     |
| <b>Canopy Height</b>       | 10 - 15 Metres                             |
| <b>Separation Distance</b> | ≥56 Metres                                 |
| <b>Effective Slope</b>     | 0° upslope                                 |
| <b>Elevation</b>           | Approx. 95m AHD                            |
| <b>Sited Visited</b>       | 13/8/2019                                  |

Table 1.1 Site Cadastre

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

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

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



## 2.0 DESCRIPTION



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

### 2.1 General Description

Fig 2.1 above is a portion of the subject block. It is an area >10,000 m<sup>2</sup> being part of a combined holding primarily used for grazing. Situated on the Southern side of Bylong Valley Way, the subject block is part of a smaller valley which runs upslope gently from Bylong Valley Way to the South. The block is irregular in shape being part of a large grazing property with driveway access to Bylong Valley Way.

### 2.2 Topographic Description

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

### 2.3 Vegetation Description

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



### 3.0 BUSHFIRE PRONE LAND MAP



Fig. 3.1 Extract of MSC's Bushfire Prone Land Map (See Appendix 1 Sheet 3)  
Note: the proposed dwelling is the yellow shaded footprint in the centre of this diagram.



#### 3.1 Category 0

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

#### 3.2 Category 1

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

#### 3.3 Category 2

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



---

### 3.4 Category 3

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

### 3.5 Context of the map

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



#### 4.0 PHOTOGRAPHIC REVIEW OF THE LOCALITY



Fig. 4.1 View to the North

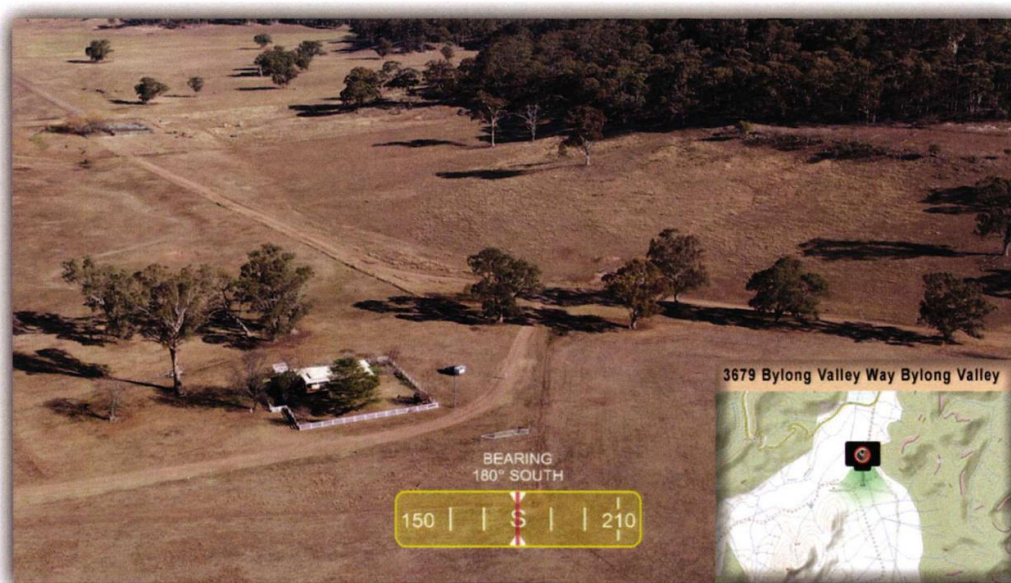


Fig. 4.2 View to the South





Fig. 4.3 View to the East



Fig. 4.4 View to the West



## 5.0 METHODOLOGY

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

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

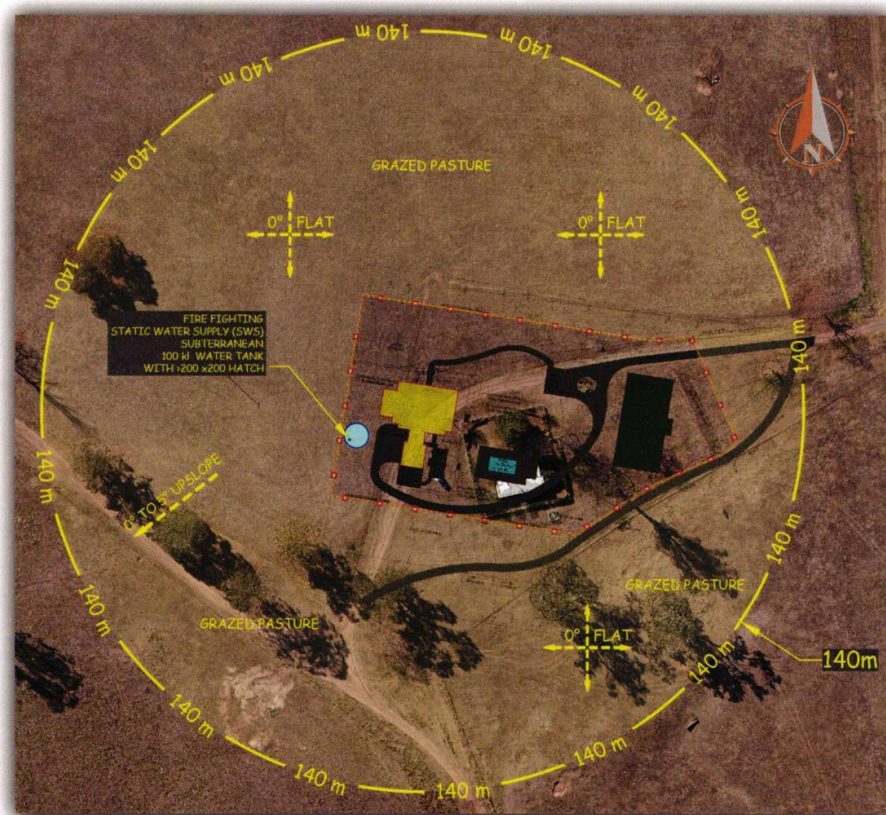


Fig 5.1 Vegetation formations within 140 m (See Appendix 1)



## 5.1 Threat Assessment West

| Summary Threat Assessment Data West |  |  |
|-------------------------------------|--|--|
| 1                                   | Determine all vegetation formations within 140m of the development   | <b>Low threat vegetation and non-vegetated areas</b><br>(a) Vegetation of any type that is more than 100 m from the site.<br>(f) Low threat vegetation, including grassland managed in a minimal fuel condition,<br>NOTE: Minimal fuel condition means there is insufficient fuel available to significantly increase the severity of the bushfire attack (recognisable as short-cropped grass for example, to a nominal height of 100 mm). (AS 3959-2009 2.2.3.2) |
| 2                                   | Determine the distance between each formation and the edge of the building   | Typically $\geq 100$ metres  |
| 3                                   | Determine the effective slope under each vegetation group  | Typically $0^\circ$ - upslope  |
| 4                                   | Determine the relevant FDI for the council area  | FDI = 100 (PBP 2006)   |
| 5                                   | Match the relevant FDI, vegetation group, separation distance and the effective slope using the relevant tables found in AS 3959 2009 Section 2. | <b>BAL-LOW</b>   |

Table 5.1 Summary of Threat Assessment West

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

Table 5.2 Extract from AS 3959-2009 Table 2.4.2

Since the proposal is not captured by the bushfire prone land map and is greater than 100 m from any bushfire prone vegetation the site of the dwelling is deemed to be BAL-LOW.



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Since all exposed elevations are to be constructed to BAL-LOW it is critical that the APZ be maintained. If the APZ is allowed to diminish due to poor maintenance, the BAL graduations will effectively move toward the dwelling with the structure possibly being subjected to a radiant heat flux beyond its design capacity.

### 5.2 Fire History

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

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



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## 6.0 BUSHFIRE PROTECTION MEASURES & RECOMMENDATIONS

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

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

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

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



### 6.1 Asset Protection Zones (APZ)

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

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

The proposal is effectively situated downslope from the nearest bushfire threat which is >280 metres to the Southwest. There is a reasonable expectation this separation will be maintained in perpetuity by the practice of ongoing grazing. The proposal will be surrounded by a new fence which will delineate the proposed house from the grazing paddocks. This area will be managed as an inner protection area for the life of the development.



## 6.2 Siting and Design

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

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

The design employs simplified geometry. This helps prevent leaf litter and debris buildup in re-entrant corners and the subsequent ignition of this debris from piloted ignition. Overall the siting and design can improve the outcome for the proposed dwelling in the event of a bushfire.



### 6.3 Construction Standards

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

Since the proposal is to construct a Class 1a structure, it must conform to the performance criteria of PBP 2006 4.3.5. Accordingly the proposed new works may comply with AS 3959-2009 Section 4, BAL-LOW for all the exposed elevations of the structure.

AS 3959-2009 does not provide construction requirements for buildings assessed in bushfire-prone areas, in accordance with the Simplified Procedure (Method 1) AS 3959-2009 Section 2, as being BAL-LOW.

The Bushfire Attack Level BAL-LOW is based on insufficient risk to warrant specific bushfire construction requirements. It is predicated on low threat vegetation and non-vegetated areas (see Clause 2.2.3.2 of the Standard).

The proposal will still be required to comply with other fire safety measures as stipulated by the Building Code of Australia.

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

Table 6.1 Construction standard for each elevation



#### 6.4 Access Requirements

| PERFORMANCE CRITERIA  | ACCEPTABLE SOLUTION   |
|---|---|
| The intent may be achieved where:   |   |
| <b><i>In relation to access requirements</i></b>  | <b>Compliance with PBP 2006 Sect. 4.1.3 for property access roads</b> |
| <b>Safe operational access is provided (and maintained) for emergency services personnel engaged in suppressing a bushfire while residents are seeking to relocate, in advance of a bushfire.</b> |   |
| <b>Performance Criteria met?</b>  | <b>Yes</b>  |

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

PBP 2006 Section 4.3.5 sets out the performance criteria and acceptable solutions for infill development. In relation to access requirements, satisfying the intent and performance criteria of section 4.1.3 is the acceptable solution for property access. PBP 2006 4.1.3 Access (2) requires at least one alternative property access road be provided for individual dwellings that are located more than 200 metres from a public through road. The proposal is approximately 1.1 kilometres from the Bylong Valley Way which is the nearest public road. This proposal does have access to an alternative route. This is the Kerrabee Trail. This track is approximately six kilometres to the Widden Valley.

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

- 🔥 has no water crossings
- 🔥 has a minimum carriageway of ≥4 metres
- 🔥 has numerous passing opportunities
- 🔥 does not pass through any heavily wooded or forested areas
- 🔥 has no vertical clearance issues
- 🔥 all curves have an inner radius >6 metres and outer radius >12 metres
- 🔥 has grades ≤ 5°

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





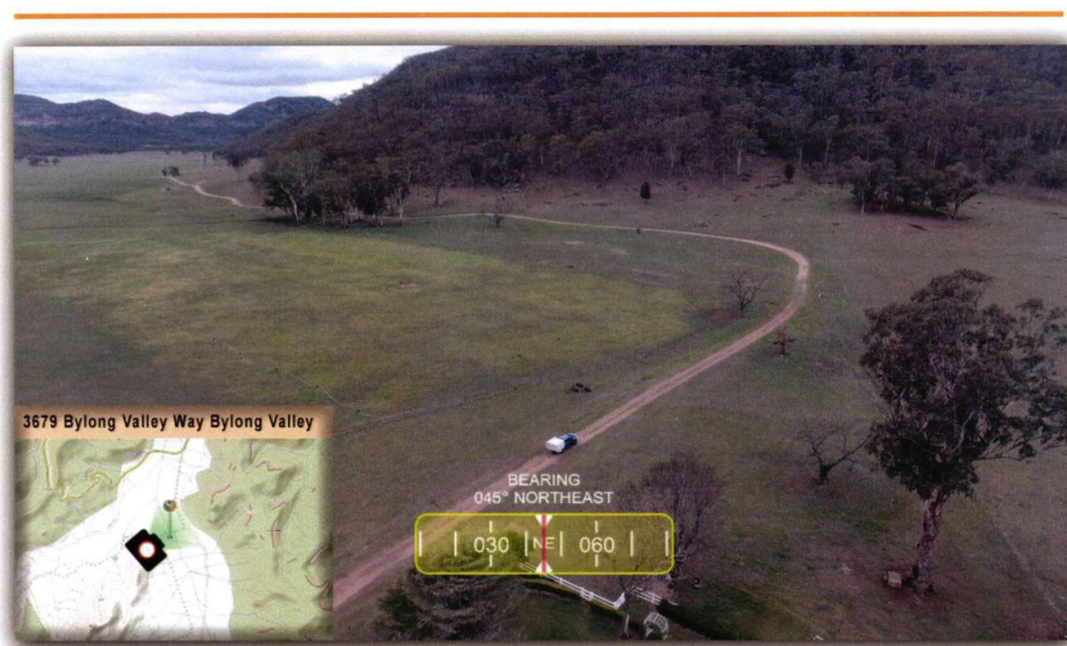


Fig 6.1 The existing road

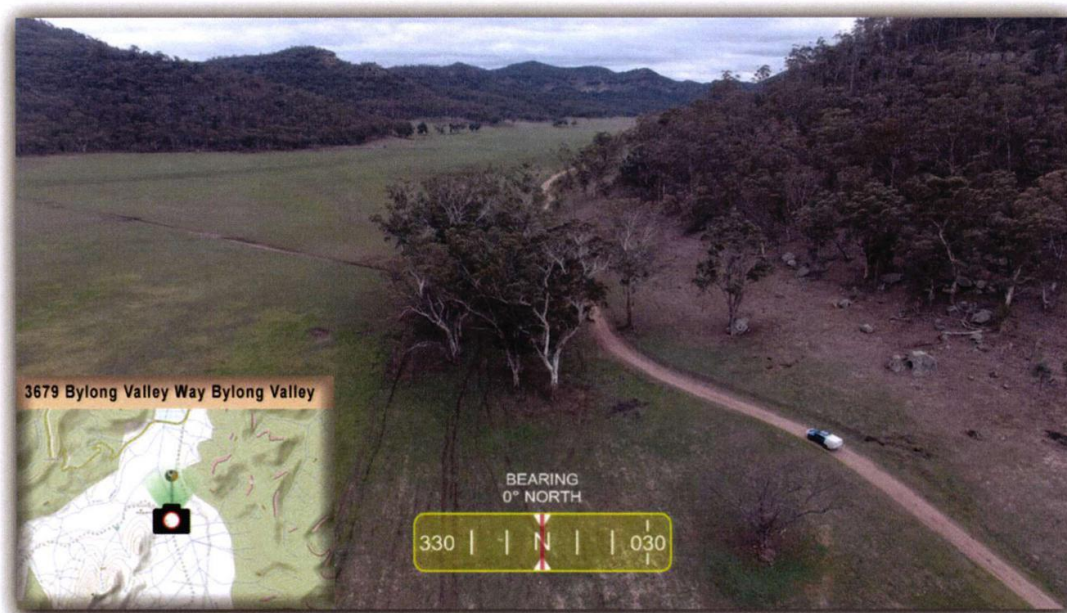


Fig 6.2 The existing road



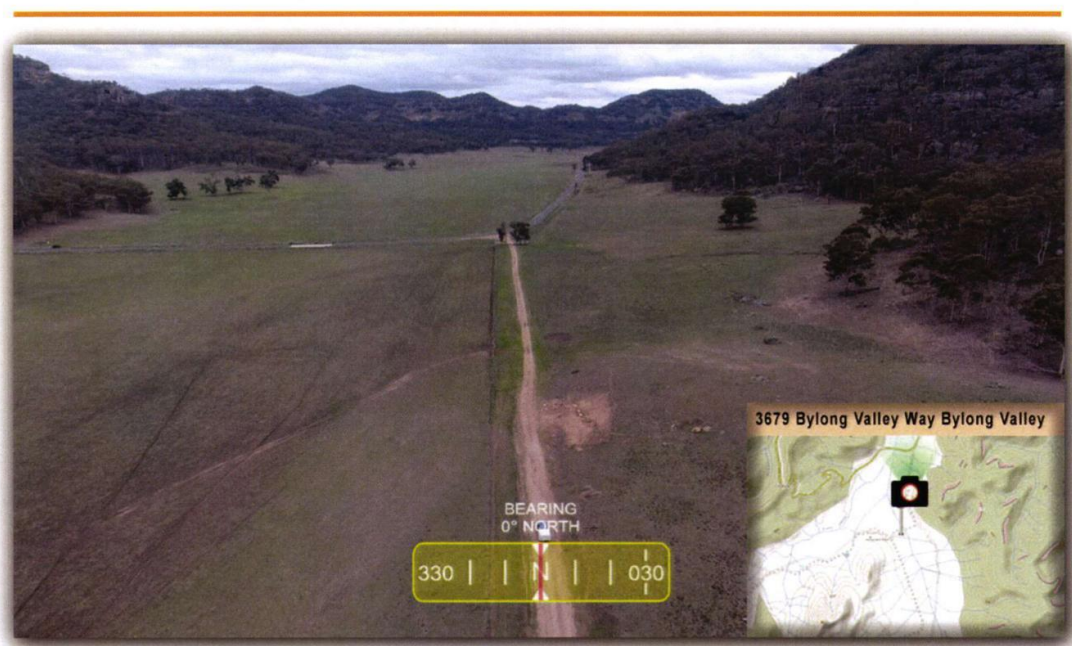


Fig 6.3 The existing road

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

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

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

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



### 6.5 Water and Utilities

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

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

This is an isolated rural development > 10,000 m<sup>2</sup>. No reticulated water supply is available within 60 metres of the structure. Accordingly the proposal shall provide a minimum of 20,000 litre firefighting capacity in accordance with PBP 2006 Table 4.2 for firefighting purposes. This will be a subterranean tank with a 100,000 litre capacity and have a ≥200x200 access hatch. It shall have a hardstand all-weather road allowing a 15 tonne water tanker to within 4 metres of the tank. All above ground piping shall be metal.

An SWS (Static Water Supply) sign shall be placed in a prominent position near the front entrance to the property to alert responding firefighters to the presence of a firefighting water supply.

In recognition of the isolated nature of the proposal it will also be recommended that the water supply be connected to a ≥3kW (5hp) (minimum) petrol/diesel portable fire pump set. located in a non corrosive screened enclosure. A 19 mm (internal diameter) fire hose and reel(s) shall be connected to the pump. Should more than 1 hose reel be required, hose lengths should be able to reach and cross over one another.

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

Electricity supply will be subterranean, and will not hinder bushfire fighting operations.

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



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

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

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







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






### 6.6 Landscaping

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

The principles of landscaping for bush fire protection aim to:

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

These principles are achieved by:

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

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

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

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

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



## 6.7 Recommendations

| List of recommendations  |  |
|--|--|
| North elevation  | Compliance with requirements of AS 3959 2009 Section 4 BAL-LOW |
| South elevation  | Compliance with requirements of AS 3959 2009 Section 4 BAL-LOW |
| East elevation   | Compliance with requirements of AS 3959 2009 Section 4 BAL-LOW |
| West elevation   | Compliance with requirements of AS 3959 2009 Section 4 BAL-LOW |
| Proposed gardens to be maintained as per Appendix 2 and kept free of litter.   |  |
| Provide functioning garden hoses long enough to cross over each other, to each principle corner of the structure i.e. 4 hoses with nozzles.  |  |
| This is an isolated rural development > 10,000 m <sup>2</sup> . No reticulated water supply is available within 60 metres of the structure. Accordingly the proposal shall provide a minimum of 20,000 litre firefighting capacity in accordance with PBP 2006 Table 4.2 for firefighting purposes. This will be a subterranean tank with a 100,000 litre capacity and have a ≥200x200 access hatch. It shall have a hardstand all-weather road allowing a 15 tonne water tanker to within 4 metres of the tank. All above ground piping shall be metal. |  |
| Provide a 3kW (5hp) (minimum) petrol/diesel portable fire pump set shall be made available to the water supply. This pump shall be housed in a non corrosive screened enclosure. A 19 mm (internal diameter) fire hose and reel(s) shall be connected to the pump. Should more than 1 hose reel be required, hose lengths should be able to reach and cross over one another. Occupants are to conduct regular drills with the pump set to ensure operational readiness.   |  |
| Place an SWS (Static Water Supply) sign in a prominent position near the front entrance to the property to alert responding firefighters to the presence of a firefighting water supply. An SWS marker should also be affixed adjacent to the most appropriate access for the water supply.  |  |
| All above ground water and gas pipes shall be metal.   |  |
| Gas cylinders, piping and fittings shall comply with AS 1596:2008. Relief vents shall be faced away from the structure.  |  |
| Provide a 4.5Kg Dry Chemical Powder (DCP) extinguisher.<br>Provide a fire blanket in the vicinity of cooking appliances.   |  |
| Develop an appropriate emergency bushfire action plan. Additional information can also be found on either <a href="http://www.fire.nsw.gov.au/page.php?id=883">http://www.fire.nsw.gov.au/page.php?id=883</a> or <a href="http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=4074">http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=4074</a>   |  |

Table 6.2 Recommendations



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## 7.0 CONCLUSION

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

The analysis of the development indicates BAL-LOW for all elevations. AS 3959-2009 does not provide construction requirements for buildings assessed in bushfire-prone areas, in accordance with the Simplified Procedure (Method 1) AS-3959-2009 Section 2, assessed as being BAL-LOW. The Bushfire Attack Level BAL-LOW is based on insufficient risk to warrant specific bushfire construction requirements. It is predicated on low threat vegetation and non-vegetated areas (see Clause 2.2.3.2 of the Standard). The proposal will still be required to comply with other fire safety measures as stipulated by the Building Code of Australia.

The proposal is situated approximately 1.1 kilometres from the Bylong Valley Way which is the nearest public road. The primary access for the proposal is >200 metres from a public road but does not pass through heavily wooded or timbered areas. This road can accommodate both responding appliances and evacuating residents simultaneously. The proposal does have access to an alternative access known as the Kerrabee Trail. This road is approximately six kilometres to the Widden Valley.

The proposal will also be provided with  $\geq 20,000$  L of static water supply for firefighting purposes. In recognition of the isolated nature of the proposal it is also recommended that the water supply be connected to a  $\geq 3$  kW (5hp) (minimum) petrol/diesel portable fire pump set and ancillary firefighting equipment.

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

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



---

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



---

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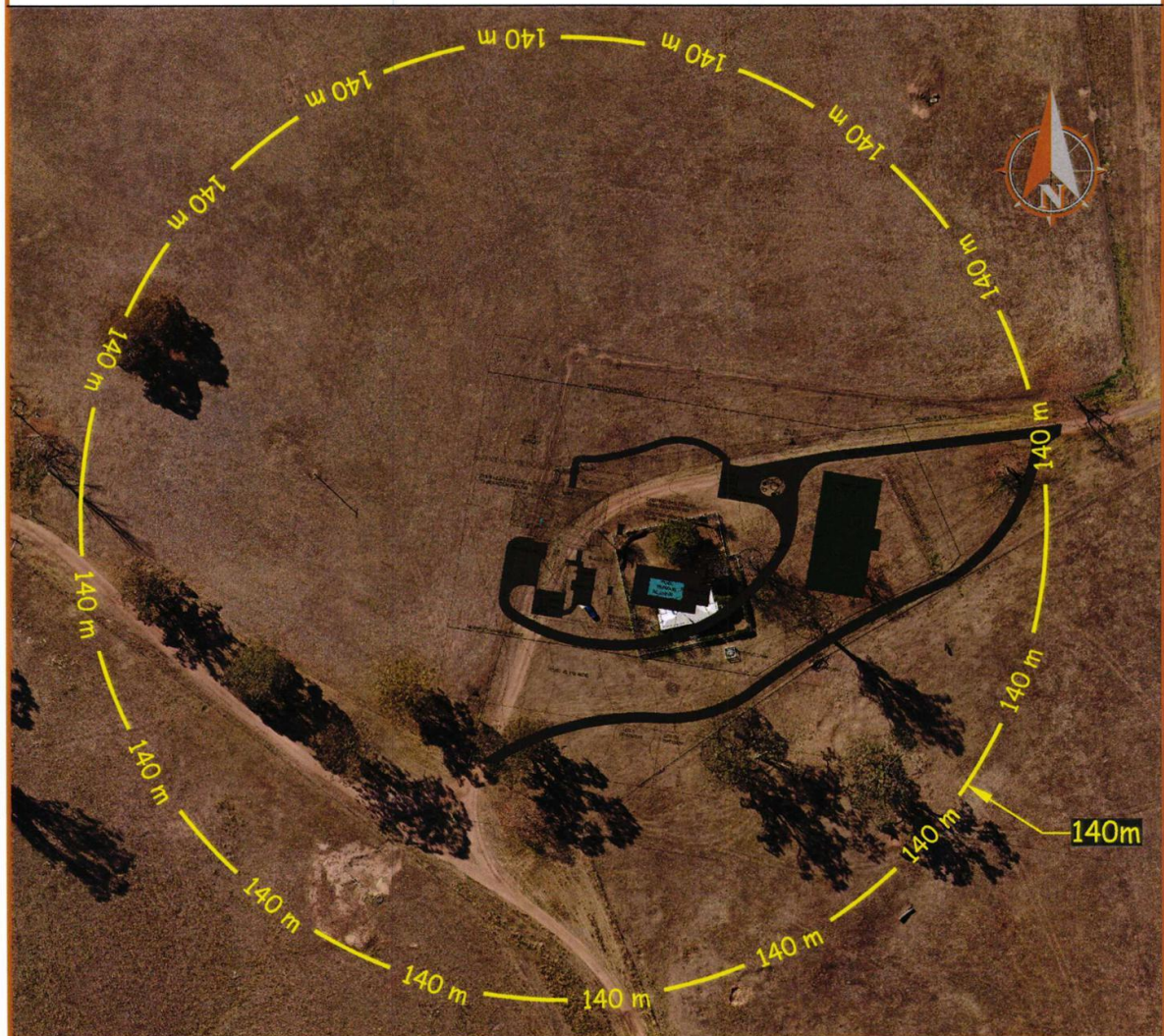
**SIX Spatial Information Exchange** (2014) NSW Department of Land & Property (2014)

<https://six.nsw.gov.au/wps/portal/>

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



## APPENDIX 1



**SITE OVERVIEW 140m**  
NOT TO SCALE

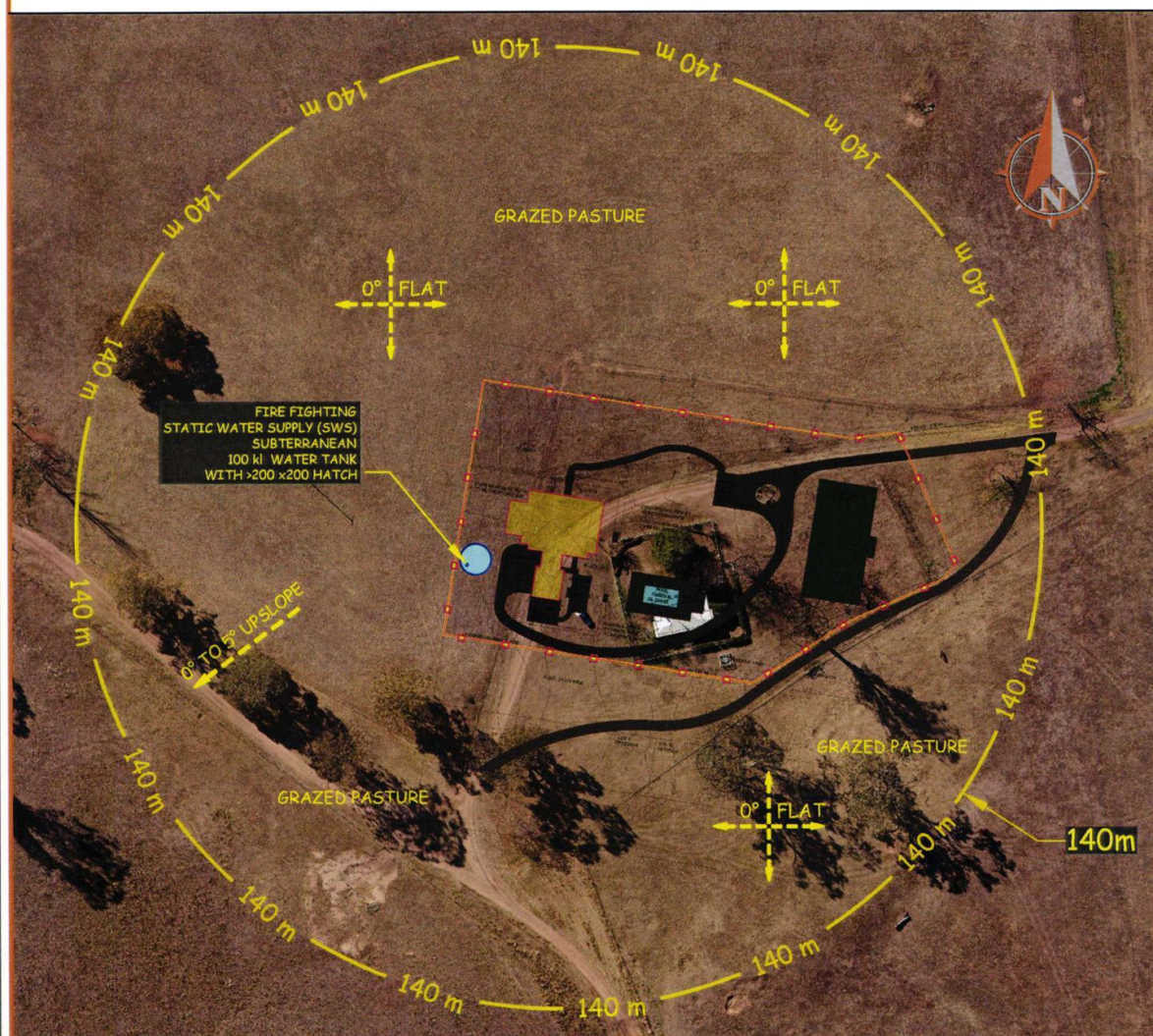
Drawn: BJC  
Not to scale  
15-08-2019

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

|   |                  |  |  |  |
|---|------------------|--|--|--|
|  <b>BushFire</b><br>CONSULTANT<br>BUSHFIRE THREAT ASSESSMENT REPORTS<br>PRE-PURCHASE INSPECTION REPORTS<br>BUSHFIRE ATTACK LEVEL MAPPING<br>T: 02 4952 7378<br>M: 0402 027 378 E: bushfireconsultant@gmail.com |                  | 3679 Bylong Valley Way<br>Bylong Valley<br>NSW 2328                            |  |  <b>BPAD</b><br>Bushfire<br>Planning & Design<br>Accredited Practitioner<br>Level 2<br>BPAD 19741 |
|   |                  | Site Overview to 140 m   |  |  |
| Date:<br>15-08-2019   | Version<br>V-2.0 | Sheet<br>1   |  |  |
| Drawn by<br>BJC   | Checked by<br>JC | File name<br>X:\BFC\Clients\#0349_Beak\DWG\3679BylongValleyWayKerrabee2328.dwg |  |  |



## APPENDIX 1

**VEGETATION & SLOPE ANALYSIS TO 140m**

NOT TO SCALE

VEGETATION ASSESSED USING AS 3959-2009

VEGETATION ASSESSED WITHIN 140M OF THE SITE.

ALL SLOPES RELATIONAL TO THE SUBJECT SITE.

PREDOMINANT VEGETATION GRAZED PASTURE

ASSESSED AS LOW THREAT VEGETATION

Drawn by: BJC  
 Not to scale  
 15-08-2019

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 Planning & Design  
 Accredited Practitioner  
 Level 2  
 BPAD 19741

Vegetation &amp; Topographical Analysis

Date:  
 15-08-2019

Version  
 V-2.0

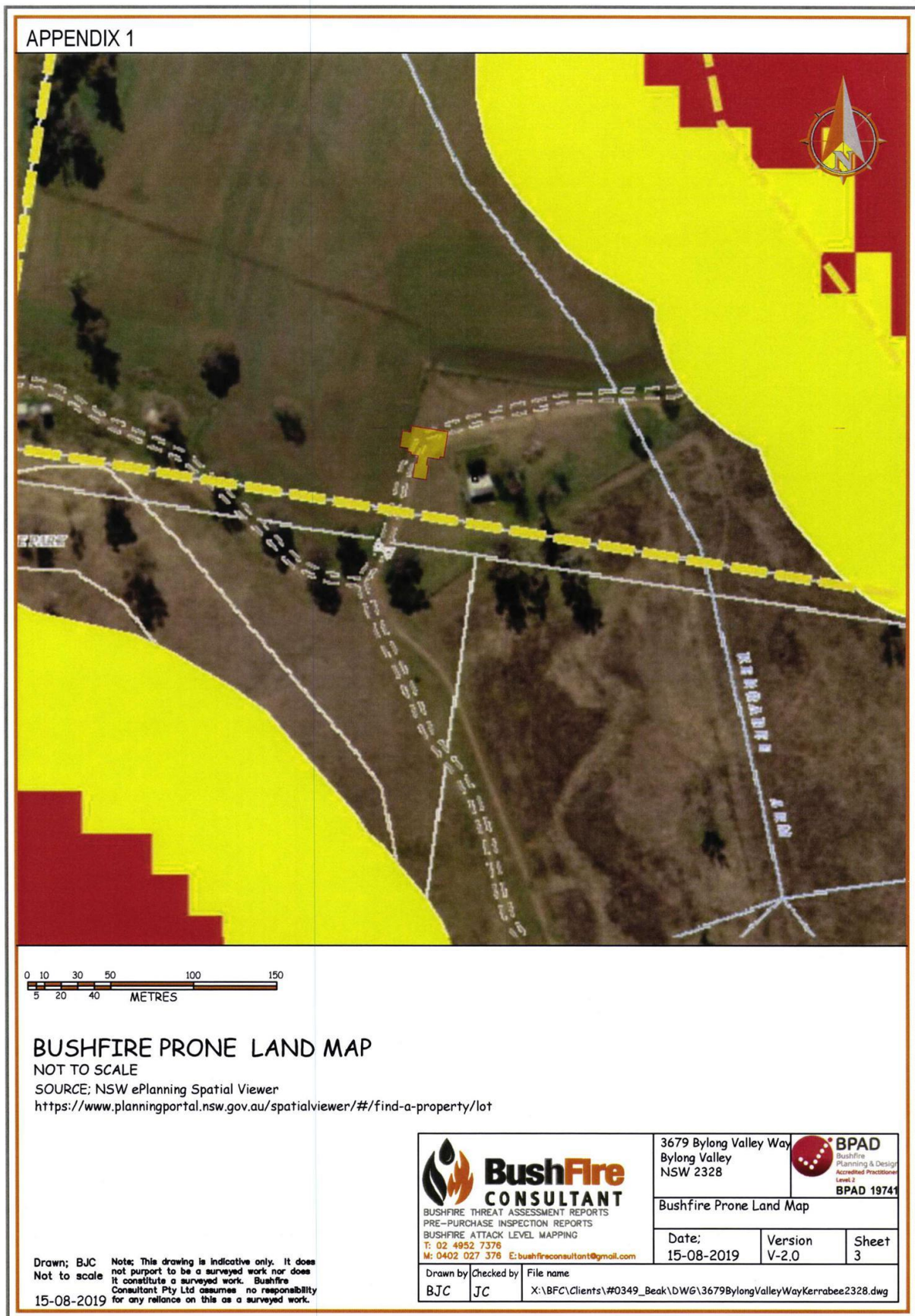
Sheet  
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Drawn by  
 BJC

Checked by  
 JC

File name  
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# standards

for asset protection zones

# protection

[illegible]



## APPENDIX 2

## STANDARDS FOR ASSET PROTECTION ZONES

|  |    |
|--|----|
| INTRODUCTION .....   | 3  |
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## APPENDIX 2

### INTRODUCTION

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

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

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

### WHAT IS AN ASSET PROTECTION ZONE?

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

An APZ provides:

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

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

### WHAT WILL THE APZ DO?

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

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

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## WHERE SHOULD I PUT AN APZ?

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

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

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

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

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

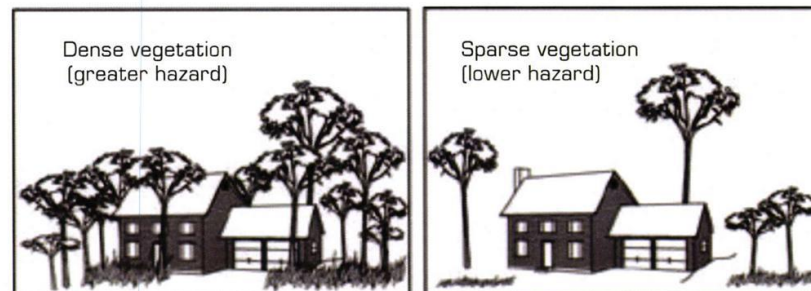
## STEP 1. DETERMINE IF AN APZ IS REQUIRED

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

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

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

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



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

This includes:

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

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



## APPENDIX 2

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

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

**Subdivided land or construction of a new dwelling**

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

**Existing asset**

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

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

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

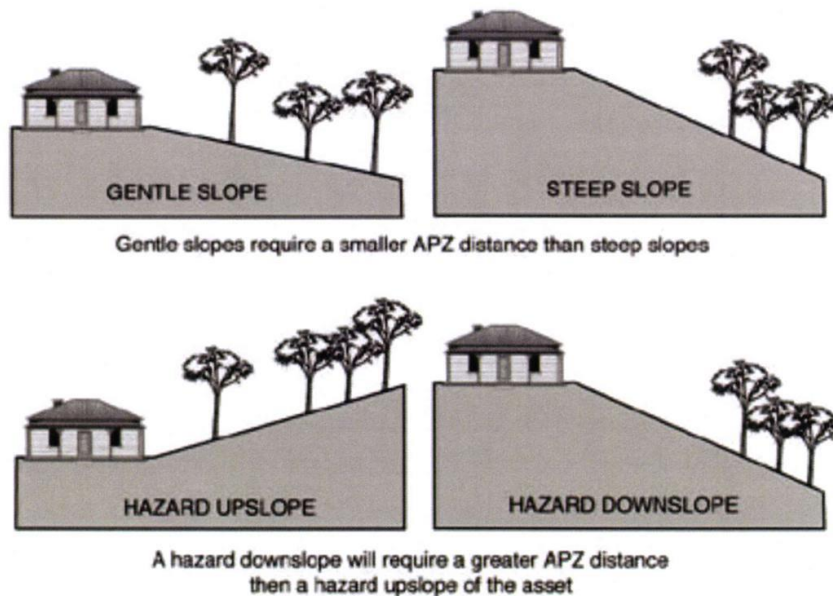
If you intend to burn off to reduce fuel levels on your property you may also need to obtain a Fire Permit through the RFS or NSW Fire Brigades. See the RFS document *Before You Light That Fire* for an explanation of when a permit is required.

## STEP 3. DETERMINE THE APZ WIDTH

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

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

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## APPENDIX 2

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

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

### **Subdivided land or construction of a new dwelling**

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

### **Existing asset**

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

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

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

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

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

### **Fuels can be controlled by:**

#### **1. raking or manual removal of fine fuels**

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

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

#### **2. mowing or grazing of grass**

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

#### **3. removal or pruning of trees, shrubs and understorey**

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

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

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



## APPENDIX 2

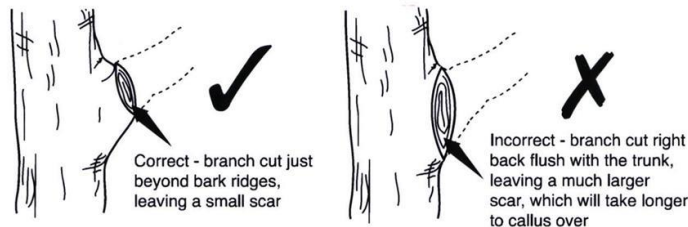
When choosing plants for removal, the following basic rules should be followed:

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

The removal of significant native species should be avoided.

Prune in accordance with the following standards:

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



There are three primary methods of pruning trees in APZs:

### 1. Crown lifting (skirting)

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

### 2. Thinning

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

### 3. Selective pruning

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

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

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

### 4. Slashing and trittering

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

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

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

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



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**5. Ploughing and grading**

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

**6. Burning (hazard reduction burning)**

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

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

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

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

**7. Burning (pile burning)**

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

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

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



## APPENDIX 2

### STEP 5. TAKE MEASURES TO PREVENT SOIL EROSION

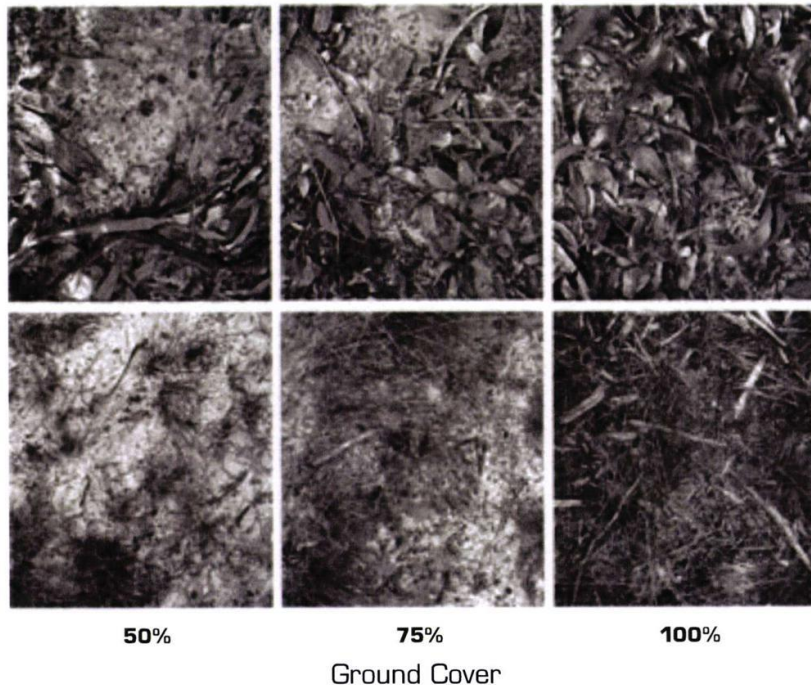
While the removal of fuel is necessary to reduce a bush fire hazard, you also need to consider soil stability, particularly on sloping areas.

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

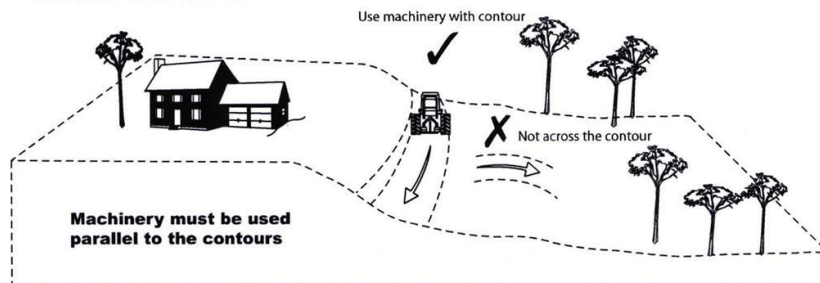
- loss of top soil, nutrients, vegetation and seeds
- reduced soil structure, stability and quality
- blocking and polluting water courses and drainage lines

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

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



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





## APPENDIX 2

## STEP 6. ONGOING MANAGEMENT AND LANDSCAPING

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

**Layout of gardens in an APZ**

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

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

**Removal of other materials**

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

**Other protective features**

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

## PLANTS FOR BUSH FIRE PRONE GARDENS

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

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



## APPENDIX 2

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

Plants that are less flammable, have the following features:

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

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

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

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

## WIND BREAKS

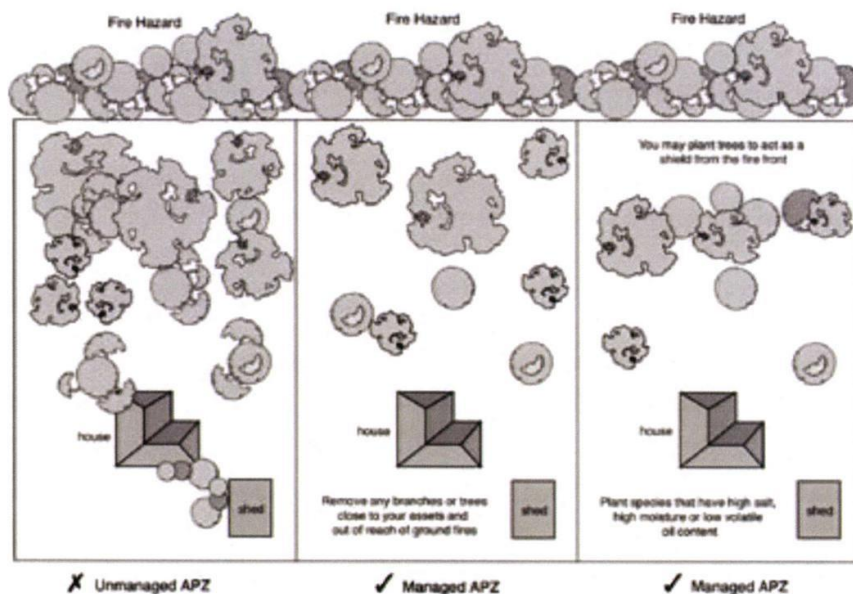
Rows of trees can provide a wind break to trap embers and flying debris that could otherwise reach the house or asset.

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

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

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

11





## APPENDIX 2

## HOW CAN I FIND OUT MORE?

The following documents are available from your local Fire Control Centre and from the NSW RFS website at [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au).

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

If you require any further information please contact:

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

**Produced by the NSW Rural Fire Service, Locked Mail Bag 17,  
GRANVILLE, NSW 2142. Ph. 1800 679 737**  
[www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)






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## APPENDIX 3

**BAL-LOW****AS 3959-2009 BAL-LOW**

AS 3959-2018 specifies the requirements for the construction of buildings in bushfire prone areas in order to improve their resistance and resilience to the mechanisms of bushfire attack. These mechanisms are;

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

AS 3959-2009 does not provide construction requirements for buildings assessed in bushfire-prone areas, in accordance with the Site Assessment Methodology described in PBP-2009 Appendix 1, as being BAL—LOW.

The Bushfire Attack Level BAL—LOW is based on insufficient risk to warrant specific bushfire construction requirements. It is predicated on low threat vegetation, non-vegetated areas, bushfire prone vegetation >100 m or grasslands >50 m distant.

The proposal will still be required to be compliant with other fire safety measures as stipulated by the Building Code of Australia.



**6.3 DA 82/2019 HAY SHED - 284 BUREEN ROAD, DENMAN**

|                                 |   |
|---------------------------------|---|
| <b>Responsible Officer:</b>     | <b>Sharon Pope - Assistant Director - Environment &amp; Community Services</b>  |
| <b>Author:</b>                  | <b>Taraqual Bhuiya - Graduate Building Surveyor</b>   |
| <b>Community Plan Issue:</b>    | <b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>   |
| <b>Community Plan Goal:</b>     | <b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>  |
| <b>Community Plan Strategy:</b> | <b><i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i></b>                    |
| <b>Attachments:</b>             | <b>A. DA 82/2019 Section 4.15 Assessment Report.docx<br/>B. DA 82/2019 Recommended Conditions for DAC.docx<br/>C. DA 82/2019 Proposed Plans Site Plan<br/>D. DA 82/2019 - Floor Plan and Elevations</b> |

**PURPOSE**

This report has been prepared to inform the Development Assessment Committee in determining Development Application (DA) 82/2019. This Development Application has been assessed by Council Officers and a copy of the Section 4.15 Assessment Report, proposed plans and recommended conditions of Consent are attached for Council's information.

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

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

The subject site subject adjoins to the Martindale Creek and Hunter River.

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

**RECOMMENDATION**

**The Development Assessment Committee approve Development Application No. 82/2019, involving the erection of a hay shed on Lot 53 DP 753771, 284 Bureen Road, Denman, subject the recommended condition of consent included as Attachment B.**

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

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The site proposed for development is Lot 53 DP 753771. The street address of this property is 284 Bureen Road Denman

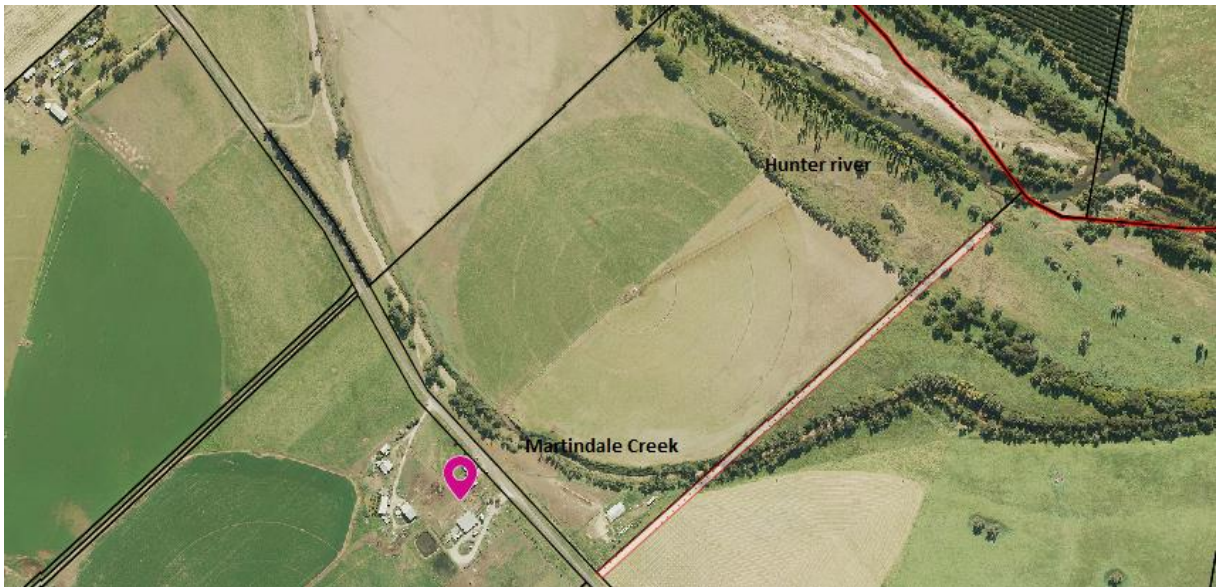
The subject site is used for agriculture and contains a dwelling, sheds and structures associated with the agricultural use of the land. A search of Council records identified that use of the site as a dairy was approved by Council in July 2000 under DA 118/2000.



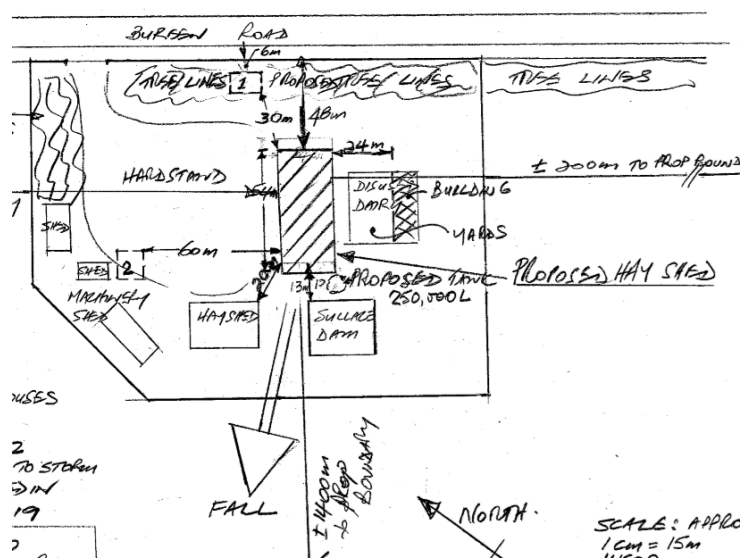
The proposed development involves the construction of a hay shed between an existing dairy and farm building. The hay shed would be 24.7m wide and 54.5m deep. It has an eave height of 7.0m and a ridge height of 9.2m.

The structure would have a setback of 20m from the nearest existing farm building (marked as a hay shed on the proposed plans) and would be setback 48m setback from Bureen Road. The proposed shed would be situated in a cluster of existing farm buildings. The hay shed would be setback in excess of 200m from adjoining property boundaries to the southeast and northwest.

An aerial image of the property of the proposed development have been included below



An image of the site plan prepared by the applicant in relation to the proposed development has been included below.





**ASSESSMENT SUMMARY**

Council Officers have assessed the development application against the relevant heads of consideration prescribed by 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 an outcome of this assessment Council Officers recommend that development consent be granted to the proposed development subject to recommended conditions of consent. The recommended conditions of consent are provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The proposed development 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 would comply with the majority of requirements of the Muswellbrook Development Control Plan (DCP) 2009 that are relevant to the type of development proposed.
- The proposed development would not comply with the development control specified by section 8.2.2 of the DCP that relates to setbacks for development in the RU1 Primary Production zone from adjoining roads. The proposed development would have a setback of 48m from Bureen Road, where the DCP prescribes a minimum setback of 50m. The variation of the DCP standard in relation to the proposed development has been considered in detail in the s4.15 Assessment Report. Council Officers are satisfied that there are adequate reasons to support the variation. Key matters that informed this position were:
  - The minor extent of the proposed variation, the proposed development would be setback 48m from Bureen Road, a 2m or 4% variation to the DCP control.
  - The pattern of existing development in the locality and limited setbacks of nearby buildings from Bureen Road.
  - The proximity of the proposed development to existing farm buildings and related infrastructure, which would minimise any visual impact of the development.
  - The reasoning put forward by the applicant in support of the DCP variation including the need to provide effective areas for farm machinery to manoeuvre between existing buildings and infrastructure.
- The assessment considered the environmental impacts that may result from the proposed development. It was found that the proposed development was unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.

**COMMUNITY CONSULTATION**

Surrounding property owners were notified of the development proposal between 2 October 2019 and 24 October 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 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 subject to amended conditions of consent;
- C. Refuse development consent to the proposed development and nominate reasons for refusal; or

**LEGAL IMPLICATIONS**

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

**CONCLUSION**

DA 82/2019 has been reported to the Development Assessment Committee as it involves the development of a parcel of land that includes a waterway (Martindale Creek and Hunter River). Therefore, the determination of this development application is outside the function delegated to Council Officers.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development and recommend that the Development Assessment Committee grant development consent to DA 82/2019 subject to conditions of consent outlined in Attachment B.

This Section 4.15 Assessment identifies that the proposed development would not be consistent with the Muswellbrook DCP minimum setback requirements of Clause 8.2.2, but Staff support the variation of this control and the development remaining consistent with the relevant DCP Objectives which inform this control.



## DEVELOPMENT ASSESSMENT REPORT

**Attached:** Site Plan

### REPORT TO THE GENERAL MANAGER

|                         |  |          |                 |                   |
|-------------------------|--|----------|-----------------|-------------------|
| <b>ADDRESS:</b>         | LOT: 53 DP: 753771<br>284 Bureen Road DENMAN                 |          |                 |                   |
|                         |  |          |                 |                   |
| <b>APPLICATION No:</b>  | 82/2019  |          |                 |                   |
|                         |  |          |                 |                   |
| <b>PROPOSAL:</b>        | Hay Shed   |          |                 |                   |
|                         |  |          |                 |                   |
| <b>PLANS REF:</b>       | Drawings no.   | Drawn by | Date            | Received          |
|                         | Site Layout Plan   | Unknown  | Not Dated       | 17 September 2019 |
|                         | Elevations   | SWS      | 23 October 2019 | 17 September 2019 |
|                         |  |          |                 |                   |
| <b>OWNER:</b>           | Mr A J & Mrs L M Davies                                      |          |                 |                   |
|                         |  |          |                 |                   |
| <b>APPLICANT:</b>       | Mr A J Davies<br>35 Grandview Drive<br>COOLUM BEACH QLD 4573 |          |                 |                   |
|                         |  |          |                 |                   |
| <b>AUTHOR:</b>          | Mr T Bhuiya  |          |                 |                   |
|                         |  |          |                 |                   |
| <b>REVIEWED BY:</b>     | Mr H McTaggart   |          |                 |                   |
|                         |  |          |                 |                   |
| <b>DATE LODGED:</b>     | 16/09/2019   |          |                 |                   |
|                         |  |          |                 |                   |
| <b>AMENDED:</b>         | NA   |          |                 |                   |
|                         |  |          |                 |                   |
| <b>ADD. INFO REC'D:</b> | NA   |          |                 |                   |
|                         |  |          |                 |                   |
| <b>DATE OF REPORT:</b>  | 5 November 2019  |          |                 |                   |

---

### SUMMARY

**ISSUES:** Bushfire Prone Land, Flood Prone Land and next to water way

**SUBMISSIONS:** Nil

**RECOMMENDATION:** Approval subject to conditions



## **1.0 SITE AND LOCALITY DESCRIPTION**

The site proposed for development is Lot 53 DP 753771. The street address of this property is 284 Bureen Road, Denman

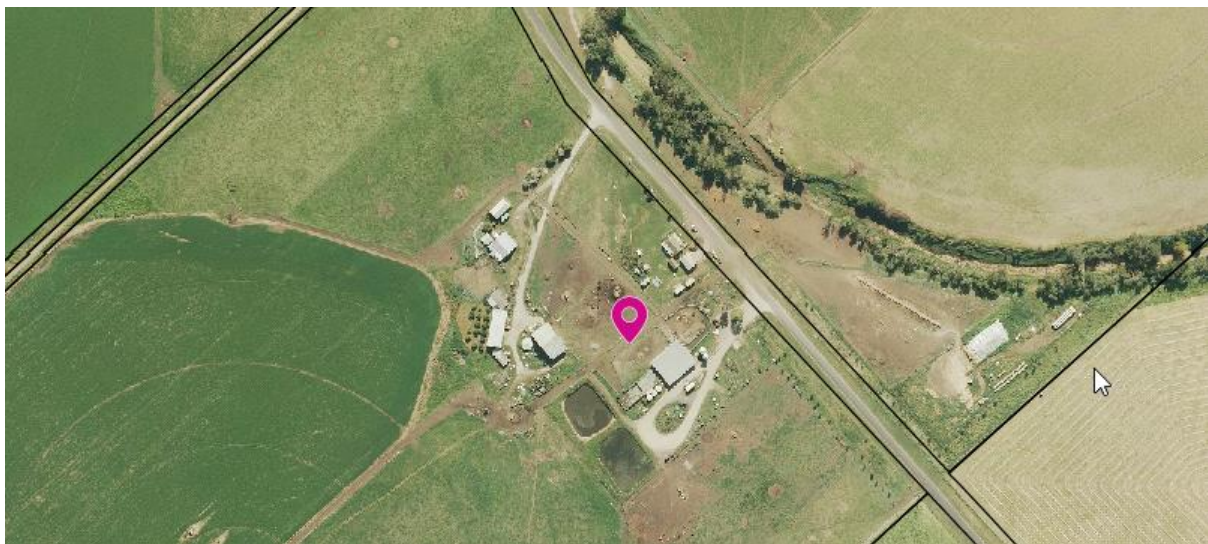
The subject site is used for agriculture and a dwelling, sheds and structures associated with the agricultural use are located on the land. A search of Council records identified that the use of the site as a dairy was approved by Council in July 2000 under DA 118/2000.

The property subject to this application has a gentle slope and is located to the east and west of Bureen Road. The hay shed proposed would be located on the western side of Bureen Road in the immediate vicinity of the existing dwelling and agricultural buildings.

The land is zoned RU1 Primary production under the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009 and is identified as bushfire prone land on Council's bushfire mapping information system.

Martindale Creek and the Hunter River are located on the northern part of the subject lot. The land is identified as flood prone by Council's Flood Risk Management Study 2018.

An aerial image of the property has been included below



## **2.0 DESCRIPTION OF PROPOSAL**

The proposed development involves the construction of a hay shed. An existing dwelling and agricultural buildings are located at the site and the proposed hay shed would be located between an existing dairy and farm building.

Under the proposal the hay shed would be:

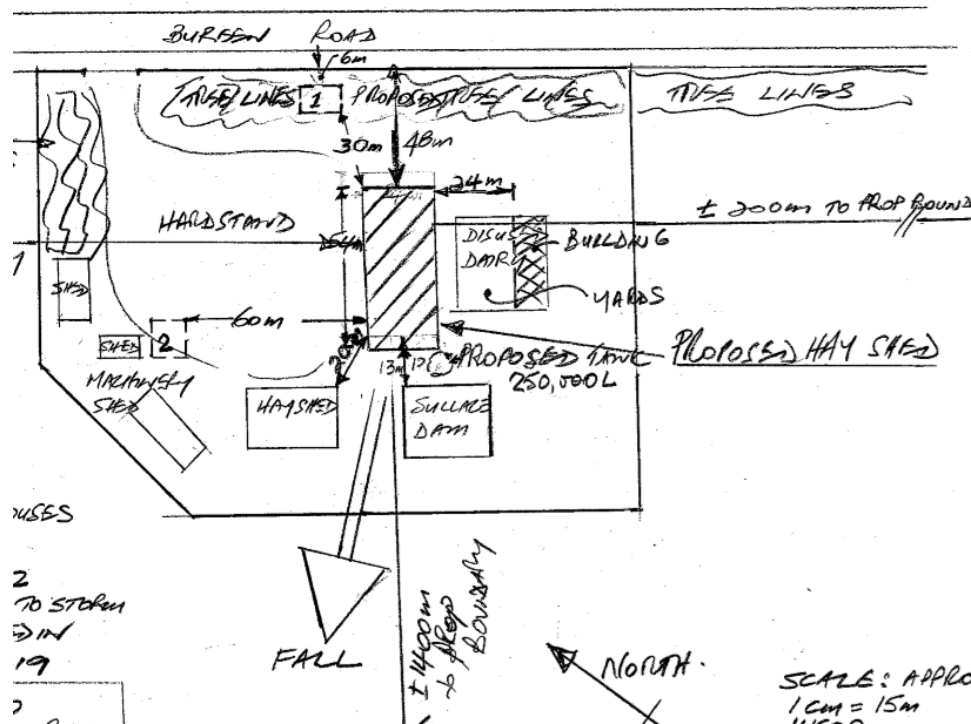
- a width of 24.7m
- a depth of 54.5m; and
- have an eave height of 7.0m and a ridge height 9.2m.

The structure would have a setback 20m from the nearest existing farm building (marked as a hay shed on the proposed plans) and 48m setback from Bureen Road. The proposed shed would be situated in a cluster of existing farm buildings. The hay shed would be setback in excess of 200m from adjoining property boundaries to the southeast and northwest.

An image of the site plan prepared by the applicant in relation to the proposed development



has been included below.



### 3.0 REFERRALS

The proposed development was not referred internally or externally because of its scale of work.

### 4.0 ASSESSMENT

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

#### Section 4.15 Matters for Consideration

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

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

##### 1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

##### Land Use Zone and Permitted Land Use

The development site is zoned RU1 Primary Production under MLEP 2009. A Hay Shed is permitted with consent in the subject Zone.

##### Objectives of the RU1 Primary Production Zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.



- To protect the agricultural potential of rural land not identified for alternative land use, and to minimise the cost to the community of providing, extending and maintaining public amenities and services.
- To maintain the rural landscape character of the land in the long term.
- To ensure that development for the purpose of extractive industries, underground mines (other than surface works associated with underground mines) or open cut mines (other than open cut mines from the surface of the flood plain), will not:
  - (a) destroy or impair the agricultural production potential of the land or, in the case of underground mining, unreasonably restrict or otherwise affect any other development on the surface, or
  - (b) detrimentally affect in any way the quantity, flow and quality of water in either subterranean or surface water systems, or
  - (c) visually intrude into its surroundings, except by way of suitable screening.
  - (d) It is considered that the development proposal is not contrary to the objectives of the Zone.

The property is a dairy establishment, and the proposed development would support the carrying out of an agricultural enterprise on the site and is therefore viewed as being in accordance with the land use zone objectives.

**Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009**

|   |   |
|---|---|
| <i>Part 1 Preliminary</i>                         |   |
| <i>Part 2 Permitted or prohibited development</i> |   |
| <i>2.3 Zone objectives and Land Use Table</i>     | The proposed development is a permissible development under the RU1 zone. <b>Complies</b>   |
| <i>Part 3 Exempt and complying development</i>    |   |
| <i>Part 4 Principal development standards</i>     |   |
| <i>4.3 Height of buildings</i>                    | MLEP 2009 specifies a maximum building height of 12m in relation to the land. The maximum height of the proposed development is approximately 9.2m. <b>Complies</b>   |
| <i>4.4 Floor space ratio</i>                      | MLEP 2009 specifies no floor space ratio in relation to the land so the proposed development is in accordance with the clause of floor space ratio <b>Not relevant</b>  |
| <i>Part 5 Miscellaneous provisions</i>            |   |
| <i>5.11 Bush fire hazard reduction</i>            | According to NSW rural fire service guideline there is no bush fire protection requirement for Class 10a structures located more than 6m from a dwelling in bush fire prone areas. <b>Exempted</b>  |
| <i>Part 6 Urban release areas</i>                 |   |
| <i>Part 7 Additional local provisions</i>         |   |
| <i>7.1 Terrestrial biodiversity</i>               | The subject site is not identified as 'biodiversity' on Council's Biodiversity Mapping. Accordingly, the provisions of this Clause do not require further consideration. <b>NA</b>  |
| <i>7.6 Earthworks</i>                             | <p>The proposed development would involve the carrying out of earthworks related to the leveling of the site and the establishment of the foundations.</p> <p>The proposed earthwork is not anticipated to have a detrimental impact on existing drainage patterns, soil stability and amenity of the adjoining properties where a sediment and erosion control plan is prepared and enacted in relation to the carrying out of the development. A condition requiring the preparation of a sediment and erosion control plan has been included in the recommended conditions of consent.</p> |



|  |   |
|--|---|
|  | Complies – to be managed by recommended condition |
|--|---|

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

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

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

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

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

There are no draft EPIs relevant to the subject Application.

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

#### Section 3 – Site Analysis

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

#### Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 2 October 2019 to 24 October 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**

|   | <b>Comments</b>   |
|---|---|
| <b>8.1 Introduction</b>                           |   |
| 8.1.1 Dwelling Houses on existing parcels of land | An existing dwelling and sheds are located on this property. The proposed hay shed will be ancillary development to the existing structures.  |
| <b>8.2 Built Form</b>                             |   |
| 8.2.1 Scenic Protection and Building Location     | Proposed development would not be detracting from the natural or rural setting or scenic qualities of the site. And also would not dominate the surrounding natural landscape because of its location and distance from the residential dwelling and the main road. |



|  |  |
|--|--|
| <p>8.2.2 Setbacks</p> <ul style="list-style-type: none"> <li>i. <i>Buildings are setback a minimum of 50m from any public road</i></li> <li>ii. <i>Buildings are not located within 10m of any property boundary.</i></li> <li>iii. <i>A suitable buffer area is established in the vicinity of agricultural operations that may occur on adjoining land.</i></li> <li>iv. <i>Separation fencing is provided between development land and any adjoining rail corridor.</i></li> <li>v. <i>(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.</i></li> </ul> | <p>The proposed development would not strictly comply with all development standards imposed by this section of the DCP.</p> <p>The proposed development would meet the performance criteria set by sub-clause ii, iii, iv, and v. However, the proposal would not achieve the prescribed 50m setback from a public road established under subclause i. The design plans submitted with the proposed development indicate that the proposed shed would be setback 48m from Bureen Road.</p> <p>This variation of the DCP development standard has been considered by Council Officers. The applicant provided the following information in support of the proposed setback and Council considering the variation of this DCP development standard in relation to the proposal.</p> <ul style="list-style-type: none"> <li>1. <i>48m is a significant offset from the road given there are many sheds, houses and other structures much closer than 50m to the Bureen Road in the local area.</i></li> <li>2. <i>By moving closer to the existing hay shed, we are reducing the space between the two sheds which will increase potential safety hazards due to reduced clearances when driving trucks, tractors and hay trailers around and between the sheds.</i></li> <li>3. <i>In the Application, I have indicated it is intended to plant tree lines between the proposed hay shed and the property boundary/Bureen Road to screen the shed from the road. In these circumstances, the additional distance over 48m from the road will be un-noticed due to the tree screen.</i></li> </ul> <p>Council Officers have reviewed the arguments put forward by the applicant, existing development in the locality and the minor nature of the proposed DCP variation and are satisfied that the variation of the DCP development standard may be supported in this instance. This position has been informed by the following:</p> <ul style="list-style-type: none"> <li>1. Immediately north and south of the site there are a number of existing dwellings and associated structures with frontage to Bureen Road that do not observe the minimum 50m setback requirement. Accordingly, the reduced setback would not be inconsistent with the existing pattern of development in the locality.</li> <li>2. The extent of the proposed DCP variation is minor. Numerically the proposal would vary the DCP requirement by 2m, or 4% of the total required setback provisions.</li> <li>3. The location of the shed proposed is in the immediate proximity to a cluster of existing buildings. The collocation of the proposed shed with existing farm and residential buildings will minimise the visual impact of the development.</li> <li>4. The applicant has advised Council that the variation to the DCP is required provide adequate clearance distance and turning circles for farm machinery to be operated in the vicinity of the proposed and adjoining sheds as well as a nearby dam.</li> <li>5. Noting the pattern of existing development in the locality, the minor nature of the proposed variation and the location of the proposed shed in the proximity of existing development. Council Officers are satisfied that the proposal would remain consistent with the DCP objectives that inform this control, which relate to minimising visual and acoustic impacts of development and ensuring development is considerate of adjoining land use. The visual impact of the proposed development would be mitigated by the reasonable setback proposed and co-location in the vicinity of existing buildings, while the proposal would have a negligible impact on the use of</li> </ul> |
|--|--|



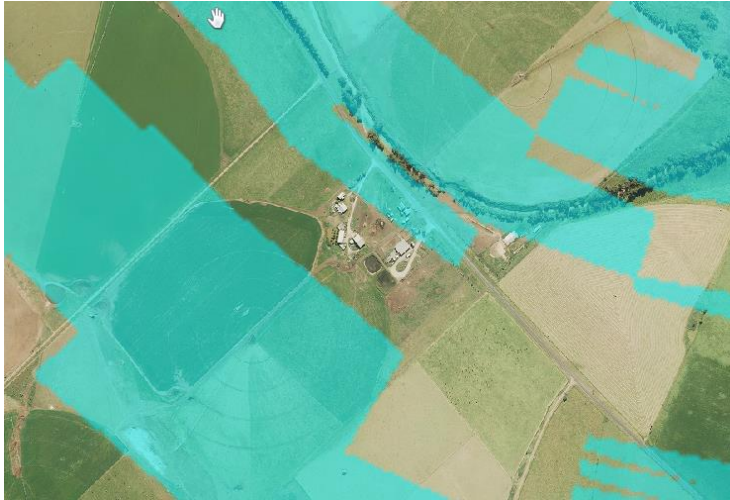
|   |  |
|---|--|
|   | <p>adjoining land or result in additional noise impacts.</p> <p>In view of the above Council Officers are satisfied that although the proposed development does not strictly comply with the 50m minimum road setback provision prescribed by this part of the DCP the proposed development would remain in accordance with the DCP objectives that inform this control. Accordingly, it is considered that the proposed development may be supported despite its strict non-compliance with this DCP requirement. <b>Non-compliant – may be supported as the proposal remains consistent with the DCP objectives that inform the relevant controls.</b></p> |
| <p><b>8.2.3 Colours and Materials</b></p> <ul style="list-style-type: none"> <li>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</li> <li>ii. Use factory pre-coloured materials with low reflective properties.</li> <li>iii. Avoid extensive use of highly reflective glass, highly reflective metal cladding (such as Zinalume and white Colorbond) and plastics on the exterior of buildings</li> </ul> | <p>Conditions of Consent are required regarding the colours and materials to be used. Natural colours, muted and earth tones for major areas of the building with factory pre-coloured materials with low reflective properties need to be recommended. Need to avoid extensive use of highly reflective glass, highly reflective metal cladding (such as Zinalume and white Colorbond) and plastics on the exterior of buildings <b>Complies – to be administered by condition</b></p>  |
| <b>8.2.4 Car Parking and Access</b>   | <p>Proposed development would have adequate parking and the existing driveway would provide all weather access for a two wheel drive vehicle. <b>NA</b></p>  |
| <b>8.2.5 Temporary Dwellings</b>  | <p>The proposed development does not relate to this clause <b>NA</b></p>   |
| <b>8.3 Environmental Matters</b>  |  |
| <b>8.3.1 Topography</b>   | <p>Earthworks involved with the proposed development would be minimal and associated with establishment of the foundation.</p> <p>The proposed development is not anticipated to have a detrimental impact on the surrounding topography and would preserve the natural landform of the shire. <b>Complies</b></p>   |
| <b>8.3.2 Vegetation</b>   | <p>No vegetation exists around close vicinity of the proposed development <b>NA</b></p>  |
| <b>8.3.3 Riparian Buffers</b>   | <p>The proposed development does not relate to this clause <b>NA</b></p>   |
| <b>8.3.4 Management of Rivers, Creeks, Streams and Drainage</b>   | <p>Proposed development would be approximately 100m away from the Martindale creek and more than 700m away from the Hunter River and separated by the Bureen Road. As the respective lot have mild slope from north to south, it is considered that the proposed development would not have any significant impact on the natural water course and drainage <b>Complies</b></p>  |
| <b>8.3.5 Services</b>   | <p>The proposed development does not relate to this clause <b>NA</b></p>   |

### Section 13 – Flood Prone Land

A portion of the site subject to this development application is identified as flood affected by Council's 2018 Flood Risk Management Plan and Study. The image below shows the extent of the 1 in 100 year flood event identified by that study in relation to the site. Accordingly, the provisions of sub-section 13.6 which relate to flood affected rural development are relevant to the assessment of this development application. The provisions of this clause that relate



to a non-habitable farm building have been considered through the assessment of the development application. In accordance with these requirements and Council's approach to managing flood related impacts, a condition of consent has been recommended to ensure that design plans are provided to the Principle Certifying Authority with any Construction Certificate to demonstrate that the proposed development would be designed to withstand the force of flood waters at the site during a 1% flood event.



#### Section 20 – Erosion and Sediment Control

The proposed development would involve the carrying out of earthworks over an area of approximately 1,347m<sup>2</sup>.

This section of the DCP requires erosion control plans to be developed for development with a disturbance footprint >250m<sup>2</sup>. A condition requiring the preparation of an erosion and sediment control plan has been recommended, to be complied with prior to the issue of a Construction Certificate.

#### Section 24 – Waste Management

A waste minimisation management plan has not been prepared in relation to the proposed development. This Section of the DCP requires the preparation of a waste minimisation management plan for all development. However, in practice Council Officers do not always require the provision of these documents for class 10a structures, including farm buildings which do not directly relate to the keeping of animals.

Accordingly it is recommended that a Waste Management Minimisation Plan not be required and the DCP objectives adhered to through the imposition of a condition for the minimisation and management of waste associated with the development in accordance with the objectives of this Section of the DCP.

#### Section 7.11 (Previous Section 94) Contributions Plan 2001

Not Applicable

#### Section 7.12 (Previous Section 94A) Contributions Plan 2010

Estimated cost of the development is \$173,000.00 A Section 7.12 contribution is applicable given the value of the proposed development is more than \$100,000.



Under the provisions of this Plan a contribution of 0.5% of the development costs are applicable to development with an estimated value between \$100,000 and \$200,000.

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

Given the limited scope of the proposed development and its compatibility with the relevant provisions of Council's DCP and LEP, the proposed development is considered to be reasonably in accordance with the type of residential development expected on rural zoned land.

Accordingly the proposed development is considered unlikely to have any significant adverse environmental impacts.

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

It is considered that the development is compatible with surrounding land uses and site characteristics, 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.**

The proposed development would be in accordance with the Muswellbrook LEP 2009, the majority of the Muswellbrook DCP provisions and is unlikely to have any adverse environmental impacts. The proposed development is inconsistent with the minimum road setback requirements of the DCP, however, as the proposal remains consistent with related DCP it is considered that Council may support the variation of this DCP requirement in relation to this development.

## **5 CONCLUSION**

The application has been assessed in accordance with s4.15 of the EP& A Act. The application has also been placed on public exhibition for a minimum of fourteen days with no submissions being received.

The proposed development would be consistent with the provisions of the Muswellbrook LEP 2009, other relevant environmental planning instruments and unlikely to result in any adverse environmental impacts.

The proposal would comply, or be conditioned to comply with the majority of requirements of the Muswellbrook DCP with the exception of the minimum required road setback of 50m for



development imposed by the DCP. The non-compliance of the proposal with this development standard has been considered and Council Officers are satisfied that the variation of this standard may be supported in relation to this development. It is recommended the application be approved subject to conditions of consent.

Signed by:



Taraqual Bhuiya  
Graduate Building Surveyor  
Date: 6 November 2019

Reviewed by



Hamish McTaggart  
Development Coordinator



#### 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.

| Drawing No.      | Revision | Drawn by | Drawing Date    | Received          |
|------------------|----------|----------|-----------------|-------------------|
| Site Layout Plan | -        | Unknown  | Not Dated       | 17 September 2019 |
| Elevations       | -        | SWS      | 23 October 2019 | 17 September 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.

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

##### (3) Construction Certificate Requirement

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

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

##### (4) Potential Flood Damage to Buildings

Prior to the issue of a Construction Certificate the Certifying Authority:

- a. Is to be provided with an assessment, report and certification by a qualified practising Consulting Engineer stating that the structure has been designed to withstand the flood pressures, including debris and buoyancy forces, imposed in the event of a 1% AEP flood and that the structure will not sustain unacceptable damage from the impact of floodwater and debris; **or**
- b. Is to be provided with a survey report by a registered surveyor showing the building site is entirely above the 1% AEP flood level.

Council's records indicate the 1% AEP flood level in this location is 99.16m AHD.



**(5) Sediment and Erosion Control**

Prior to the issue of a Construction Certificate a Sediment Erosion Control Plan is to be prepared in relation to the proposed development and submitted to the Certifying Authority. The erosion and sediment control plan must specify erosion and sediment control measures to be implemented for the carrying out of the development to comply with the requirements of Section 20 of the Muswellbrook Development Control Plan. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

**(6) Section 7.12 Contributions**

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$865.00 shall be paid to Muswellbrook Shire Council.

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

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| <b>CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT</b> |
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**(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) Site Sign**

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

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

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

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



**(9) Materials and Colours**

In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the building shall not be constructed from reflective metal cladding. Zinalume or reflective white sheet metal cladding is not be used without the prior written approval from Council. Natural colours, muted and earth tones is to be used for major areas of the ancillary development-Stable Building to blend in with and do not dominate the surrounding landscape.

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| <b>CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK</b> |
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**(10) Site Waste Minimisation**

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

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

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| <b>CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE</b> |
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**(11) Occupation**

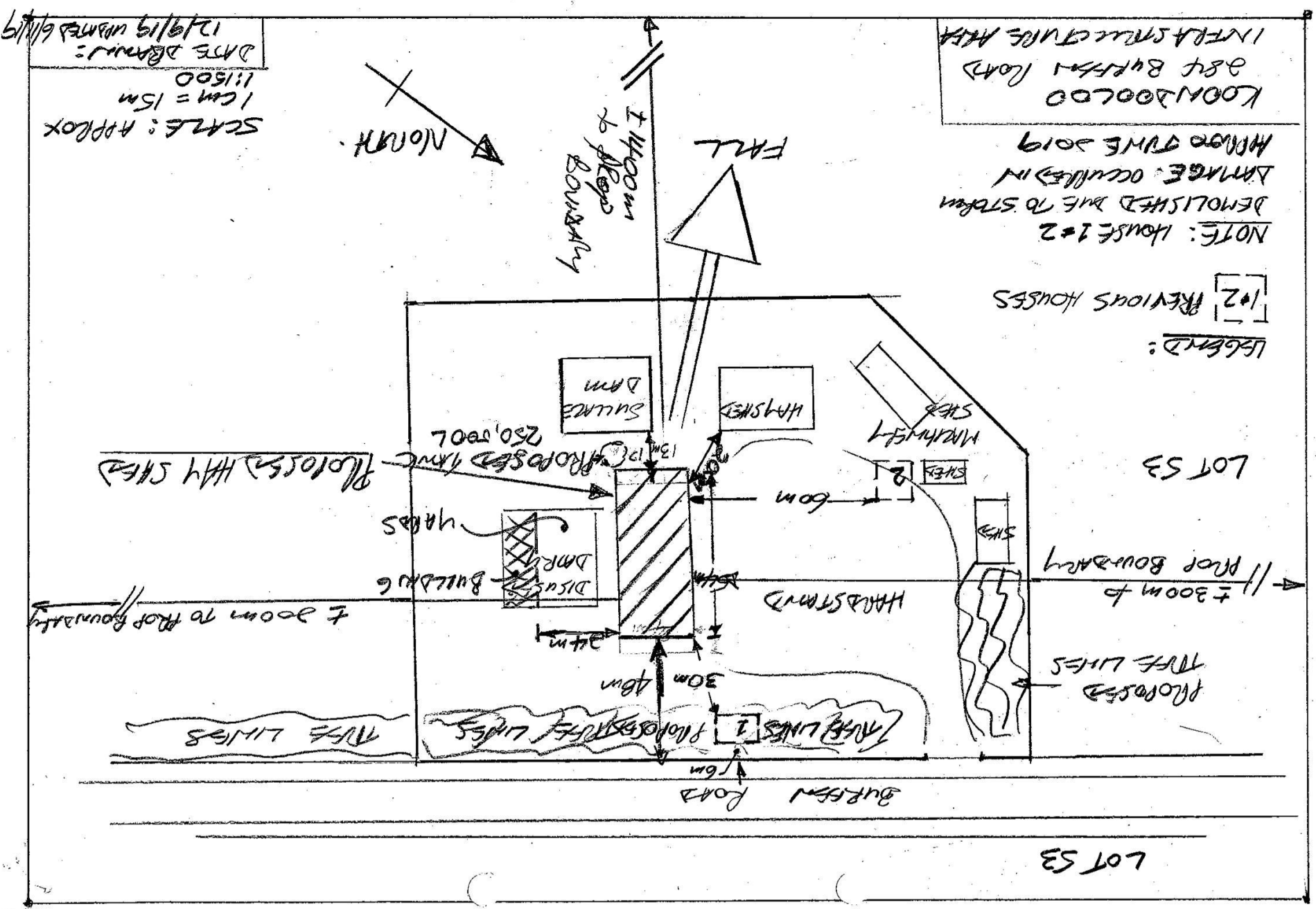
The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

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

All stormwater from the development including all hard stand areas and overflows from rainwater tanks is to be collected and disposed of to an appropriately constructed discharge point at a distance of 6m clear of the proposed and any adjoining buildings.











## 6.4 DA 2019-77 - THREE (3) RURAL WORKERS DWELLINGS AND MACHINERY SHED - LOT 129 DP 752441, 420 DALSWINTON ROAD, DALSWINTON

|                                 |   |
|---------------------------------|---|
| <b>Responsible Officer:</b>     | Sharon Pope - Assistant Director - Environment & Community Services   |
| <b>Author:</b>                  | Alisa Evans - Projects Planner  |
| <b>Community Plan Issue:</b>    | <i>Diversify the economy, facilitate the development of intensive agriculture and other growth industries, make the Shire a more attractive place to invest and do business</i>   |
| <b>Community Plan Goal:</b>     | <i>Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.</i>   |
| <b>Community Plan Strategy:</b> | <i>Apply strategic planning and development assessment planning advice to support Council's economic diversification goals.</i>   |
| <b>Attachments:</b>             | A. DA 2019-77 Recommended Conditions of Consent.docx<br>B. DA 2019-77 Development Assessment report - 346143.docx<br>C. DA 2019-77 Plans to Accompany Development Application.pdf<br>D. DA 2019-77 Statement of Environmental Effects<br>E. DA 2019-77 Agricultural Enterprise Analysis |

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009

### APPLICATION DETAILS

|                        |   |
|------------------------|---|
| <b>Applicant:</b>      | Adenzie Developments Pty Ltd  |
| <b>Owner:</b>          | SD & M Software Pty Ltd   |
| <b>Proposal:</b>       | Three (3) Rural Workers Dwelling and Machinery Shed   |
| <b>Location:</b>       | Lot 129 DP 752441   |
| <b>Permissibility:</b> | The proposed development is permissible as rural worker's dwellings within the RU1 Primary Production |
| <b>Recommendation:</b> | Approval  |

### PURPOSE

This report has been prepared to inform the Council in determining Development Application (DA) 2019-77. The Development Application has been assessed by Council officers, a copy the Section 4.15 Assessment Report and recommended conditions of consent are attached for Council's information.

The matter is being reported to Council for determination as the development relates to works alongside or adjoining any waterway (Hunter River) and the General Manager does not have delegations to deal with these matters. The Development Assessment Committee has appropriate delegations.

### RECOMMENDATION

The Development Assessment Committee approve Development Application No. 2019-77 for three (3) rural workers' dwellings and machinery shed at Lot 129 DP 752441, 420 Dalswinton Road Dalswinton, subject the conditions in Appendix A to the report.

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



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

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The proposed development involves the erection of three (3) rural workers' dwellings, a machinery shed and on-site sewage management system. The proposed dwellings will have bearer and joists, colorbond roofing and weathertex wall cladding.

The land is zoned RU1 Primary Production pursuant to Muswellbrook LEP 2009. The development site is used for agriculture and has an existing dwelling house. The land is partly flood affected, however, the location of the dwellings is flood free land. Access is from Dalswinton Road.

Each Proposed Rural Workers Dwellings comprises:

- two (2) bedrooms,
- a bathroom,
- a living,kitchen/dining, and
- deck.

The total dimensions of 8.5m x 13.6m. A steel flooring system will be used to allow for transportation in the future if ever required.

The Three (3) Proposed Rural Workers Dwellings are located approximately 980m from the Eastern boundary which adjoins Dalswinton Rd, approximately 58m from the existing dwelling on the property and approximately 210m from the Northern boundary, which is the closest property boundary.



**1 Site Plan**  
1 : 15000

**Lot 129 DP752441 (228 Acres)**

**EXISTING COTTAGE**  
(APPROX 100.5m<sup>2</sup>)

**WASTE WATER DISPOSAL/IRRIGATION AREA (APPROX 1500m<sup>2</sup>)**

**PROPOSED UNIT 3 (FFL 117.2)**

**PROPOSED UNIT 2 (FFL 117.0)**

**PROPOSED UNIT 1 (FFL 116.8)**

**PROPOSED SHED**

**STORMWATER FROM PROPOSED SHED TO EXISTING 80,000 LTR TANK**

**EXISTING STABLES**

**Shed Wet area layout**  
1 : 100

**TONY MEXON & ASSOCIATES**  
REGISTERED SURVEYORS

**HOUSE**

**ASAP**

**17,000 LTR STAINLESS STEEL WATER TANKS**

**Aqua Nova® Wastewater treatment system installed to manufacturers specifications in accordance with AS/NZS 1546.3:2008**

**To Dawson Road**



**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 B. Council Staff recommend that development consent be granted to the proposed development subject to recommended conditions provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with relevant provisions of the *Muswellbrook Local Environmental Plan (LEP) 2009*.
- Clause 7.3 of the Muswellbrook LEP 2009, which relates to the construction of rural workers' dwellings, was considered by Staff. Council Officers are satisfied that the proposed development would be in accordance with the provisions of this Clause and that the 'Agricultural Enterprise Analysis' submitted by the applicant demonstrates adequate reasoning to support the rural workers' dwellings at the site.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's). Council Officers did not identify any inconsistencies with the proposed development and the requirements of any SEPP which would prevent Council from granting development consent to the development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- The assessment considered the environmental impacts that may result from the proposed development. It was found that the proposed development was unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.
- The application was referred to Council's Environmental Health Officer, and Community Infrastructure, and Building Surveyor. The assessment and recommended conditions of consent incorporate comments received.

**COMMUNITY CONSULTATION**

The proposed development was notified and advertised between the 18 September 2019 and 3 October 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period. A letter of support was received from the public in relation to the proposed development.

**OPTIONS**

The Council may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development subject to alternative conditions of consent, or
- C) Refuse development consent to the proposed development and nominate reasons for refusal.

**LEGAL IMPLICATIONS**

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

**FINANCIAL IMPLICATIONS**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.



**CONCLUSION**

DA 2019-77 has been reported to the Council for determination as the development involves works on Lot 129 DP 752441, which is land alongside or adjoining a waterway (Hunter River). The General Manager does not have delegations to determine such matters.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development and recommend that Council grant development consent to DA 2019-77 subject to recommended conditions of consent outlined in Attachment A.



# 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         |
|---|-----------|--------------|------------------|
| Site Plan & Concept Drainage Layout       | Fernleigh | 27 July 2019 | 9 September 2019 |
| Typical Unit Floor Plan                   | Fernleigh | 27 July 2019 | 9 September 2019 |
| North Western and South Western Elevation | Fernleigh | 27 July 2019 | 9 September 2019 |
| West and East Elevation                   | Fernleigh | 27 July 2019 | 9 September 2019 |
| Typical Sections                          | Fernleigh | 27 July 2019 | 9 September 2019 |

## 2. Development in Accordance with Documentation

The development is to be carried out generally in accordance with the following documents.

Where there is a discrepancy between any of the documents referenced by this condition of consent and any other condition of this consent, the condition takes precedence over matters referenced by the documents below.

| Title                              | Written by                             | Date      |
|------------------------------------|--|-----------|
| Waste Minimisation Management Plan | Fernleigh Architectural and Structural | Not Dated |

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

## 3. Building Code of Australia

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

## 4. Home Building Act

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

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

(i) Has been informed in writing of the licensee's name and license number, and;

(ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.



- (b) In the case of an Owner Builder:
- (i) Has been informed in writing of the 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 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*.

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| <b>REQUIREMENTS PRIOR TO THE COMMENCEMENT OF WORKS OR ISSUE OF A CONSTRUCTION CERTIFICATE OR SECTION 68 APPROVAL</b> |
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**5. Construction Certificate Requirement**

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

**6. Section 7.12 Contributions**

Prior to the issue of a Construction Certificate or Section 68 Approval pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$3,800.00 shall be paid to Muswellbrook Shire Council.

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

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



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

In this condition:

- (a) relevant BASIX Certificate means:
  - i. a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
  - ii. if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

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| <b>CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT</b> |
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**8. Sediment and Erosion Control**

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

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.

**9. Site Sign**

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

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

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



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

**10. Site Facilities**

- a) 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.
- b) 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.
- c) 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.
- d) The provision of toilet facilities must be completed before any other work is commenced.

**11. Materials**

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

**12. Construction Hours**

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

**13. 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.

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| <b>CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE COMPLETION OF WORKS AND THE OCCUPATION OF THE PREMISES</b> |
|---|



**14.        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.

**15.        On-site Sewage Management**

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

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

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| <b>CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES</b> |
|---|

**16.        Stormwater Disposal**

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

**17.        Land Access**

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



**18. Maximum Occupancy**

Each rural dwelling in relation to this application shall not exceed a maximum occupancy of three (3) people. Should more than three (3) people be anticipated for the occupancy of each dwelling, a modification to the On-Site Sewage Management System is required to be lodged to and approved by Council prior to additional occupancy.

Reason: The On-Site Sewage Management System proposed is capable of servicing a maximum of 10 persons as per manufacture's specifications. Additional occupancy could result in the overloading of On-Site Sewage Management System which may lead to environmental or human health risks.

**19. Rural Workers' Dwelling**

The use is approved as rural workers' dwellings as defined by Muswellbrook Local Environmental Plan 2009, and is only to be occupied by persons employed for the purpose of agriculture or rural industry carried out on the subject land.

**20. Rural Workers' Dwelling**

The rural workers' dwellings are permitted on the site so long as there is a viable agricultural enterprise operated at the site and where these dwellings provide housing for workers' associated with that enterprise.

If at a future date an agricultural enterprise is no longer operated at the site, the rural workers' dwellings are to be removed from the site or a new development application lodged with Council to retain these structures as a different type of accommodation or building.

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| <b>REASON FOR IMPOSITION OF CONDITIONS:</b> |
|---|

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:**

- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.  
Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.
- 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 6.7 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 6.6(1) 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 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- 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.

**RIGHT OF APPEAL:**

Sections 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 provide 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 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979 give you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.



## DEVELOPMENT ASSESSMENT REPORT

**Attached:** Site Plan

### REPORT TO THE GENERAL MANAGER

|                         |   |
|-------------------------|---|
| <b>ADDRESS:</b>         | LOT: 129 ALT: DP: 752441<br>420 Dalswinton Road DALSWINTON          |
| <b>APPLICATION No:</b>  | 77/2019   |
| <b>PROPOSAL:</b>        | Three (3) Rural Workers Dwellings and Machinery Shed                |
| <b>OWNER:</b>           | Sd & M Software Pty Ltd   |
| <b>APPLICANT:</b>       | Adenzie Developments Pty Ltd<br>55 Roberts Road<br>Werombi NSW 2570 |
| <b>AUTHOR:</b>          | Mr A Kazi/ Ms Alisa Evans   |
| <b>DATE LODGED:</b>     | 06/09/2019  |
| <b>AMENDED:</b>         |   |
| <b>ADD. INFO REC'D:</b> |   |
| <b>DATE OF REPORT:</b>  | 14 November 2019  |

---

### SUMMARY

**ISSUES:**

**SUBMISSIONS:**

**RECOMMENDATION:** Approval subject to conditions



## **1.0 SITE AND LOCALITY DESCRIPTION**

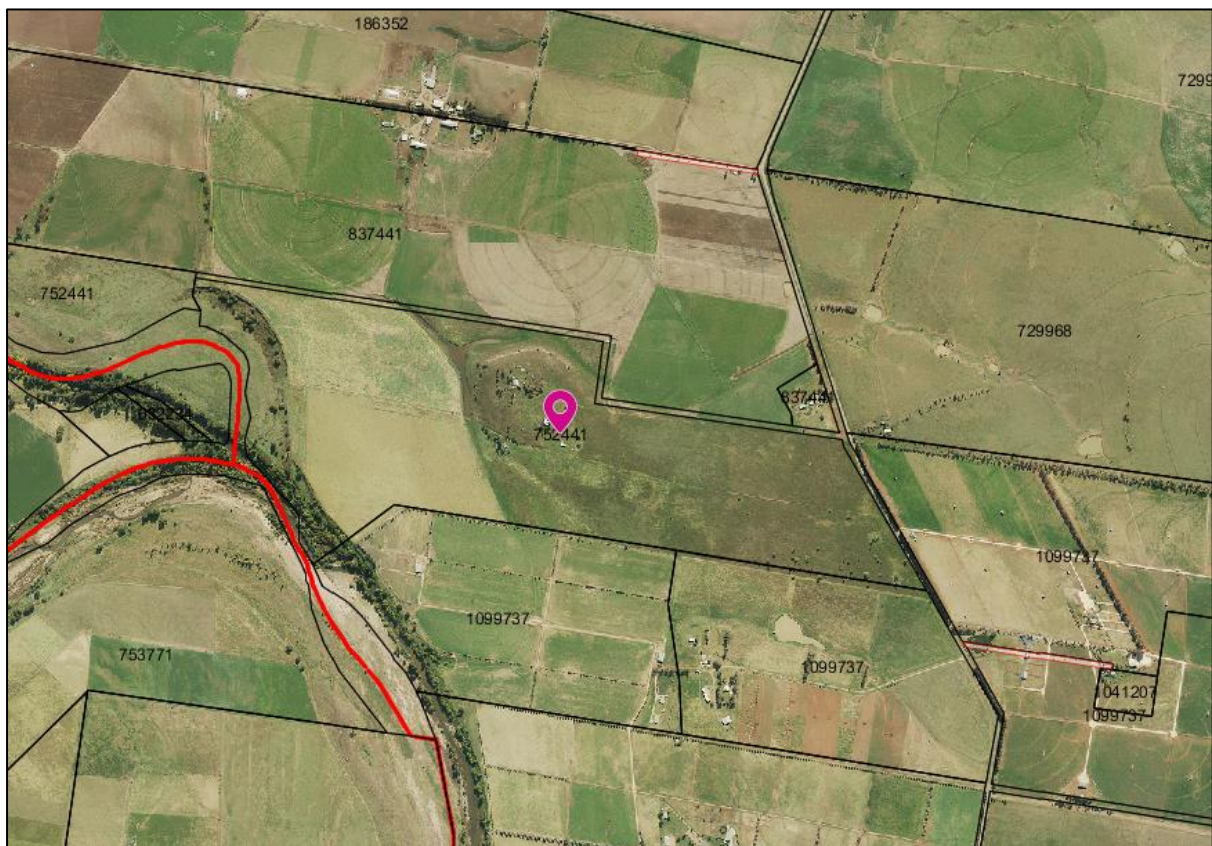
The site subject to this development application is 420 Dalswinton Road, Dalswinton. The property is formally identified as Lot 129 DP 752441.

The land is zoned RU1 Primary Production under the Muswellbrook LEP 2009 and has an area of 92.26ha. The land is not identified as bush fire prone by Council's bushfire mapping information system and is without any significant vegetation.

The Hunter River adjoins the Western boundary and the allotment is identified under Council's flood mapping as being flood prone land.

Currently there is a single dwelling, open sided stable and numerous fenced paddocks with associated infrastructure. The use of the land is equine breeding under the name Kingstar Farm (Lot 121 is under the same owner ship and use).

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



## **2.0 DESCRIPTION OF PROPOSAL**

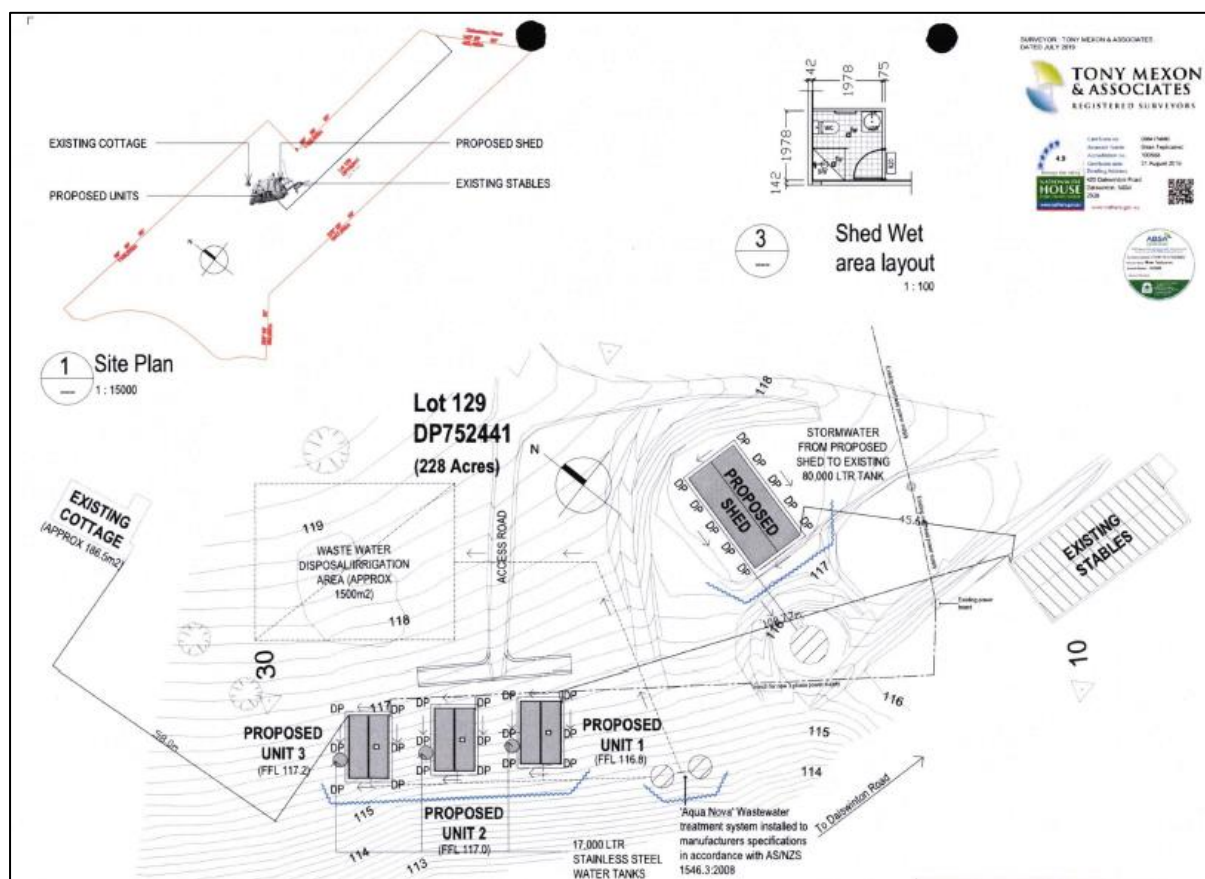
The proposed development involves the erection of three (3) rural workers' dwellings, a machinery shed and on-site sewage management system. The proposed dwellings are bearer and joints construction with aluminium windows and weathertex wall cladding.

Each proposed rural workers dwellings comprises of two (2) bedrooms, a bathroom, living, kitchen/dining and deck area with total dimensions of 8.5m x 13.6m.

The three (3) proposed Rural Workers' Dwellings are located approximately 980m from the Eastern Boundary which adjoins Dalswinton Rd, approximately 58m from the existing dwelling and approximately 210m from the Northern Boundary which is the closest



boundary.



## Referrals

The application was referred to Council's Environmental Health Officer and Community and Infrastructure and Building Surveyor.

## Community and Infrastructure

Council's Roads and Drainage Section has commented that they have proposed all the storm water from the roof to be carried to the rainwater tank which is acceptable. They had no objections to the proposal.

## Environmental Health Officer

Council's Environmental Health Officer has stated that they have no objections to the development application and recommend the following conditions for the Onsite Sewerage Management System.

### On-site Sewage Management

*The development will require On-Site Sewage Management System. Such a system requires approval from Council to install, construct or modify under s68 Local Government Act. A current Approval to Operate will also be required before an Occupation Certificate can be provided. Applications to install a system must be accompanied with a Wastewater Management Plan including Site and Soil Assessment by a suitably qualified person.*

### Maximum Occupancy

*Each rural dwelling in relation to this application shall not exceed a maximum*



*occupancy of three (3) people. Should more than three (3) people be anticipated for the occupancy of each dwelling, a modification to the On-Site Sewage Management System is required to be lodged to and approved by Council prior to additional occupancy.*

*Reason: The On-Site Sewage Management System proposed is capable of servicing a maximum of 10 persons as per manufacture's specifications. Additional occupancy could result in the overloading of On-Site Sewage Management System which may lead to environmental or human health risks.*

Building Surveyor

No objection, recommended conditions.

### **3.0 ASSESSMENT**

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

#### **Section 4.15 Matters for Consideration**

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

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

##### **1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)**

###### Land Use Zone and Permitted Land Use

The development site is zoned RU1 Primary Production pursuant to MLEP 2009. The proposal is best defined as rural workers dwellings and ancillary development, which is permitted with consent in the subject Zone.

###### Objectives of the RU1 Primary Production Zone

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



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

**Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009**

|   |  |
|---|--|
| <i>Part 1 Preliminary</i>                               |  |
| <i>Part 2 Permitted or prohibited development</i>       |  |
| <i>2.3 Zone objectives and Land Use Table</i>           | <p>This Clause of the LEP requires a consent authority to consider the land use table and the zoning objectives for the relevant zone when determining a development application.</p> <p>The subject land is zoned RU1 Primary Production.</p> <p>Council staff are satisfied that the proposed development is compatible with the land use zone objectives and complies with this requirement.</p> <p><b>Complies</b></p>   |
| <i>Part 3 Exempt and complying development</i>          |  |
| <i>Part 4 Principal development standards</i>           |  |
| <i>4.3 Height of buildings</i>                          | <p>Muswellbrook LEP 2009 height of building map prescribes a maximum building height of 12m in relation to the subject site.</p> <p>The proposed rural worker's dwelling would have a maximum height of 6.5m from the existing ground level.</p> <p><b>Complies</b></p>  |
| <i>4.4 Floor space ratio</i>                            | <p>The land subject to this development application is not identified as being affected by a floor space ratio by the LEP floor space ratio map. <b>Not relevant.</b></p>  |
| <i>Part 5 Miscellaneous provisions</i>                  |  |
| <i>Part 6 Urban release areas</i>                       |  |
| <i>Part 7 Additional local provisions</i>               |  |
| <i>7.1 Terrestrial biodiversity</i>                     | <p>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 Terrestrial Biodiversity Map. The subject site is not identified as 'biodiversity' on Council's Biodiversity Mapping. <b>Not applicable</b></p>   |
| <i>7.3 Controls relating to rural workers dwellings</i> | <p>Clause 7.3 restricts a consent authority from granting development consent to a rural workers dwelling unless it is satisfied of the following:</p> <p>(a) that the existing or future uses of the land are of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis,</p> <p>(b) that the nature of the existing or future uses of the land is such that, if workers would be required to live off-site, there would be a significant adverse impact to the relevant agricultural or rural industry,</p> <p>(c) that the number of proposed rural worker's dwellings is compatible with the nature and scale of existing or future uses of the land,</p> |



|                |  |
|----------------|--|
|                | <p>(d) that the proposed dwelling will be located on the same lot as the principal residence and share existing access.</p> <p>The applicant has provided Council with an Agricultural Enterprise Analysis that suggests that the occupation and use of the rural workers' dwellings would be in accordance with the above requirements. Council Officers are satisfied that the proposed rural workers' dwellings would comply with the above in view of the following:</p> <p>a) The applicant has advised Council that the owner is expanding the property as an equine breeding facility. Eleven staff are currently employed at the property. Council Officers observed a number of horses at the property and were met on-site by one of the existing farm workers.</p> <p>b) Given the intensity of intended livestock keeping, and the need to have staff on hand 24 hours a day in association with equine breeding, Council Officers are satisfied that on-site accommodation is necessary to support the agricultural activities.</p> <p>c) Three, two bedroom, rural workers dwellings have been proposed. This is considered to be compatible with the anticipated needs of the operation with the incoming five stud hands, two foaling assistants and nomination/sales staff.</p> <p>d) The proposed dwelling will be located on the same lot as the principle residence and both buildings will share a single vehicle access from Dalswinton Road, Dalswinton.</p> <p><b>Complies</b></p> |
| 7.6 Earthworks | <p>The proposed development would involve the carrying out of earthworks associated with the construction of the dwelling.</p> <p>Council Officers have considered these matters in relation to the development proposed. Considering the limited scope of the proposed earthworks and the location where they are to be carried out Council Officers are satisfied that proposed development would comply with the requirements of this clause where standard conditions of consent are imposed relating to the management of earthworks at the site.</p> <p><b>Complies</b></p>  |

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

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

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

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



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

In relation to the subject site, Council Officers have observed that the site is predominately clear of vegetation and koala feed trees, and is being utilised for agricultural purposes.

Accordingly, Council Officers are satisfied that the subject site does not comprise a potential or core koala habitat within the meaning of the SEPP and further consideration of the SEPP is not required.

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

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

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

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

There are no draft EPIs relevant to the subject Application.

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

#### **Section 3 – Site Analysis**

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

#### **Section 4 – Notification**

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 12 September 2019 to 3 October 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**

|  | <b>Comments</b>  |
|--|--|
| <b>8.1 Introduction</b>                                  |  |
| <b>8.1.1 Dwelling Houses on existing parcels of land</b> | As the proposed development is not for a dwelling this clause is not entirely applicable. However, it is relevant to observe that the land subject exceeds the Muswellbrook LEP 2009 minimum lot size for a dwelling, and contains an existing dwelling. Accordingly, the proposed development is in accordance with the LEP provisions for the erection of dwellings on rural land and complies with the requirements of this part. <b>Complies</b> |
| <b>8.2 Built Form</b>                                    |  |
| <b>8.2.1 Scenic Protection and Building Location</b>     | In relation to the provisions of this clause Council   |

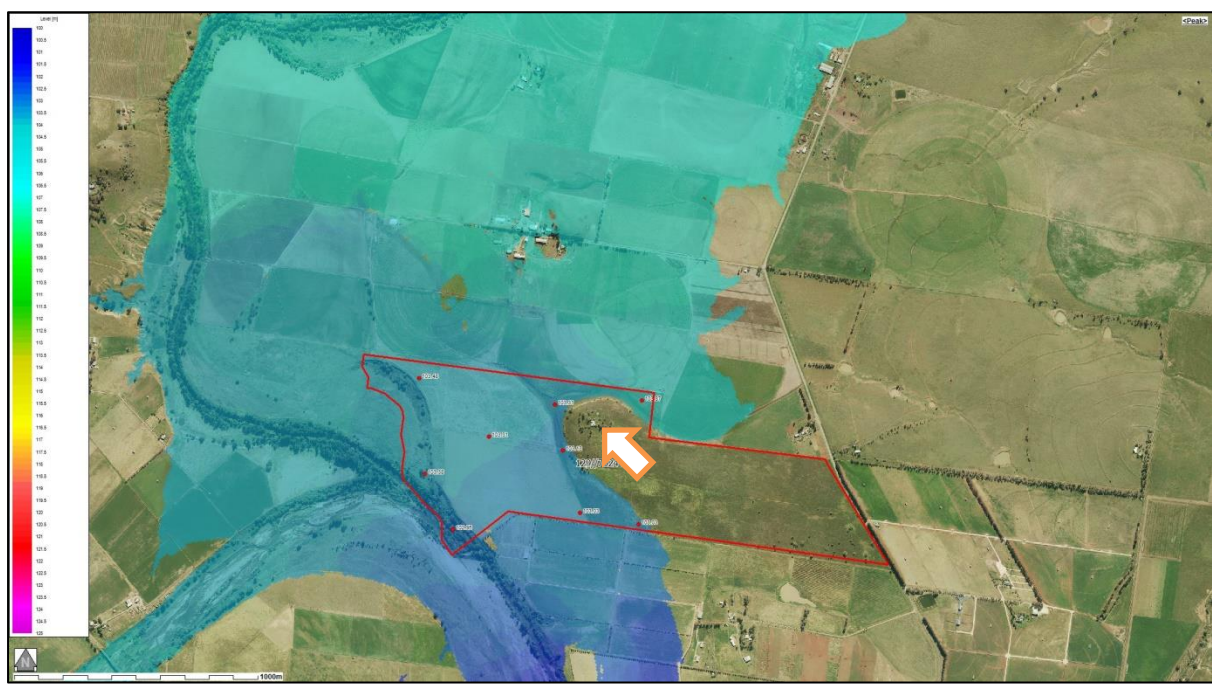


|  |  |
|--|--|
|  | <p>Officers are satisfied that the proposed development would:</p> <ul style="list-style-type: none"> <li>not impose on the landscape values of the area and would comply with relates design controls</li> <li>Be located at a site suitable for development which is not observed as being affected by or likely to be affected by any adverse characteristics such as flooding or contamination that would prevent development consent from being granted to the development.</li> <li>Would not have an undue or significant adverse impact on the privacy of neighbouring properties.</li> </ul> <p><b>Complies</b></p> |
| 8.2.2 Setbacks   | <p>This section of the DCP requires dwellings to have a setback of 10m from neighbouring property boundaries and 50m from public roads. The proposed rural worker's dwelling would be situated approximately 210m from the closest adjoining boundary and would accordingly comply with the requirements of this subsection. <b>Complies</b></p>   |
| 8.2.3 Colours and Materials                              | <p>This subsection restricts the use of highly reflective materials and promotes the use of natural colour schemes.</p> <p>The plans accompanying the proposed development indicate that the proposed materials would not be highly reflective. <b>Complies</b></p>  |
| 8.2.4 Car Parking and Access                             | <p>Under the proposal the rural workers dwelling would use an existing vehicle access from Dalswinton Road and no changes are proposed to the site access arrangement. The dwelling site is 2WD accessible and acceptable car parking arrangements are available on-site. Accordingly, the proposed development would comply with the requirements of this part. <b>Complies</b></p>   |
| <b>8.3 Environmental Matters</b>                         |  |
| 8.3.1 Topography   | <p>This subsection requires consideration with respect to earthworks and alterations to the topography of a site.</p> <p>In relation to the proposed development it is observed that there would be minimal changes to the sites topography and that the building would not adversely impact the scenic qualities of the locality. <b>Complies</b></p>   |
| 8.3.2 Vegetation   | <p>The proposed development would not involve the removal of significant vegetation. Therefore, the development would not relate to the requirements of this part. <b>Not relevant</b></p>   |
| 8.3.3 Riparian Buffers                                   | <p>While there is a waterway located along the west boarder of the subject site there is considerable distance between the proposed development and the riparian buffer. Hence, the proposal would not involve works that would relate to the requirements of this part of the MDCP 2009. <b>Not relevant</b></p>  |
| 8.3.4 Management of Rivers, Creeks, Streams and Drainage | <p>The proposed development would not impact the natural flow of the waterway and hence would not have a detrimental effect to the management of the said waterway. <b>Not Relevant</b></p>  |
| 8.3.5 Services   | <p>An on-site sewage management system will need to be provided to manage waste from the development. It is recommended that the installation of such a system be administered by a condition of consent. <b>Complies</b></p>  |
| <b>8.4 Frost Control Fans</b>                            |  |



### Section 13 – Flood Prone Land

This section of the MDCP 2009 provides requirements by which Council's determination of development proposals to flood prone land applies. In this instance the Development and Building Principles which are listed within Section 13 are applicable to the assessment process. They include; proposed development will not result in increased flood hazard or flood damage to other properties; proposed development should be of a type, height and scale that is compatible with the existing urban and historic fabric of the area; construction methods and materials for that part of the development below the 1% AEP flood levels (as determined by Council) should conform with the flood proofing code as detailed in Section 13; proposed development shall be able to withstand the force of flowing floodwaters, including debris and buoyancy forces. These principles could be implemented through conditions of consent should the development application be approved. The land subject to this proposal is not identified by Council's 2018 Flood Study as being flood liable in the direct vicinity of the proposed development. A photo of the flood study illustrates this below.



### Section 20 – Erosion and Sediment Control

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

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

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

### Section 24 – Waste Management

The proposed development involves the transportation and installation of three rural workers' dwellings at the site. The proposed works are not anticipated to generate a significant amount of waste. Accordingly, Council Officers are satisfied that the development can proceed in conjunction with the submitted waste minimisation management plan and subject to a condition of consent relating to the management of building waste.



#### Section 94A Contributions Plan 2009

The estimated total project value of this proposal is \$380,000.  
A developer contribution of \$3,800 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**

Given the scope of the proposed development, its locality, and its compatibility with the relevant provisions of Council's DCP and LEP the proposed development is considered be reasonably in accordance with the type of residential development expected within the Muswellbrook Primary Production area. Accordingly the proposed development is considered unlikely to have any significant adverse environmental impacts in any of the following areas.

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

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

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

#### **Section 4.15(1)(d) any submissions made**

No submissions were received 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 Section 4.15 of the Environmental Planning and Assessment Act 1979. It is considered that the proposed development would be in accordance with the relevant planning provisions.

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

## **RECOMMENDATION**

That the Development Assessment Committee Grant development consent to DA 77/2019 for the construction of a rural worker's dwelling subject to the recommended conditions of consent.

Signed by:

Hamish McTaggart  
Co-ordinator Development

Atef Kazi  
Project Planner



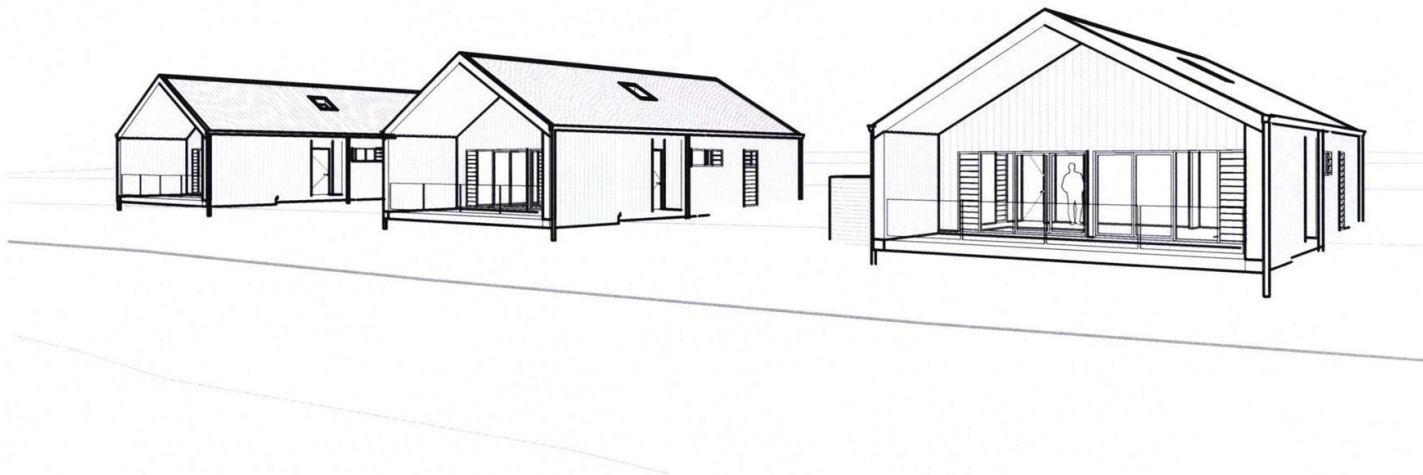
Project:

# BILLABOA-KINGSTAR

**Proposed: Rural workers accommodation + Machinery shed**

At: Lot 129, 420 Dalswinton road, Dalswinton (DP752441)

Client: HOLLYMOUNT TRUST KINGSTAR FARM



- 01 Cover Sheet
- 02 Site Plan & Concept Drainage Layout
- 03 Typical Unit Floor Plan
- 04 North & South Elevations
- 05 West & East Elevations
- 06 Typical Sections
- 07 Enlarged Detail Floor Plans
- 08 Glazing Schedule
- 09 Colour & Material Palette
- 10 Concrete Slab Layout
- 11 Schematic Electrical Layout
- 12 Shed Location Plan
- 13 Shed Floor Plan
- 14 Shed Sectional View
- 15 Shed Elevations

Builder:

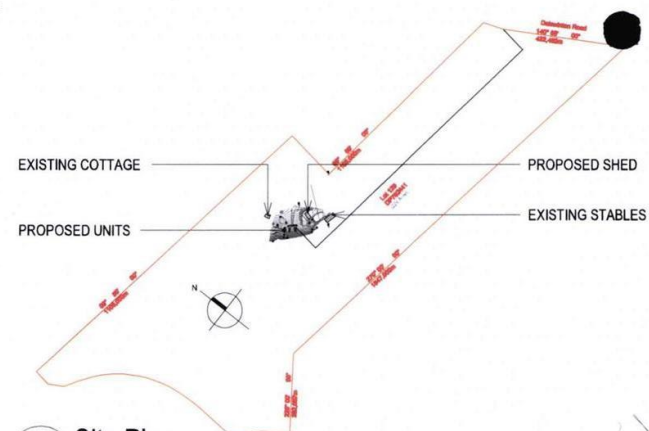


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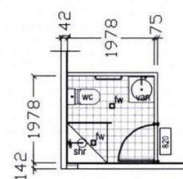
|  |           |    |
|--|-----------|----|
| Proposed: Rural workers accommodation.                       |           |    |
| Client: Hollymount Trust Kingstar Farm                       |           |    |
| Address: Lot 129, 420 Dalswinton road, Dalswinton (DP752441) |           |    |
| Plan: Cover Sheet  |           |    |
| Drawn: NHAAS   | Sheet No: | 01 |
| Date: 27/07/2019   |           |    |
| Scale: N/A   |           |    |
| Job No: MFI-5107   |           |    |

Note: Plans to be printed on A3 to be to scale. Do not scale off plans.  
All dimensions to be checked and verified on site.





**3 Shed Wet area layout**  
1:100



SURVEYOR: TONY MEXON & ASSOCIATES  
DATED: JULY 2019

**TONY MEXON & ASSOCIATES**  
REGISTERED SURVEYORS



#### SEDIMENT TRAPPING DEVICES.

##### SEDIMENT FENCES

###### DESCRIPTION

A sediment fence (also known as a silt fence) is a temporary barrier of geotextile filter or fabric, usually supported by steel mesh and steel posts.

###### DESIGN LIMITATIONS

Sediment Fences have the following design limits:

- The area draining to the fence is 0.6ha or less.
- The maximum slope length behind the fences 60m.

###### PURPOSE

Sediment fences filter runoff, trapping the sediment and allowing filtered water to pass through.

###### INSTALLATION

Sediment fences should have a stable outlet or overflow point, in case the flow rates exceed their capacity to filter the water.

###### MAINTENANCE

After each rain event check for undercutting, sagging and overlapping, and repair immediately. Sediment collected should be removed from site.

**DIAL BEFORE YOU DIG**  
[WWW.1100.COM.AU](http://WWW.1100.COM.AU)

ISSUED FOR DEVELOPMENT /  
CONSTRUCTION CERTIFICATE PURPOSES

- 01 Cover page
- 02 Site Plan & Concept Drainage Layout
- 03 Typical Unit Floor Plan
- 04 North & South Elevations
- 05 West & East Elevations
- 06 Typical Sections
- 07 Enlarged Detail Floor Plans
- 08 Glazing Schedule
- 09 Colour & Material Palette
- 10 Concrete Slab Layout
- 11 Schematic Electrical Layout
- 12 Shed Floor Plan
- 13 Shed Sectional View
- 15 Shed Elevations



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Proposed: Rural Workers Accommodation

Client: Hollymount Trust Kingstar Farm

Address: Lot 129, 420 Daleswinton Road, Daleswinton (DP752441)

Plan: Site Plan & Concept Drainage Layout

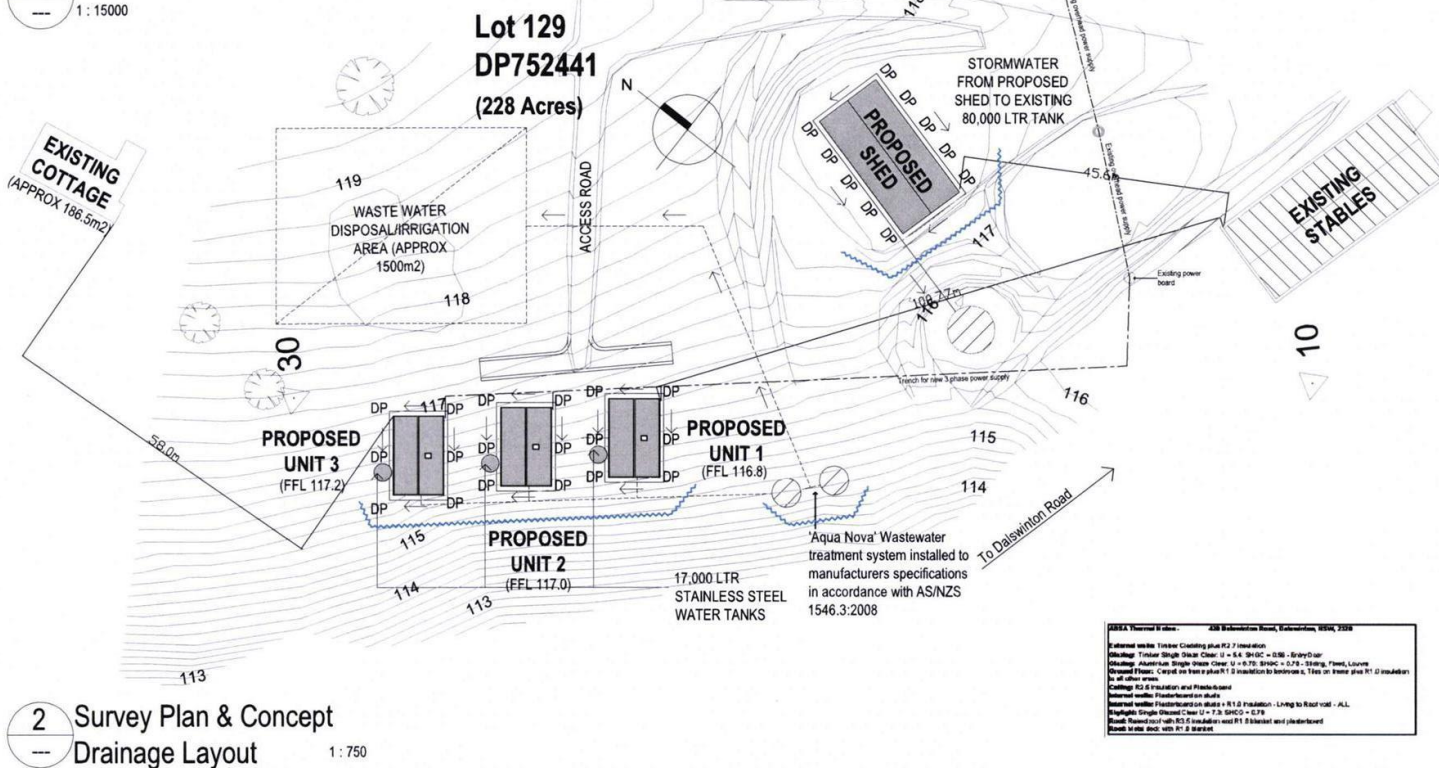
Drawn: N/HC Sheet No:

Date: 27/07/2019

Scale: 1:15000/1:250 @ A3

Job No: MR-510T

Note: Plans to be printed on A3 to be to scale. Do not scale off plans. All dimensions to be checked and verified on site.



ABSA Thermal Values: 420 Daleswinton Road, Daleswinton, NSW, 2208

External window Timber Cladding plus R2.7 insulation

Roofing: Timber Single Gable Clear U = 0.4 SHGC = 0.86 - Grey/Grey

Cladding: Aluminium Single Gable Clear U = 0.75 SHGC = 0.78 - Silver, Flange, Louvre

Ground Floor: Carpet on timber joists R1.5 insulation to basement. Tiles on timber plus R1.5 insulation to all other areas

Cladding: R5.0 insulation and Plasterboard

Internal window: Timber-framed on slats + R1.0 insulation - Living to Roof void - ALL

Roofing: Single Gable Clear U = 0.75 SHGC = 0.78

Roof: Timber joist with R5.0 insulation and R1.5 Plasterboard and plasterboard

Roof: Timber joist with R1.5 insulation



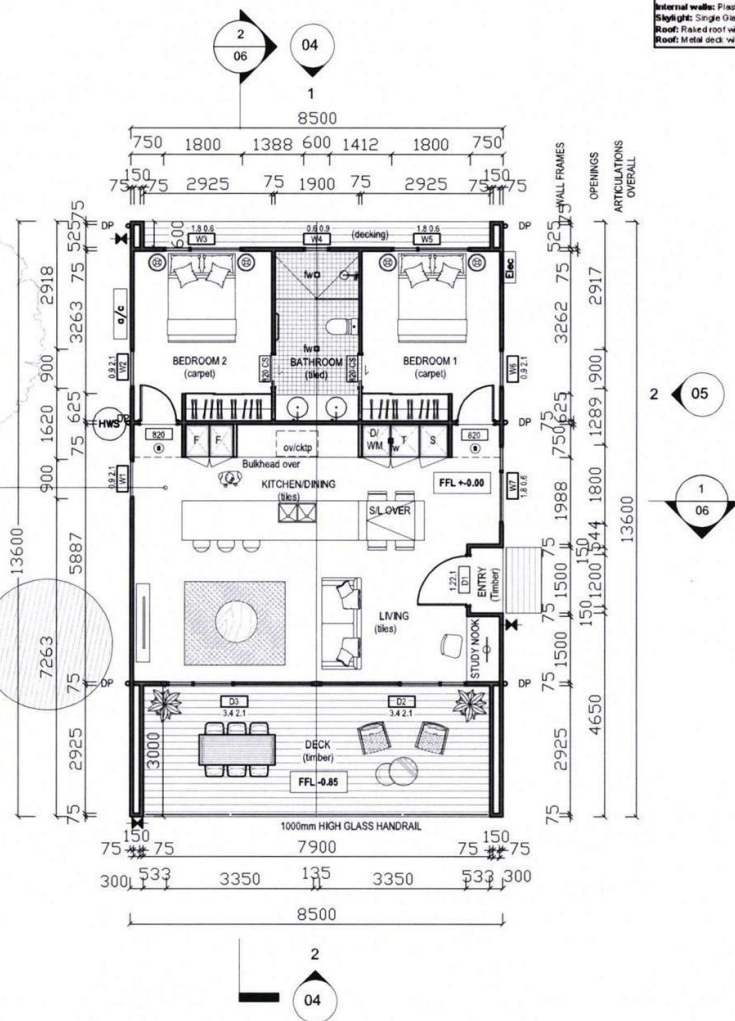
**Legend:**

- Denotes: Electric Hot Water System  
 Denotes: Meter box  
 Denotes: Smoke alarm (hard wired with battery backup).  
 Denotes: Gas bottles  
 Denotes: Water Tap  
 Denotes: Articulated Brick joint (to bushfire code)  
 Denotes: Down Pipe  
 Denotes: Air Conditioning Unit (1 phase - 5 Star)

**Finished Floor Levels**  
 UNIT - 1 = 116.8  
 UNIT - 2 = 117.0  
 UNIT - 3 = 117.2

**1 Unit 1 Ground**  
 --- 1 : 100 (UNITS 1, 2 & 3)

WATER TANK



**ABSA T1** - 420 Dalewinton Road, Dalewinton, NSW, 2328

**External walls:** Timber Cladding plus R2.7 insulation  
**Glazing:** Timber Single Glaze Clear U = 5.4 SHGC = 0.56 - Entry Door  
**Glazing:** Aluminium Single Glaze Clear U = 6.70 SHGC = 0.70 - Sliding, Fixed, Louvre  
**Flooring:** Carpet on frame plus R1.0 insulation to bedrooms, Tiles on frame plus R1.0 insulation to all other areas  
**Ceiling:** R2.5 insulation and Plasterboard  
**Internal walls:** Plasterboard on studs  
**Internal walls:** Plasterboard on studs + R1.0 insulation - Living to Roof void - ALL  
**Skylight:** Single Glaze Clear U = 7.3 SHGC = 0.78  
**Roof:** Rained roof with R3.5 insulation and R1.0 blanket and plasterboard  
**Roof:** Metal deck with R1.0 blanket

| Name                  | Area              | Comments |
|-----------------------|-------------------|----------|
| BATHROOM              | 7 m <sup>2</sup>  | INTERNAL |
| BEDROOM 1             | 11 m <sup>2</sup> | INTERNAL |
| BEDROOM 2             | 11 m <sup>2</sup> | INTERNAL |
| KITCHEN/DINING/LIVING | 48 m <sup>2</sup> | INTERNAL |
|                       | 77 m <sup>2</sup> |          |

Certificate no: 3004174590  
 Assessor Name: Brian Tapscott  
 Accreditation no: 100568  
 Certificate date: 31 August 2019  
 Drawing Address: 420 Dalewinton Road, Dalewinton, NSW 2328  
 www.nuthins.gov.au

4.9 Average star rating  
 NUTTHINS HOUSE  
 www.nuthins.gov.au



ISSUED FOR DEVELOPMENT /  
 CONSTRUCTION CERTIFICATE PURPOSES

- Cover Sheet
- Site Plan & Concept Drainage Layout
- Typical Unit Floor Plan
- North & South Elevations
- West & East Elevations
- Typical Sections
- Enlarged Detail Floor Plans
- Glazing Schedule
- Colour & Material Palette
- Concrete Slab Layout
- Schematic Electrical Layout
- Shed Location Plan
- Shed Floor Plan
- Shed Sectional View
- Shed Elevations



**DRAFTING SERVICES**

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Proposed: Rural workers accommodation.  
 Client: Hollymount Trust Kingstar Farm  
 Address: Lot 129, 420 Dalewinton road, Dalewinton (DP752441)  
 Plan: Typical Unit Floor Plan

|                   |           |
|-------------------|-----------|
| Drawn: NIKAS      | Sheet No: |
| Date: 27/07/2019  |           |
| Scale: 1:100 @ A3 | 03        |
| Job No: MPR-51DT  |           |

Note: Plans to be printed on A3 to be to scale. Do not scale off plans.  
 All dimensions to be checked and verified on site.





Provide concrete pad for water tank. (4.0m x 4.0m)



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|   |  |
|---|--|
| <b>Proposed:</b> Rural workers accommodation. |  |
|---|--|

|   |  |
|---|--|
| <b>Proposed:</b> Rural workers accommodation. |  |
|---|--|

**Client:** Hollymount Trust Kingstar Farm

**Address:** Lot 129, 420 Dalswinton road,

Dalswinton (DP752441)

Plan: North &amp; South Elevations

| North & South Elevations |  |
|--------------------------|--|
|                          |  |

|        |      |           |
|--------|------|-----------|
| Drawn: | NHAS | Sheet No: |
|--------|------|-----------|

Date: 27/07/2019

Scale: 1:150 @ A3 04

|         |         |
|---------|---------|
| Job No: | MR-51DT |
|---------|---------|

Job No.                                                                         

Notes: Please do not print on 8.5 by 11 inch paper. Do not mark off lines.

Note: Plans to be printed on A3 to be to scale. Do not scale off plans.  
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**ALFA Thermal Gables - 488 Baldwins Road, Baldwinsville, NY 13020**

Referenced was Timber Cribbing plus R2.7 insulation.

Site Step: Timber Single Gable Clear: U = 0.5, SHGC = 0.88 - Styrofoam

Site Step: Aluminum Single Gable Clear: U = 0.70, SHGC = 0.70 - Siding, Foam, Fiberglass Insulation

Site Step: Fiberglass Insulation on place R1.2 + 2.5" batts, 2" Styrofoam, 2" Fiberglass Insulation on other side

Canfing R2.7 Insulation and Plywoodboard

Interior walls: Plywoodboard on studs

Interior walls: Plywoodboard on studs + R1.2 Insulation - Using to Roof Wall - AL

Roofing Single Gable Clear U = 0.7, SHGC = 0.70

Roofing Insulation R2.7 Insulation and R1.2 Insulation and plywoodboard

Roof Insulation: 2" Styrofoam





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- 
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|         |         |
|---------|---------|
| Job No: | MR-51DT |
|---------|---------|

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**Building Specifications :**  
All BCA references refer to building Code of Australia (volume 2)

**Excavation / Earthworks**  
To Comply with BCA part 3.1.1

**Termite Protection**  
To Comply with 3.1.3 of BCA and AS3660.1  
Ensure termite protection to all house timber framing to roof and wall.  
Termite Protection to be installed as per manufacturer's specifications and installation procedure.

**Stormwater Drainage**  
To Comply with BCA 3.1.2 and AS3500.3

**Concrete works, Footings & Slab**  
To Comply with BCA part 3.2 and 3.2.5.2  
All concrete works to be done in accordance with structural engineers specifications

**Insulation**  
Building roof & Framed walls to be insulated to BCA part 3.12

**Timber Framing**  
To Comply with BCA part 3.4.3 and AS1684  
Refer to engineers structural specifications (if available)

**Gutter & Downpipes**  
To Comply with BCA part 3.5.2 and AS3500

**Glazing**  
To Comply with BCA part 3.6 & AS1288

**Waterproofing (of wet Areas)**  
To Comply with BCA part 3.8.1 and AS3740

**ABSA Thermal Notes - 420 Dalawinton Road, Dalawinton, NSW, 2328**

**External walls:** Timber Cladding plus R2.7 insulation

**Glazing:** Timber Single Glaze Clear U = 5.4 SHGC = 0.56 - Entry Door

**Glazing:** Aluminium Single Glaze Clear U = 6.70 SHGC = 0.70 - Sliding, Fixed, Louvre

**Ground Floor:** Carpet on frame plus R1.0 insulation to bedrooms, Tiles on frame plus R1.0 insulation to all other areas

**Ceiling:** R2.0 insulation and Plasterboard

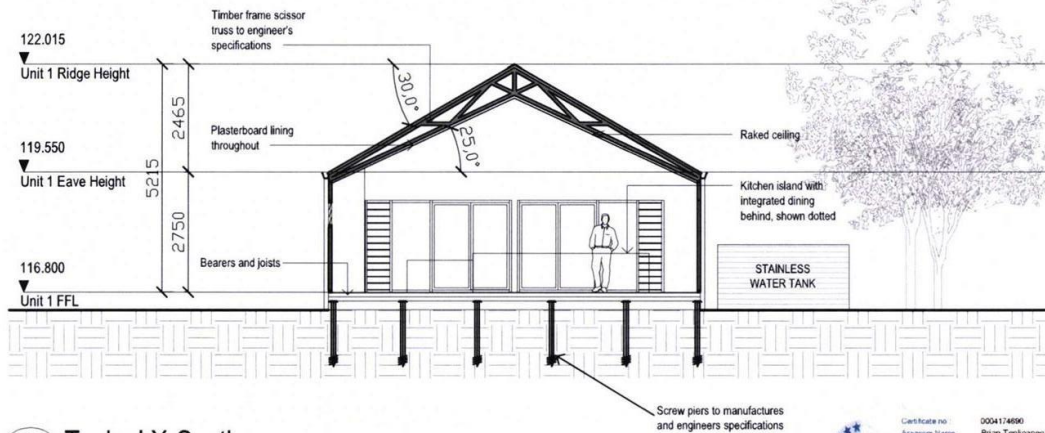
**Internal walls:** Plasterboard on studs

**Internal walls:** Plasterboard on studs + R1.0 insulation - Living to Roof void - ALL

**Skylight:** Single Glazed Clear U = 7.3 SHGC = 0.79

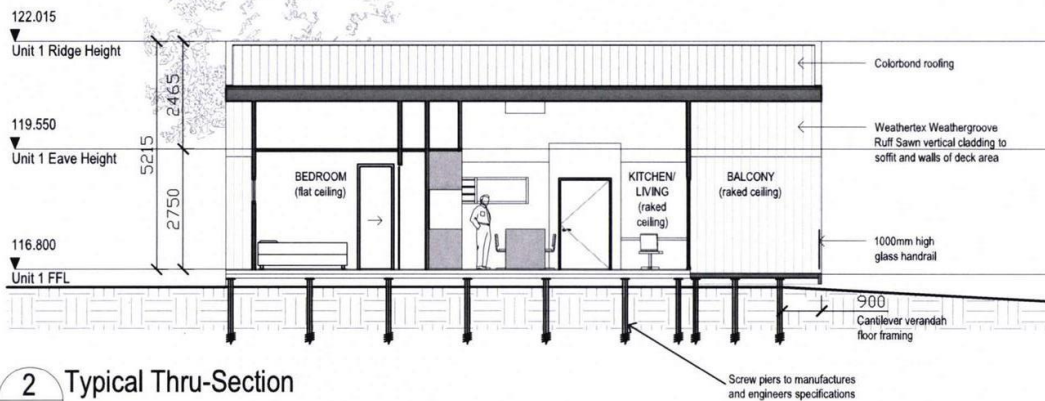
**Roof:** Raked roof with R3.5 insulation and R1.0 blanket and plasterboard

**Roof:** Metal deck with R1.0 blanket



1 Typical X-Section

1 : 100



2 Typical Thru-Section

1 : 100

| WINDOW SCHEDULE |       |        |            |  |
|-----------------|-------|--------|------------|--|
| NUMBER          | WIDTH | HEIGHT | ROUGH AREA |  |
| W1              | 900   | 2100   | 1.9 m²     |  |
| W1              | 900   | 2100   | 1.9 m²     |  |
| W1              | 900   | 2100   | 1.9 m²     |  |
| W2              | 900   | 2100   | 1.9 m²     |  |
| W2              | 900   | 2100   | 1.9 m²     |  |
| W3              | 1800  | 600    | 1.1 m²     |  |
| W3              | 1800  | 600    | 1.1 m²     |  |
| W3              | 1800  | 600    | 1.1 m²     |  |
| W4              | 600   | 900    | 0.5 m²     |  |
| W4              | 600   | 900    | 0.5 m²     |  |
| W5              | 1800  | 600    | 1.1 m²     |  |
| W5              | 1800  | 600    | 1.1 m²     |  |
| W6              | 900   | 2100   | 1.9 m²     |  |
| W6              | 900   | 2100   | 1.9 m²     |  |
| W7              | 1800  | 600    | 1.1 m²     |  |
| W7              | 1800  | 600    | 1.1 m²     |  |
| W7              | 1800  | 600    | 1.1 m²     |  |

Note: BASIX Window type commitment: TBA

| DOOR SCHEDULE |       |        |            |  |
|---------------|-------|--------|------------|--|
| NUMBER        | WIDTH | HEIGHT | ROUGH AREA |  |
| D1            | 1200  | 2100   | 2.5 m²     |  |
| D1            | 1200  | 2100   | 2.5 m²     |  |
| D1            | 1200  | 2100   | 2.5 m²     |  |
| D2            | 3350  | 2100   | 7.0 m²     |  |
| D2            | 3350  | 2100   | 7.0 m²     |  |
| D2            | 3350  | 2100   | 7.0 m²     |  |
| D3            | 3350  | 2100   | 7.0 m²     |  |
| D3            | 3350  | 2100   | 7.0 m²     |  |
| D3            | 3350  | 2100   | 7.0 m²     |  |

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Proposed: Rural workers accommodation.

Client: Holmwood Trust Kingston Farm

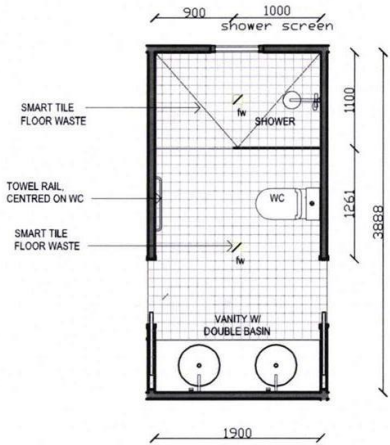
Address: Lot 129, 420 Dalawinton road, Dalawinton (DP752441)

Plan: Typical Sections

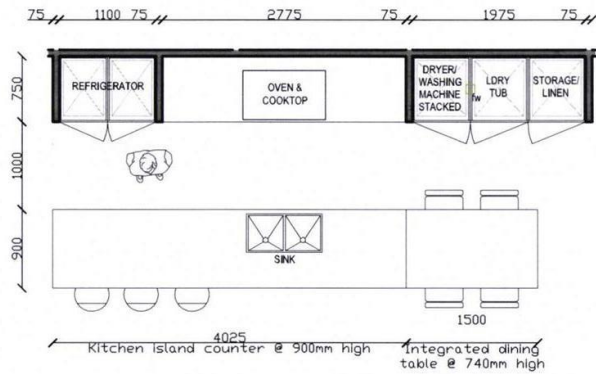
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|---------|------------|-----------|
| Drawn:  | NH/AS      | Sheet No: |
| Date:   | 27/07/2019 |           |
| Scale:  | 1:100 @ A3 | 06        |
| Job No: | MR-S10T    |           |

Note: Plans to be printed on A3 to be to scale. Do not scale off plans. All dimensions to be checked and verified on site.





1 Enlarged Bathroom Plan  
1:50



2 Enlarged Kitchen/Laundry Plan  
1:50

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Proposed: Rural workers accommodation.

Client: Hollymount Trust Kingstar Farm

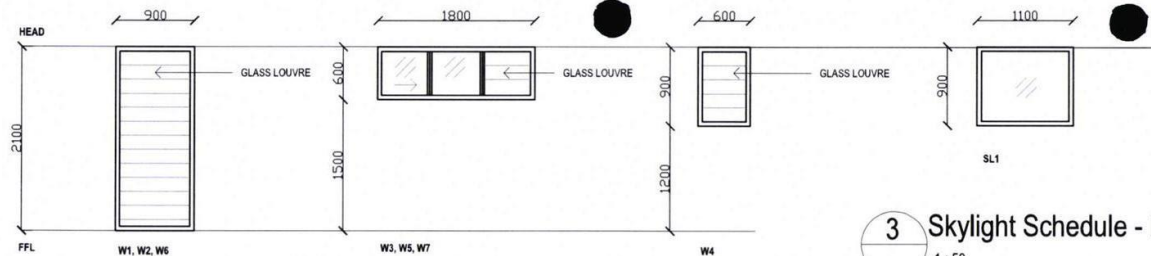
Address: Lot 129, 420 Dalewinton road, Dalewinton (D9752441)

Plan: Enlarged Detail Floor Plans

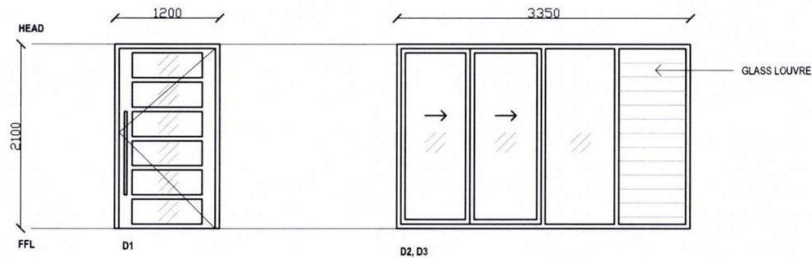
|                  |           |
|------------------|-----------|
| Drawn: NIVAS     | Sheet No: |
| Date: 27/07/2019 |           |
| Scale: 1:50 @ A3 | 07        |
| Job No: MR-51DT  |           |

Note: Plans to be printed on A3 to be to scale. Do not scale off plans.  
All dimensions to be checked and verified on site.





1 Window Schedule - Elevations  
--- 1:50



2 Door Schedule - Elevations  
--- 1:50

3 Skylight Schedule - Plan  
--- 1:50



**ABSAR Thermal Notes - 420 Daleswinton Road, Daleswinton, NSW, 2328**

**External walls:** Timber Cladding plus R2.7 insulation  
**Glazing:** Timber Single Glaze Clear: U = 5.4; SHGC = 0.56 - Entry Door  
 Glazing: Aluminium Single Glaze Clear: U = 6.70; SHGC = 0.70 - Sliding, Fixed, Louvre  
**Ground Floor:** Carpet on frame plus R1.0 insulation to bedrooms, Tiles on frame plus R1.0 insulation to all other areas  
**Ceiling:** R2.5 insulation and Plasterboard  
**Internal walls:** Plasterboard on studs  
**Internal walls:** Plasterboard on studs + R1.0 insulation - Living to Roof void - ALL  
**Skylight:** Single Glazed Clear U = 7.3; SHGC = 0.79  
**Roof:** Raked roof with R3.5 insulation and R1.0 blanket and plasterboard  
**Roof:** Metal deck with R1.0 blanket

| WINDOW SCHEDULE |       |        |                    |
|-----------------|-------|--------|--------------------|
| NUMBER          | WIDTH | HEIGHT | GLAZED AREA        |
| W1              | 900   | 2100   | 1.9 m <sup>2</sup> |
| W1              | 900   | 2100   | 1.9 m <sup>2</sup> |
| W1              | 900   | 2100   | 1.9 m <sup>2</sup> |
| W2              | 900   | 2100   | 1.9 m <sup>2</sup> |
| W2              | 900   | 2100   | 1.9 m <sup>2</sup> |
| W3              | 1800  | 600    | 1.1 m <sup>2</sup> |
| W3              | 1800  | 600    | 1.1 m <sup>2</sup> |
| W3              | 1800  | 600    | 1.1 m <sup>2</sup> |
| W4              | 600   | 900    | 0.5 m <sup>2</sup> |
| W4              | 600   | 900    | 0.5 m <sup>2</sup> |
| W5              | 1800  | 600    | 1.1 m <sup>2</sup> |
| W5              | 1800  | 600    | 1.1 m <sup>2</sup> |
| W5              | 1800  | 600    | 1.1 m <sup>2</sup> |
| W6              | 900   | 2100   | 1.9 m <sup>2</sup> |
| W6              | 900   | 2100   | 1.9 m <sup>2</sup> |
| W7              | 1800  | 600    | 1.1 m <sup>2</sup> |
| W7              | 1800  | 600    | 1.1 m <sup>2</sup> |
| W7              | 1800  | 600    | 1.1 m <sup>2</sup> |

| DOOR SCHEDULE |       |        |                      |
|---------------|-------|--------|----------------------|
| NUMBER        | WIDTH | HEIGHT | GLAZED AREA          |
| D1 Unit 1     | 1200  | 2100   | 1.356 m <sup>2</sup> |
| D2 Unit 2     | 3350  | 2100   | 7.0 m <sup>2</sup>   |
| D3 Unit 3     | 3350  | 2100   | 7.0 m <sup>2</sup>   |
| D1 Unit 1     | 1200  | 2100   | 1.356 m <sup>2</sup> |
| D2 Unit 2     | 3350  | 2100   | 7.0 m <sup>2</sup>   |
| D3 Unit 3     | 3350  | 2100   | 7.0 m <sup>2</sup>   |
| D1 Unit 1     | 1200  | 2100   | 1.356 m <sup>2</sup> |
| D2 Unit 2     | 3350  | 2100   | 7.0 m <sup>2</sup>   |
| D3 Unit 3     | 3350  | 2100   | 7.0 m <sup>2</sup>   |

| SKYLIGHT SCHEDULE |       |        |                    |
|-------------------|-------|--------|--------------------|
| NUMBER            | WIDTH | HEIGHT | GLAZED AREA        |
| SL1               | 900   | 1100   | 1.0 m <sup>2</sup> |
| SL1               | 900   | 1100   | 1.0 m <sup>2</sup> |
| SL1               | 900   | 1100   | 1.0 m <sup>2</sup> |

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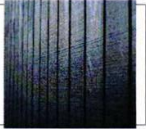


**Proposed:** Rural workers accommodation.  
**Client:** Hollymount Trust Kingstar Farm  
**Address:** Lot 129, 420 Daleswinton road, Daleswinton (DP752441)  
**Plan:** Glazing Schedule

**Drawn:** NIKAS **Sheet No:** 08  
**Date:** 27/07/2019  
**Scale:** 1:50 @ A3  
**Job No:** MR-510T









Note: Plans to be printed on A3 to be to scale. Do not scale off plans.  
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## EXTERNAL COLOUR SELECTIONS

|   |  |
|---|--|
|  | ROOFING  |
|   | 'MONUMENT' MONOCLAD  |
|  | CLADDING   |
|   | 'MONUMENT' 'RUFF SAWN' WEATHERTEX WEATHER GROOVE VERTICAL CLADDING |
|  | FASCIA   |
|   | TBC  |
|  | GUTTER   |
|   | TBC  |

## INTERNAL COLOUR SELECTIONS

|  |                             |   |           |
|--|-----------------------------|---|-----------|
|  | DOORS                       |  | WALLS     |
|  | 'MONUMENT' ALUMINIUM FRAMED |   |           |
|  | WINDOWS                     |  | FLOORS    |
|  | 'MONUMENT' ALUMINIUM FRAMED |   |           |
|  | POSTS                       |  | BENCHTOPS |
|  |                             |   |           |
|  | ARCHITECTURAL DETAILING     |  | CUPBOARDS |
|  |                             |   |           |



Certificate no.: 9094174690  
 Assessor Name: Brian Tapicameo  
 Accreditation no.: 100068  
 Certificate date: 31 August 2019  
 Drawing Address:  
 420 Dalewinton Road  
 Dalewinton, NSW  
 2528



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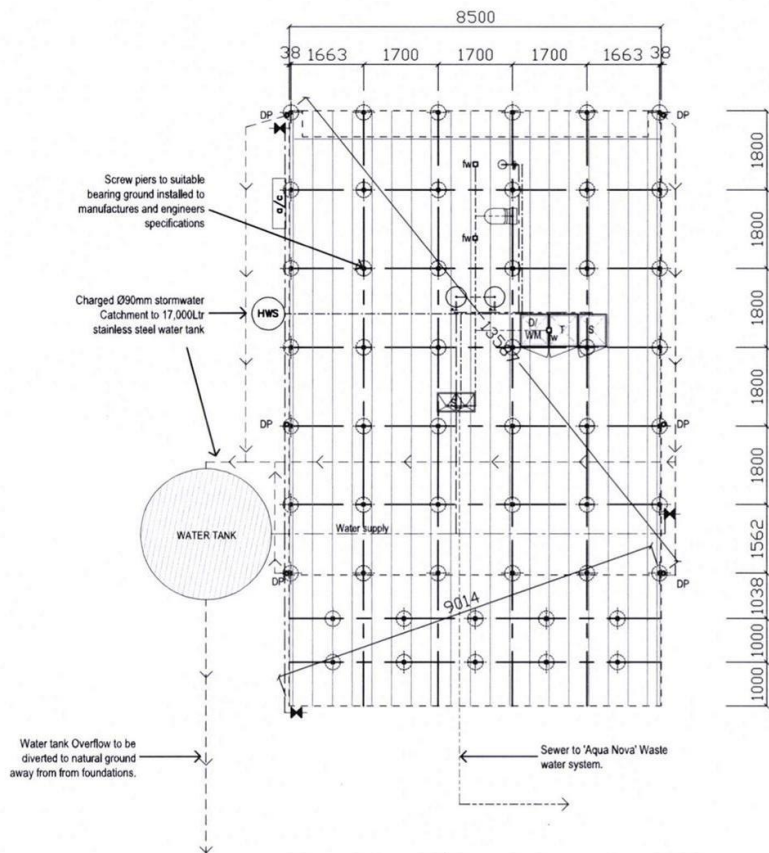
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|  |           |
|--|-----------|
| Proposed: Rural workers accommodation.                       |           |
| Client: Hollymount Trust Kingstair Farm.                     |           |
| Address: Lot 129, 420 Dalewinton road, Dalewinton (DP752441) |           |
| Plan: Colour & Material Palette                              |           |
| Drawn: NIKAS   | Sheet No: |
| Date: 27/07/2019   | 09        |
| Scale:   |           |
| Job No: MR-510T  |           |

Note: Plans to be printed on A3 to be to scale. Do not scale off plans.  
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1 Sub Floor Layout  
10 1:100



LEGEND:

Services and foundation Schematic:

- Roof water catchment
- Water supply (Cold)
- Water supply (Hot)
- Waste water (sewer/septic)
- ⊕ Screw piers to manufactures specifications
- DP ⊕ 90mm Down pipe
- ✕ Rainwater use Tap

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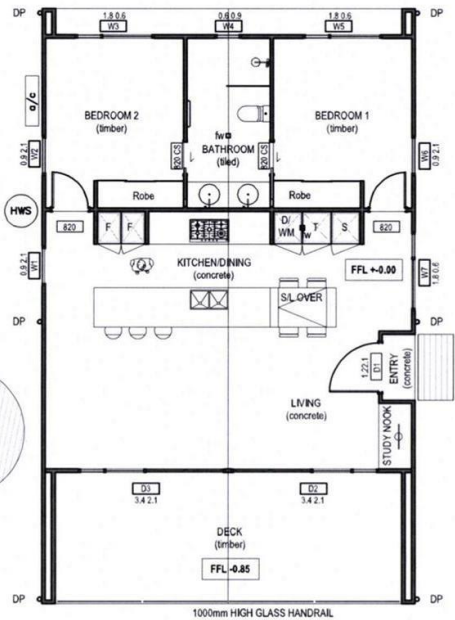
|  |   |
|--|---|
| <b>Proposed:</b> Rural workers accommodation.                          |  |
| <b>Client:</b> Hollymount Trust Kingjar Farm                           |   |
| <b>Address:</b> Lot 129, 420 Dalawinton road,<br>Dalawinton (DP752441) |   |
| <b>Plan:</b> Pier Layout   |   |
| <b>Drawn:</b> NHVS   | <b>Sheet No:</b>  |
| <b>Date:</b> 27/07/2019  | 10  |
| <b>Scale:</b> 1:100  |   |
| <b>Job No:</b> MR-510T   |   |

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1 Electrical Layout  
11 1:100

WATER TANK



LEGEND:

INTERNAL Electrical Items

- DOWN LIGHT
- DUCTED AIR CONDITION OUTLET
- PENDANT LIGHT
- SMOKE DETECTOR
- WALL LIGHT
- STAIR WALL LIGHT
- SINGLE POWER POINT
- DOUBLE POWER POINT
- TV POINT
- DATA LINE
- EXHAUST FAN
- SWITCH
- CEILING FAN
- GAS POINT

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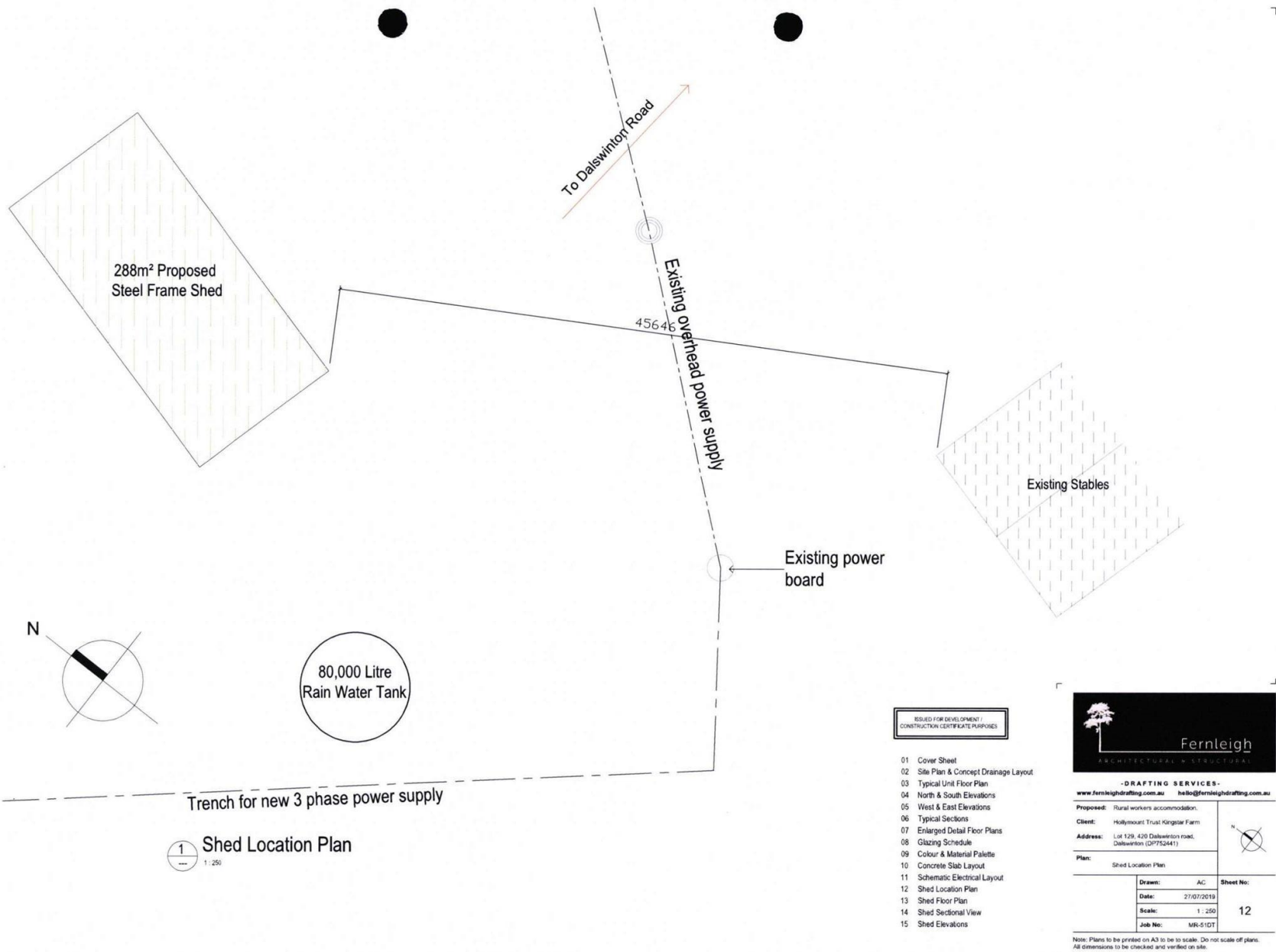
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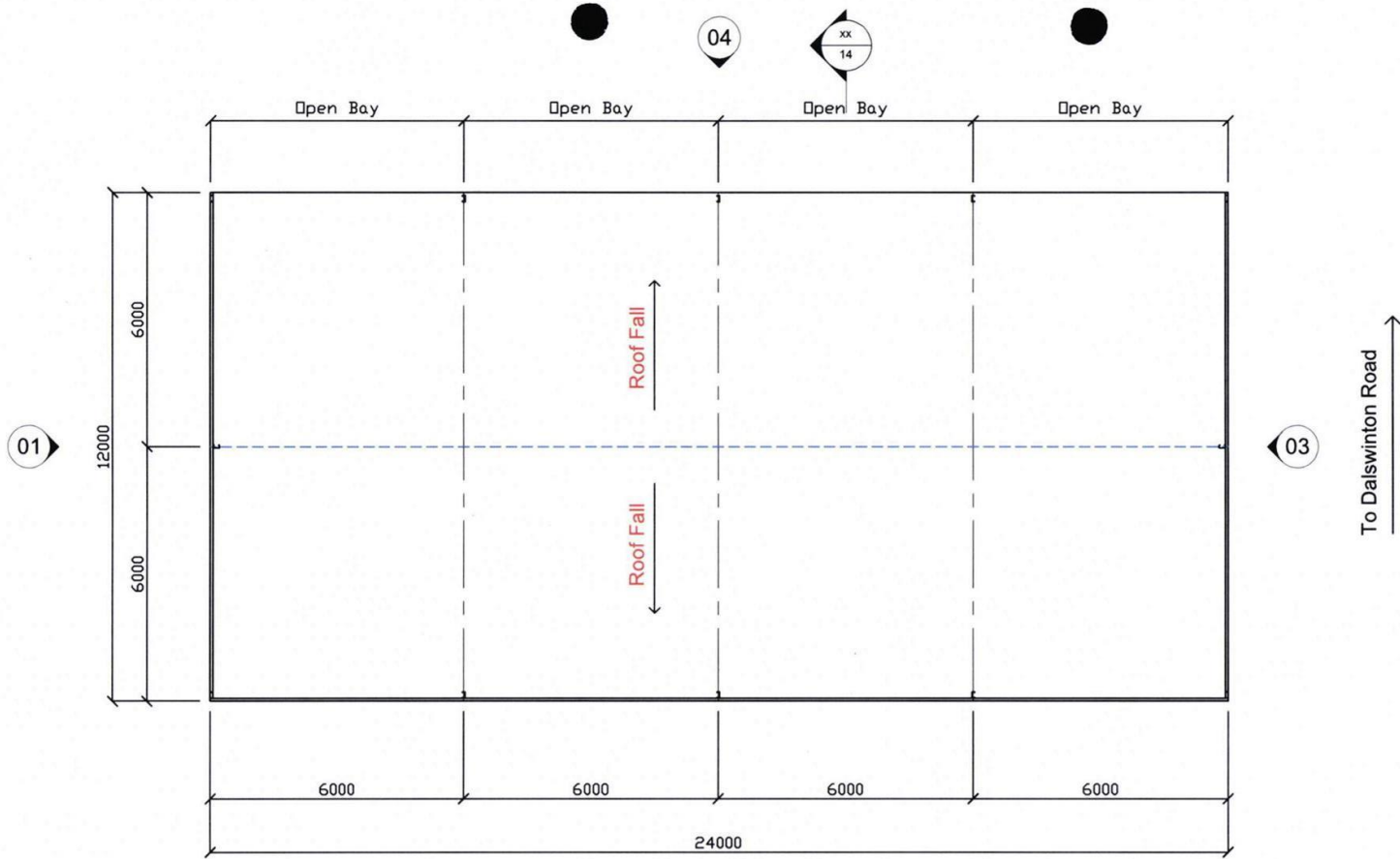
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|--|-----------|--------------------------------|
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| Proposed: Rural workers accommodation.                       |           |                                |
| Client: Hollymount Trust Kingstar Farm                       |           |                                |
| Address: Lot 129, 420 Dalewinton road, Dalewinton (DP752441) |           |                                |
| Plan: Schematic Electrical Layout                            |           |                                |
| Drawn: NIKAS   | Sheet No: | 11                             |
| Date: 27/07/2019   |           |                                |
| Scale: 1:100   |           |                                |
| Job No: M91-5107   |           |                                |

Note: Plans to be printed on A3 to be to scale. Do not scale off plans.  
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**1 Floor Plan**  
1 : 100

ISSUED FOR DEVELOPMENT /  
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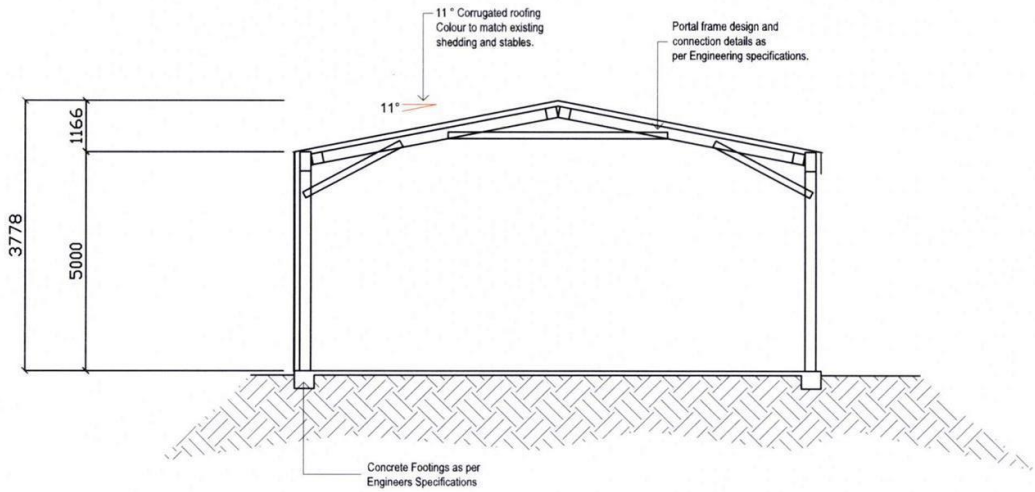
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|--|--|--|
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| Proposed:  | Rural workers accommodation.                           |  |
| Client:  | Hollymount Trust Kingstar Farm                         |  |
| Address:   | Lot 129, 420 Dalswinton road,<br>Dalswinton (D9752441) |  |
| Plan:  | Floor Plan   |  |
| Drawn:   | AC   | Sheet No:  |
| Date:  | 27/07/2019   | 13   |
| Scale:   | 1:100  |  |
| Job No:  | MR-510T  |  |

Note: Plans to be printed on A3 to be to scale. Do not scale off plans.  
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## Sectional View

1 : 100

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- 09 Colour & Material Palette
- 10 Concrete Slab Layout
- 11 Schematic Electrical Layout
- 12 Shed Location Plan
- 13 Shed Floor Plan
- 14 Shed Sectional View
- 15 Shed Elevations

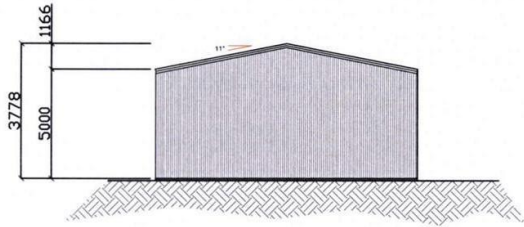


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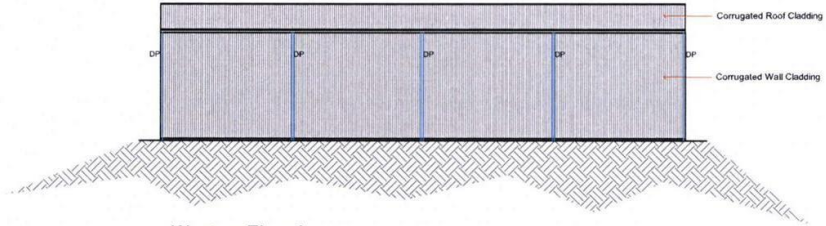
|           |  |           |    |
|-----------|--|-----------|----|
| Proposed: | Rural workers accommodation.                           |           |    |
| Client:   | Hollymount Trust Kingsley Farm                         |           |    |
| Address:  | Lot 129, 420 Dalawinton road,<br>Dalawinton (DP752441) |           |    |
| Plan:     | Sectional View   |           |    |
| Drawn:    | AC   | Sheet No: | 14 |
| Date:     | 27/07/2019   |           |    |
| Scale:    | 1:100  |           |    |
| Job No:   | MR-51DT  |           |    |

Note: Plans to be printed on A3 to be to scale. Do not scale off plans.  
All dimensions to be checked and verified on site.

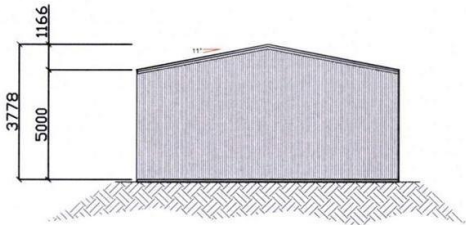




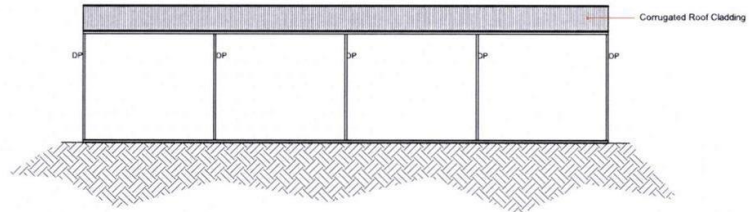
1 Southern Elevation  
1:200



2 Western Elevation  
1:200



3 Northern Elevation  
1:200



4 Eastern Elevation  
1:200

ISSUED FOR DEVELOPMENT /  
CONSTRUCTION CERTIFICATE PURPOSES

- 01 Cover Sheet
- 02 Site Plan & Concept Drainage Layout
- 03 Typical Unit Floor Plan
- 04 North & South Elevations
- 05 West & East Elevations
- 06 Typical Sections
- 07 Enlarged Detail Floor Plans
- 08 Glazing Schedule
- 09 Colour & Material Palette
- 10 Concrete Slab Layout
- 11 Schematic Electrical Layout
- 12 Shed Location Plan
- 13 Shed Floor Plan
- 14 Shed Sectional View
- 15 Shed Elevations



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|------------------------------|--|--------------------------------|
| www.fernleighdrafting.com.au |  | hello@fernleighdrafting.com.au |
| Proposed:                    | Rural workers accommodation.                           |                                |
| Client:                      | Hollymount Trust Kingstar Farm                         |                                |
| Address:                     | Lot 129, 420 Dalewinton road,<br>Dalewinton (DP752441) |                                |
| Plan:                        | Elevations   |                                |
|                              |  |                                |
| Drawn:                       | AC   | Sheet No:                      |
| Date:                        | 27/07/2019   | 15                             |
| Scale:                       | 1:200  |                                |
| Job No:                      | MR-510T  |                                |

Note: Plans to be printed on A3 to be to scale. Do not scale off plans.  
All dimensions to be checked and verified on site.





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ABN: 58 619 357 201  
LICENCE NO: 314764C

## STATEMENT OF ENVIRONMENTAL EFFECTS

**SITE:** Lot 129 DP 752441  
420 Dalswinton Road  
Dalswinton NSW 2328

**APPLICANT:** Adenzie Developments Pty Ltd  
PO Box 146  
Cobbitty NSW 2570

**PROPOSAL:** Three (3) Rural Workers Dwellings, Machinery Shed and On-Site Sewage Management System.

### 1. INTRODUCTION

This Statement of Environmental Effects is submitted to Muswellbrook Shire Council in accordance with the requirements of the Environmental Planning and Assessment Act 1979, in support of a development application for the Proposal of Three (3) Rural Workers Dwellings, Machinery Shed and On-Site Sewage Management System.

The application relates to land known as Lot 129, DP 752441 or 420 Dalswinton Road, Dalswinton. The current use of the site is equine breeding, and the rural enterprise is Kingstar Farm.

Kingstar Farm currently employs eight (8) full time staff and two (2) casual staff, along with additional seasonal staff as required.

Due to the nature of this industry 24/7 animal welfare and management is required, therefore onsite accommodation is needed.

### 2. SITE AND LOCALITY DESCRIPTION

The subject site is 420 Dalswinton Road, Dalswinton.  
The property is formally identified as Lot 129 DP 752441.

The land is zoned RU1 Primary Production under the Muswellbrook LEP 2009 and has an area of 92.26ha. The land is not identified as Bush Fire Land by NSW Planning Portal and is cleared of any significant vegetation.

The Hunter River adjoins the Western boundary but due to the topographical difference from the river to the proposed location of the Rural Workers Dwellings, Machinery Shed and On-Site Sewage Management System no flood planning is required.

The site currently supports a single dwelling, open sided stable and numerous fenced paddocks with associated infrastructure. The current use is equine breeding under the name Kingstar Farm (lot 121 40ha is also under the same ownership and use).





**Figure 1 – Aerial Image of Subject Site (Source: Six Maps, NSW Department of Lands)**



**Figure 2 – Photo taken from approximate location of proposed Rural Workers Dwellings facing North**



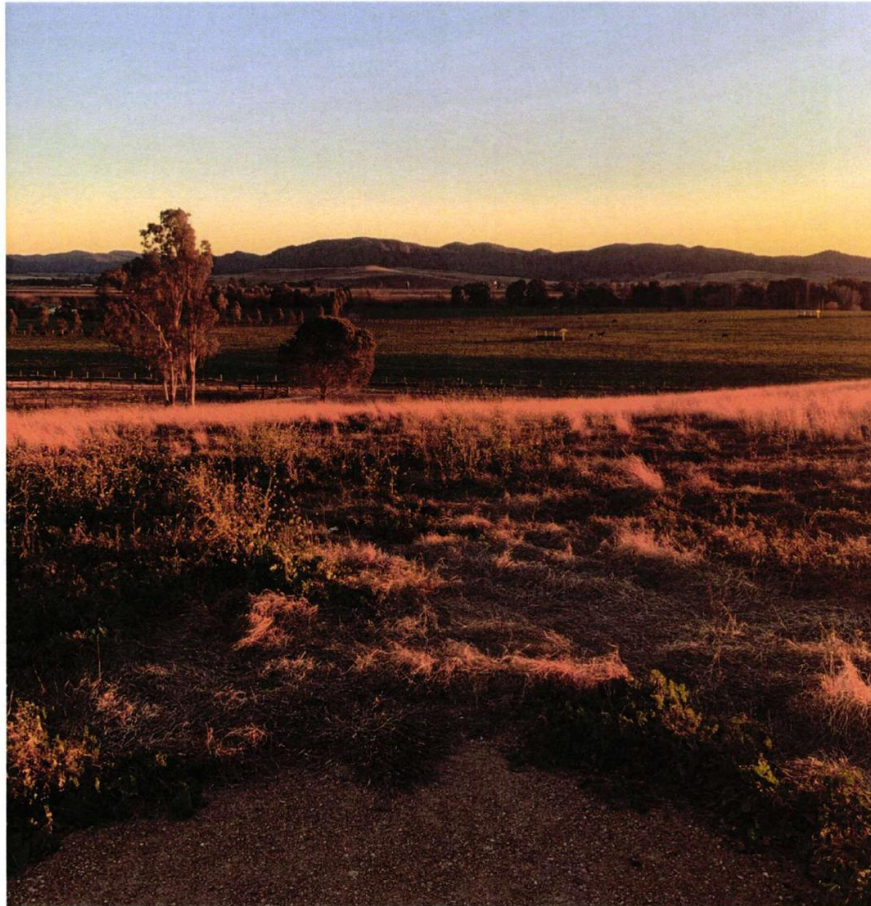


Figure 3 – Photo taken from approximate location of Proposed Rural Workers Dwelling facing South West

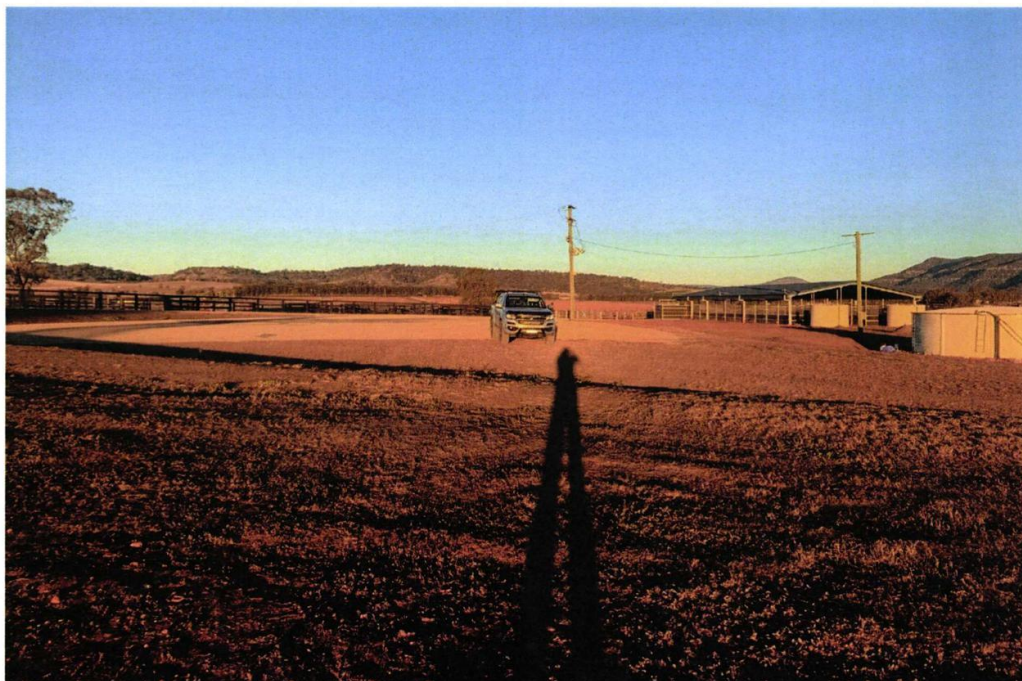
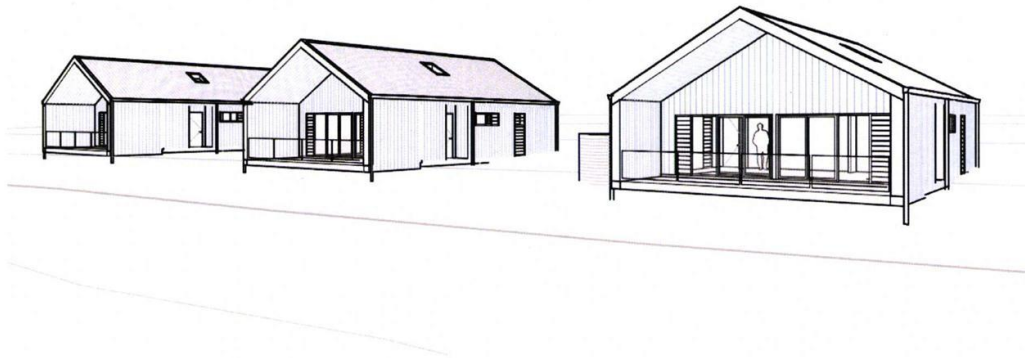


Figure 4 – Photo taken of Proposed Shed Site facing East



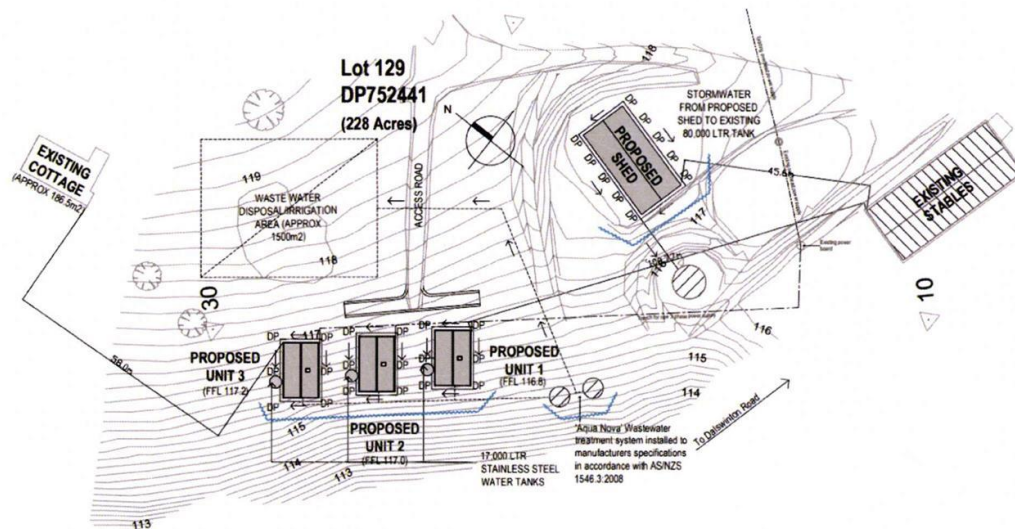
### 3. PROPOSAL



The proposed development is for Three (3) Rural Workers Dwellings, Machinery Shed and On-Site Sewage Management System on RU1 Zoned land which is permissible with consent under Muswellbrook LEP 2009.

Each Proposed Rural Workers Dwellings comprises of Two (2) bedrooms, Bathroom, Living, Kitchen/Dining and Deck Area with total dimensions of 8.5m x 13.6m; Using a steel flooring system which would allow for transportation in the future if ever required.

The Three (3) Proposed Rural Workers Dwellings are located approximately 980m from the Eastern Boundary which adjoins Dalswinton Rd, approximately 58m from the existing dwelling and approximately 210m from the Northern Boundary which is the closest boundary.



### 4. PLANNING CONTROLS

#### State Planning Policy

The proposed development must comply with:

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



The aims of this Policy are as follows—

- (a) To facilitate the orderly economic use and development of lands for primary production,
- (b) To reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources,
- (c) To identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (d) To simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,
- (e) To encourage sustainable agriculture, including sustainable aquaculture,
- (f) To require consideration of the effects of all proposed development in the State on oyster aquaculture,
- (g) To identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.

We have considered the SEPP whilst planning and identified the proposed locations for development as low value productivity therefore will have no adverse effect or conflict to the agricultural use of the land or adjoining lands.

The proposal is compatible with the existing use of the site.

#### **State Environmental Planning Policy No 44 — Koala Habitat Protection**

The subject site is predominately clear of vegetation due to historical agricultural use therefore we believe further consideration of the SEPP is **not** required.

#### **State Environmental Planning Policy No 55 — Remediation of Land**

The subject site is zoned RU1 and has historical agricultural use and no visible signs of contamination therefore we believe further consideration of the SEPP is **not** required

#### **Local Planning Instrument**

##### **Muswellbrook LEP 2009**

The proposed development is for Three (3) Rural Workers Dwellings, Machinery Shed and On-Site Sewage Management System on RU1 Zoned land which is permissible with consent under Muswellbrook LEP 2009.

#### **Permitted with Consent**

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Crematoria; Depots; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Extractive industries; **Farm buildings**; Flood mitigation works; Forestry; Function centres; Group homes; Hazardous industries; Health consulting rooms; Heavy industrial storage establishments; Helipads; Highway service centres; Home-based child care; Home businesses; Home industries; Industrial retail outlets; Information and education facilities; Intensive livestock agriculture; Kiosks; Landscaping material supplies; Open cut mining; Places of public worship; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Research stations; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; **Rural worker's dwellings**; Secondary dwellings; Service



stations; **Sewerage systems**; Signage; Storage premises; Take away food and drink premises; Tourist and visitor accommodation; Transport depots; Truck depots; Turf farming; Veterinary hospitals; Waste disposal facilities; Water supply systems

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

**Farm Building** means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

**Sewerage System** means any of the following:

- (a) Biosolids treatment facility,
- (b) Sewage reticulation system,
- (c) Sewage treatment plant,
- (d) Water recycling facility,
- (e) A building or place that is a combination of any of the things referred to in paragraphs (a)–(d).

**The objectives of the Zone RU1 are as follows:**

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

The proposal satisfies the zone objectives as it supports the carrying out of a rural enterprise by providing residence for persons employed by the rural enterprise.



Due to the ongoing rural enterprise and the location the proposed development the rural landscape character is maintained for the long term.

The proposal complements land uses within this zone and adjoining zones

**Relevant Clauses - Muswellbrook Local Environmental Plan 2009**

|                                |   | COMPLIANCE/COMMENTS   |
|--------------------------------|---|---|
| <b>4.3 Height of Buildings</b> | <ol style="list-style-type: none"> <li>1. The objectives of this clause are as follows:               <ol style="list-style-type: none"> <li>(a) To limit the height of buildings,</li> <li>(b) To promote development that is compatible with the height of surrounding development and conforms to and reflects natural landforms by stepping development on sloping land to follow the natural gradient,</li> <li>(c) To promote the retention and, if appropriate, sharing of existing views,</li> <li>(d) To maintain solar access to new and existing dwellings and public recreation areas and to promote solar access to new buildings,</li> <li>(e) To maintain privacy for residents of existing dwellings and promote privacy for residents of new buildings.</li> </ol> </li> <li>2. The height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'.</li> </ol> | <p>'Height of Building Maps' show the maximum height at the subject site as 12m.</p> <p>All proposed structures are below this maximum height.</p> <p><b>Complies</b></p> |
| <b>4.4 Floor Space Ratio</b>   | <ol style="list-style-type: none"> <li>1. The objectives of this clause are as follows:               <ol style="list-style-type: none"> <li>a) To ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of Muswellbrook,</li> <li>b) To ensure that proposals for new buildings are assessed with due regard to the context of surrounding development,</li> </ol> </li> </ol>  | <p>The Subject site is not affected by Floor Space Ratio by the LEP 'Floor Space Ration Map'</p> <p><b>N/A</b></p>  |



|                                     |   |   |
|-------------------------------------|---|---|
|                                     | <ul style="list-style-type: none"> <li>c) To ensure that the bulk and scale of proposed buildings are compatible with surrounding (or intended future) development,</li> <li>d) To provide sufficient floor space for high quality development for the foreseeable future,</li> <li>e) To regulate density of development and generation of vehicular and pedestrian traffic,</li> <li>f) To ensure the preservation of reasonable amenity on surrounding land.</li> </ul> <p>2. The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the 'Floor Space Ratio Map'.</p>   |   |
| <b>7.1 Terrestrial Biodiversity</b> | <p>1. The objective of this clause is to protect, maintain and improve the diversity of landscapes, including:</p> <ul style="list-style-type: none"> <li>a) Protecting the biological diversity of native fauna and flora, and</li> <li>b) Protecting ecological processes necessary for their continued existence, and encouraging the recovery of threatened species, communities and populations and their habitats.</li> </ul> <p>2. This clause applies to land identified as "Biodiversity" on the 'Terrestrial Biodiversity Map'.</p> <p>3. Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development satisfies the objective of this clause and:</p> | <p>The Subject site is not identified as Biodiversity on the 'Terrestrial Biodiversity Map'</p> <p><b>N/A</b></p> |



|  |   |   |
|--|---|---|
|  | <ul style="list-style-type: none"> <li>a) The development is designed and will be located and managed to avoid any potential adverse environmental impact, or</li> <li>b) If a potential adverse environmental impact cannot be avoided, the development: <ul style="list-style-type: none"> <li>(i) Is designed and located so as to have minimum adverse impact, and</li> <li>(ii) Incorporates effective measures to remedy or mitigate any adverse impact caused.</li> </ul> </li> </ul>  |   |
| <b>7.3 Controls Relating to Rural Worker's Dwellings</b> | <ol style="list-style-type: none"> <li>1. The objectives of this clause are as follows: <ul style="list-style-type: none"> <li>a) To ensure that rural worker's dwellings permitted on land in rural zones are erected only because of a genuine long-term need for the dwellings,</li> <li>b) To ensure that the erection of rural worker's dwellings is relevant to the nature of the land uses occurring on the land.</li> </ul> </li> <li>2. Development consent must not be granted for the purpose of erecting rural worker's dwellings on land in a rural zone unless the consent authority is satisfied of the following: <ul style="list-style-type: none"> <li>a) That the existing or future uses of the land are of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis,</li> <li>b) That the nature of the existing or future uses of the land is such that, if workers would be required to live off-site, there would be a</li> </ul> </li> </ol> | <p>The subject site is a large equine breeding facility and rural enterprise with eight (8) full time staff and two (2) casual staff.</p> <p>Additional seasonal staff are employed as required.</p> <p>Due to the nature of the rural enterprise 24/7 animal welfare and management is required. The proposal meets all objectives.</p> <p><b>Complies</b></p> |



|                       |  |   |
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|                       | <p>significant adverse impact to the relevant agricultural or rural industry,</p> <p>c) That the number of proposed rural worker's dwellings is compatible with the nature and scale of existing or future uses of the land,</p> <p>d) That the proposed dwelling will be located on the same lot as the principal residence and share existing access.</p>  |   |
| <b>7.6 Earthworks</b> | <p>1. The objectives of this clause are as follows:</p> <p>a) To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,</p> <p>b) To allow earthworks of a minor nature without requiring separate development consent.</p> <p>2. Development consent is required for earthworks unless:</p> <p>a) The work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>b) The work is ancillary to other development for which development consent has been given.</p> <p>3. Before granting development consent for earthworks, the consent authority must consider the following matters:</p> <p>a) The likely disruption of, or any detrimental effect on, existing drainage patterns</p> | <p>The proposed development requires minimal earthworks which will not have an adverse effect on the environment or neighbouring properties.</p> <p>Appropriate sediment controls will be adopted during construction.</p> <p><b>Complies</b></p> |



|  |  |  |
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|  | <p>and soil stability in the locality,</p> <p>b) The effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>c) The quality of the fill or of the soil to be excavated, or both,</p> <p>d) The effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>e) The source of any fill material or the destination of any excavated material,</p> <p>f) The likelihood of disturbing relics,</p> <p>g) The proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> |  |
|--|--|--|

**Relevant clauses - Muswellbrook Development Control Plan 2009**

|  |  |   |
|--|--|---|
| <b>Section 25<br/>Storm Water Management</b> | <p>1. The aims of this section of the DCP are to:</p> <p>a) Ensure stormwater is controlled in a way that minimises nuisances and damage to the adjoining properties</p> <p>b) Manage natural drainage lines and water bodies to sustainably protect the health of the receiving waterway.</p> <p>c) Mitigate pollutants from entering waterways.</p> <p>d) Ensure appropriate easements are provided over existing drainage</p> | <p>Stormwater Management addressed in Drainage Plan.</p> <p><b>Complies</b></p> |
|--|--|---|



|   |   |  |
|---|---|--|
|   | <p>systems on private property.</p> <p>e) Assist in the efficient use of water.</p>   |  |
| <p><b>Section 23</b></p> <p><b>Onsite Sewage Management Systems</b></p> <p><b>(AWTS Proposed)</b></p> | <p>1. On-site sewage management systems are not permitted on properties which are less than 1200m<sup>2</sup> in area.</p> <p>2. Disposal areas for dwellings must account for wastewater disposal of a minimum of 5 person equivalent population.</p> <p>3. All developments that will require a new on-site sewage management system that are to be constructed or installed must be the subject of a Wastewater Treatment Application on Council's approved form at the time of application.</p> <p>4. Developments must set aside an area of land with suitable soil and site properties to allow the development to receive the estimated wastewater loading AND a reserve area of equivalent to 50% of the assessed capacity</p> <p>5. The area set aside must not breach the EHP Guideline buffer distance in relation to water bodies, boundaries and buildings</p> <p>6. Disposal methods proposed must not include surface irrigation where the EHP Guideline buffer distance in relation to water bodies, boundaries and buildings is breached.</p> <p>7. A Construction Certificate may not be issued until an adequate effluent disposal area is identified and approved by Council.</p> | <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> <p>Waste Water Disposal Area defined in site plan and Concept Drainage Plan.<br/><b>Complies</b></p> <p>Surface irrigation is proposed and buffer distances are compliant.<br/><b>Complies</b></p> <p>Adequate effluent disposal is identified on the Site Plan and Concept Drainage Plan.<br/><b>Complies</b></p> |
| <p><b>8.1.1 Dwelling Houses on existing parcels of land</b></p>                                       | <p>1. Where land does not comprise an existing parcel of</p>  | <p><b>Complies</b></p>   |



|  |   |   |
|--|---|---|
|  | land, minimum lot sizes under the Muswellbrook Shire LEP apply.   |   |
| <b>8.2.1 Scenic Protection and Building Location</b> | <ol style="list-style-type: none"> <li>1. The roof line of the building must not protrude above natural ridge or tree lines when viewed from public areas and public roads.</li> <li>2. Substantial remnant vegetation is protected from disturbance.</li> <li>3. 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.</li> <li>4. The dwelling house is sited on land identified as being suitable for construction and free from contamination, flooding and bushfire risk</li> <li>5. Privacy and views of neighbouring houses are reasonably retained.</li> </ol> | <p>Buildings are approximately 900m from a public road and do not protrude above tree lines.<br/><b>Complies</b></p> <p>No removal of vegetation is proposed.<br/><b>Complies</b></p> <p>Machinery shed is located in front of the main dwelling due to topographical restraints and location of existing infrastructure. We request a variation to the DCP to allow the proposed location as it is approximately 910m from Dalswinton Road and this location will not have an adverse effect on the streetscape or the adjoining properties.<br/><b>Non-Compliant Variation Requested.</b></p> <p><b>Complies</b></p> <p>Proposed location is central to the large subject site therefore no adverse effect to adjoining properties.<br/><b>Complies</b></p> |
| <b>8.2.2 Setbacks</b>                                | <ol style="list-style-type: none"> <li>1. Buildings are setback a minimum of 50m from any public road</li> <li>2. Buildings are not located within 10m of any property boundary.</li> <li>3. A suitable buffer area is established in the vicinity of agricultural operations that may occur on adjoining land.</li> </ol>  | <p><b>Complies</b></p> <p><b>Complies</b></p> <p>Distance to closest boundary is approximately 210m from proposed development area.<br/><b>Complies</b></p>   |



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| <p><b>8.2.3</b><br/><b>Colours and materials</b></p> | <ol style="list-style-type: none"> <li>1. 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</li> <li>2. Use factory pre-coloured materials with low reflective properties.</li> <li>3. Avoid extensive use of highly reflective glass, highly reflective metal cladding (such as Zinalume and white Colorbond) and plastics on the exterior of buildings, unless it can be demonstrated that this appropriate to the particular circumstances that exist on the site.</li> </ol>  | <p><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p>  |
| <p><b>8.2.4 Car parking and Access</b></p>           | <ol style="list-style-type: none"> <li>1. 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.</li> <li>2. 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 &amp; AUS-PEC requirements relative to the projected traffic flows.</li> <li>3. Entry gateways are set back sufficiently from the front boundary to allow vehicles to pull up off the public road carriageway</li> </ol> | <p>Proposed development utilises the existing 2WD Vehicle access.<br/><b>Complies</b></p> <p><b>Complies</b></p> <p><b>Complies</b></p> |
| <p><b>8.3.1 Topography</b></p>                       | <ol style="list-style-type: none"> <li>1. The completion of a site evaluation during the assessment of development applications to ensure consistency with surrounding areas and existing topography</li> </ol>  | <p><b>Council</b></p>   |



|   |  |  |
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|   | <p>2. 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>3. The consideration of landform relevant issues (such as existing water drainage relevant to the site), during the assessment of proposed developments.</p> | <p>Materials and Colours selected are visually pleasing and will not have an adverse effect on the Scenic qualities of the area.<br/><b>Complies</b></p> <p>Minimal earthworks are proposed.<br/><b>Complies</b></p> |
| <b>8.3.2 Vegetation</b>   | N/A  | No vegetation removal proposed.<br><b>N/A</b>  |
| <b>8.3.3 Riparian buffers</b>                                   | N/A  | Proposal is more than 40m away from any waterway.<br><b>N/A</b>  |
| <b>8.3.4 Management of Rivers, Creeks, Streams and Drainage</b> | N/A  | The proposed development will have no effect on the natural flows of any waterway.<br><b>N/A</b>   |
| <b>8.3.5 Services</b>   | <p>1. A suitable area is available for perpetual on-site disposal of wastes in accordance with section 23 of this DCP</p> <p>2. An adequate water supply is provided.</p>  | <p>Area identified on Site Plan and Concept Drainage Plan.<br/><b>Complies</b></p> <p>Adequate water tanks proposed.<br/><b>Complies</b></p>   |

**Matters for Consideration Pursuant to Section 79C(1) of the Environmental Planning and Assessment Act 1979.**

**(a) The Provisions of:**

- I. Any draft planning instrument
- II. Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority
- III. Any development control plan
- IV. Any matters prescribed by the regulations that apply to the land to which the development application relates

There are no known Draft Environmental Planning Instruments that would prevent the subject development from proceeding.

The proposed development is permissible with council consent in the RU1 Zone under the provisions of the Muswellbrook Local Environmental Plan 2009.

The proposed development has been designed to comply with the provisions set out by the Muswellbrook Development Control Plan 2009 and the Muswellbrook Local Environmental Plan 2009.



**(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**

It is considered that the proposed development will not have any adverse impact on the environment.

Sedimentation Control

All disturbed areas will be provided with sedimentation controls in the form of geofabric fencing. Soil erosion control measures can easily be provided in accordance with Council's policy and any additional conditions of consent.

Noise and Vibration

All work will be undertaken during hours specified within the development consent and normal construction hours.

**(c) The suitability of the site for the development**

The subject site is Zoned RU1 and the proposal is fully compatible/compliant with the zones land uses and objectives.

The site is considered suitable for the proposed development and has no major environmental constraints to development.

**(d) Any submissions made in accordance with this Act or the regulations**

The development will be subject to Councils Notification Policy.

**(e) The public interest**

As this proposal can satisfy the objectives of all relevant planning instruments and development control plans, approval of the subject development is considered to be in the public interest.

**5. CONCLUSION**

The development proposal complies with the relevant provisions of the applicable environmental planning instruments, development control plans and the regulations.

This statement has considered the proposal with regard to the existing site constraints and the relevant statutory requirements.

The development proposal is consistent with surrounding developments and council expectations for development of this area and we believe that approval of this application is appropriate under these circumstances.





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## Agricultural Enterprise Analysis



### 1. INTRODUCTION

This document has been developed to outline the scope and viability of the agricultural enterprise 'Kingstar Farm'.

Kingstar Farm has lodged a Development Application for Three (3) Rural Workers Dwellings and a Machinery Shed – DA 77/2019.

Following receipt of council's letter of 23 September 2019 requesting further information, we submit the following information to support the application.

### 2. BACKGROUND

Kingstar Farm is owned by prominent thoroughbred breeder Matthew Sandblom, a part-owner of the 2016 Golden Slipper Stakes winner 'Capitalist'. The farm is managed by Adam Cook who has extensive experience when it comes to working in and managing stud farms.

Kingstar Farm is currently standing a roster of three stallions: 1) BULL POINT – The superbly bred group winner by Fastnet Rock, 2) LORD OF THE SKY – Three time Group Three winner, placed twice at Group One level, one of the country's fastest horses and 3) SALADE – The Group Two winning son of Snitzel.

Along with Kingstar Farm, Matthew Sandblom is also part owner of Newgate Farm at Aberdeen and Holymount Stud at Kiama.

The Kingstar Farm site comprising of 420 & 463 Dalswinton Road, Dalswinton has had significant investment injected since Matthew Sandblom acquired REDMAN PARK (463 Dalswinton Road) in 2015 and BILLABOA (420 Dalswinton Road) in 2017.



### 3. EXSISTING OPERATIONS AT DALSWINTON ROAD, DALSWINTON

The existing use is equine breeding, the property supports approximately 150 Broodmares, 3 Stallions detailed above and the young stock produced by the breeding programme which can increase the equine numbers to approximately 230+

The current group of broodmare's support the stallions at both Kingstar Farm and Newgate Farm, along with many more from other breeders from all across Australia.

Mares are covered within the breeding barn at 463 Dalswinton Road. These covers are conducted across the following allocated times within breeding season, 5:30am, 11am, 4pm, 9pm and Midnight. A minimum of 4 staff must be in the breeding barn whilst a stallion is covering a mare.

Mares currently foal down at Amarina Farm on Dalswinton Road due to insufficient facilities at Kingstar Farm. The proposed Rural Workers Dwellings and Machinery Shed, along with current fencing, irrigation and pasture upgrades are being completed to bring the process onto Kingstar Farm.

Once mares have foaled down the mare and foal is moved to the newly constructed barns/stables which limit the movement and ensures the safety of the mare and foal for a few days, allowing close supervision by staff and provides a safe environment for veterinary assistance. At this stage 24/7 care is required/provided and staff utilise a rotating roster to ensure this care is second to none.

Mares and foals are then moved through stages of larger yards then paddocks and finally the foals are weaned off their mothers, this process takes many movements and care.

The farm currently sells the majority of its stock through weanling, yearling and broodmare sales conducted all across Australia, but have been predominantly active in the major Sydney and Gold Coast sales where the farm has generated exceptional results including the sale of a mare for \$2.3 million.

All stock that goes through the sales must be in perfect order, present well and have a level of education to enable the animal to perform whilst in the sale environment. This preparation is conducted in multiple stages across all areas of the farm and takes many staff hours to achieve.

The farm is also a buyer at many sales across Australia, when new stock is bought and transported back to the farm they need to be quarantined and closely supervised to ensure they have no disease or injury which could affect other stock on the farm.

Operations/duties on the farm are detailed below

- Gardening
- Machinery maintenance
- Irrigation movements
- Preparing paddocks for seeding
- Seeding paddocks
- Internal Road and laneway maintenance
- Daily feeding of stock
- Daily care of stock
- Assisting in breeding barn
- Emergency care due to injury or illness
- Administering medicine
- Educating/handling young stock



- Providing fitness programs for equine
- Providing rehabilitation for equine
- Moving stock to enable resting of paddocks
- Moving stock to enable farrier work to be conducted
- Assisting farrier
- Moving stock to enable vet work to be conducted
- Assisting vet
- Transport of stock to other farms/buyers
- Transport of new stock
- Fencing maintenance
- Stallion nominations (external mares)
- Booking of Kingstar broodmares to stallions
- Preparing drafts for upcoming sales
- Management of feed stock levels
- Purchasing feed and equipment
- Advertising & PR
- Accounts payable and receivable
- Payroll

#### **4. PROPOSED OPERATIONS AT DALSWINTON ROAD, DALSWINTON**

As detailed above, currently all mares foal down at Amarina Farm adjacent to Kingstar Farm. This has been a temporary solution due to the developing nature/growth of Kingstar Farm.

This arrangement costs both farms as Kingstar Farm has to pay for services it could conduct once infrastructure and staff are in place and it also costs Amarina Farm as it limits its ability to service a broader customer base at retail pricing.

Paddocks and yards adjacent to the proposed rural workers dwellings are currently being prepared and developed with fencing, lighting and irrigation to enable the foaling down on Kingstar Farm. The location has been chosen so that staff can be rostered on and provide 24 hour supervision and if assistance is required in an emergency additional staff can be on call and immediately available.

As the farm is developed and systems are refined/developed additional roles will be created to ensure optimum care of all staff and animals under the care of Kingstar Farm

#### **5. EXISTING TEAM MEMBERS (E) AND IMMEDIATE ROLES TO BE FILLED (I)**

- OWNER/ MANAGING DIRECTOR (E)
- GENERAL MANAGER (E)
- ASSISTANT MANAGER (E)
- RACING AND BREEDING BUSSINESS MANAGER (E)
- BROODMARE MANAGER (E)
- YEARLING MANAGER (E)
- VET NURSE (E)
- PERSONAL ASSISTANT TO OWNER (E)
- 5X STUD HANDS (3X E, 2X I)
- 2 X FOALING ASSISTANTS (I)
- NOMINATIONS/SALES (I)
- SECRETARY (E)
- GARDENER (E)
- FARMER (E)



## 6. CONCLUSION

Kingstar farm is a developing, exciting new farm with great potential for further growth and investment within the Upper Hunter Valley.

Kingstar Farm has invested heavily in developing its farms and have supported many local workers and businesses to get to the point it is currently at, and will continue to invest in and support locals as it grows.

To grow, Kingstar Farm requires the proposed structures to accommodate staff as 24 hour care and security is essential to the viability of this enterprise.

Kingstar Farm is not proposing to house every staff member onsite but members critical to the 24hour care, handling and security must be onsite due to the volume of animals in care and that anyone of these may fall ill or injure itself at any time and require immediate assistance. If staff critical to this care were based offsite the response time would be unacceptable and permanent damage could occur and/or life could be lost, this would have significant adverse impact on the agricultural enterprise Kingstar Farm.

Additionally during breeding season staff members are required to assist in the breeding barn at 5:30am, 11am, 4pm, 9pm and Midnight to travel to and from site to meet these times is not safe or practical and would also have a significant adverse impact on the agricultural enterprise Kingstar Farm.

While preparing this document we researched available rental properties within a 30 minute drive to Kingstar Farm (even though a 30 minute drive in an emergency would not be acceptable) and found on [www.realestate.com.au](http://www.realestate.com.au) no properties are currently available and on [www.domain.com.au](http://www.domain.com.au) we found 2 properties available but size and location were not suitable.

We believe we have fulfilled the request for further information and request that council determines the application favourably to enable Kingstar Farm to continue growing and investing in this region.



**6.5 OUTSTANDING DEVELOPMENT APPLICATIONS**

|                                 |   |
|---------------------------------|---|
| <b>Attachments:</b>             | <b>A. Outstanding Development Applications 14 November 2019</b>   |
| <b>Responsible Officer:</b>     | <b>Sharon Pope - Assistant Director - Environment &amp; Community Services</b>  |
| <b>Author:</b>                  | <b>Michelle Reichert - Administration Officer</b>   |
| <b>Community Plan Issue:</b>    | <b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>                                 |
| <b>Community Plan Goal:</b>     | <b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>                            |
| <b>Community Plan Strategy:</b> | <b><i>Facilitate the inspection of all development sites subject to Development Application / Construction Certificate in accordance with statutory requirements.</i></b> |

**PURPOSE****OFFICER'S RECOMMENDATION**

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

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

**STATUTORY IMPLICATIONS**

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

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

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

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



## Development Assessment Committee - Outstanding DAs as at 14/11/2019

| <u>Account</u>        |   | <u>Property</u>  | <u>Applicant</u>                         | <u>Value</u> | <u>Received</u> | <u>Days</u> | <u>Current Status</u>   |
|-----------------------|---|--|--|--------------|-----------------|-------------|-------------------------|
| 005.2019.00000100.001 | Ancillary Development - Carport and Shed  | 17 Ruth White AVE MUSWELLBROOK<br>LOT: 17 DP: 229323           | Ms K A Cameron                           | \$22,619     | 14/11/2019      |             | DA Acknowledgement      |
| 005.2019.00000099.001 | Secondary Dwelling Appurtenant to Principle Dwelling  | 159 Martindale RD DENMAN<br>LOT: 22 DP: 739528                 | Miss P G Wilks                           | \$210,000    | 8/11/2019       | 6           | Notify Adjoining Owners |
| 005.2019.00000098.001 | Ancillary Development - Deck  | 1054 Sandy Creek RD MUSWELLBROOK<br>LOT: 1 DP: 862000          | Ms D E Head                              | \$37,000     | 31/10/2019      | 14          | DA Acknowledgement      |
| 005.2019.00000097.001 | Ancillary Development - Shed  | 35 Dixon CCT MUSWELLBROOK<br>LOT: 1118 DP: 1129000             | Mr B M Miller                            | \$25,642     | 29/10/2019      | 16          | Notify Adjoining Owners |
| 005.2019.00000096.001 | PATIO   | 59 Stockyard PDE MUSWELLBROOK<br>LOT: 511 DP: 1193162          | Tilse Building Hunter Valley Pty Ltd     | \$54,947     | 25/10/2019      | 20          | Notify Adjoining Owners |
| 005.2019.00000095.001 | Ancillary Development - Carport   | 178-180 Queen ST MUSWELLBROOK<br>LOT: 10 DP: 1053235           | Mr D G Rolph                             | \$12,819     | 25/10/2019      | 20          | Notify Adjoining Owners |
| 005.2019.00000094.001 | Dwelling Additions/Alterations  | 133 Hill ST MUSWELLBROOK<br>LOT: 9 DP: 3069                    | Mr P J Hobden                            | \$75,000     | 25/10/2019      | 20          | Notify Adjoining Owners |
| 005.2019.00000093.001 | Change of use to Retail Outlet, Alterations to front of building and Signage                    | 19 Bridge ST MUSWELLBROOK<br>LOT: 60 DP: 847718                | Casson Planning and Development Services | \$20,000     | 24/10/2019      | 21          | Notify Adjoining Owners |
| 005.2019.00000092.001 | Strata Subdivision of one (1) Lot into two (2) Lots   | 98 Osborn AVE MUSWELLBROOK<br>LOT: 123 DP: 1105564 REF: DUPLEX | Mr R A Peasley                           | \$4,000      | 24/10/2019      | 21          | Notify Adjoining Owners |
| 005.2015.00000025.003 | S4.55 (2) Modification - modification of the design and layout of an approved child care centre | 38 Woollybutt WY MUSWELLBROOK<br>LOT: 2 DP: 1090457            | Beaini Projects Pty Ltd                  | \$0          | 17/10/2019      | 28          | Notify Adjoining Owners |



## Development Assessment Committee - Outstanding DAs as at 14/11/2019

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|-----------------------|--|---|--|--------------|-----------------|-------------|--------------------------|
| 005.2019.00000091.001 | Demolition of Existing Identification Sign and Erection of New Identification Sign | 310 Richmond Grove RD SANDY HOLLOW<br>LOT: 124 DP: 833250 | Castlepeake Consulting Pty Ltd           | \$12,000     | 8/10/2019       | 37          | DA Acknowledgement       |
| 005.2019.00000090.001 | Subdivision of One (1) Lot into Twenty (20) Lots                                   | 9 Yarrowa RD DENMAN<br>LOT: 1 DP: 323945                  | Waebron Pty Ltd                          | \$2,828,700  | 30/09/2019      | 45          | Additional Info Required |
| 005.2019.00000089.001 | Storage Shed   | Turner ST DENMAN<br>PRT: 231 DP: 729996 REF: FIELD        | Denman Golf Club                         | \$37,220     | 26/09/2019      | 49          | Advertisement - Proposal |
| 005.2019.00000088.001 | Alterations and Additions to Campbells Corner (local heritage item)                | LOT: 101 DP: 606303 REF: SHOP CEN                         | Collins & Turner                         | \$2,488,519  | 25/09/2019      | 50          | Notify Adjoining Owners  |
| 005.2019.00000087.001 | Replacement Dwelling   | Bureen RD DENMAN<br>LOT: 413 DP: 1251003                  | Casson Planning and Development Services | \$200,000    | 20/09/2019      | 55          | Notify Adjoining Owners  |
| 005.2019.00000086.001 | Industrial Shed  | LOT: 11 ALT: DP: 1119843 REF:                             | Mr H Singh                               | \$164,200    | 19/09/2019      | 56          | Notify Adjoining Owners  |
| 005.2019.00000085.001 | Change of Use from Warehouse to Place of Worship                                   | LOT: 217 DP: 752484                                       | Hope City Church                         | \$12,000     | 19/09/2019      | 56          | Notify Adjoining Owners  |
| 005.2019.00000084.001 | Installation of Telecommunications Facility  | 1054 Sandy Creek RD MUSWELLBROOK<br>LOT: 1 DP: 862000     | Visionstream Pty Ltd                     | \$80,000     | 19/09/2019      | 56          | Notify Adjoining Owners  |
| 005.2019.00000083.001 | Ancillary Development - Shed   | 82 Bell ST DENMAN<br>LOT: 22 DP: 876528                   | Mr G J Barry                             | \$18,430     | 17/09/2019      | 58          | Notify Adjoining Owners  |



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|-----------------------|--|--|--------------------------------------|--------------|-----------------|-------------|--------------------------|
| 005.2019.00000082.001 | Hay Shed   | 284 Bureen RD DENMAN<br>LOT: 53 DP: 753771   | Mr A J Davies                        | \$173,000    | 16/09/2019      | 59          | Notify Adjoining Owners  |
| 005.2019.00000080.001 | Strata Subdivision One<br>(1) Lot into Two (2) Lots  | 4 Dixon CCT MUSWELLBROOK<br>LOT: 1110 DP: 1129000  | Mm Hyndes<br>Bailey & Co             | \$6,000      | 12/09/2019      | 63          | Notify Adjoining Owners  |
| 005.2019.00000079.001 | Rural Workers Dwelling -<br>Caretakers Residence   | 3367 Golden HWY JERRYS PLAINS<br>LOT: 1 DP: 540570   | GJ Gardner<br>Homes Hunter<br>Valley | \$467,285    | 12/09/2019      | 63          | Additional Info Required |
| 005.2019.00000077.001 | Three (3) Rural Workers<br>Dwellings and Machinery<br>Shed   | 420 Dalswinton RD DALSWINTON<br>LOT: 129 ALT: DP: 752441   | Adenzie<br>Developments<br>Pty Ltd   | \$380,000    | 6/09/2019       | 69          | Additional Info Required |
| 005.2019.00000074.001 | Deck with Roof   | 6 Koombahla ST MUSWELLBROOK<br>LOT: 2 SEC: 2 DP: 32583   | Mr E C Collett                       | \$19,965     | 2/09/2019       | 73          | CC Application Received  |
| 005.2018.00000078.002 | S4.55 (2) Modification -<br>alterations to the design<br>of the restaurant and<br>parking area   | 147/151 Bridge ST MUSWELLBROOK<br>LOT: 1 DP: 159620<br>147 Bridge ST MUSWELLBROOK<br>LOT: 1 DP: 161784<br>147 Bridge ST MUSWELLBROOK<br>LOT: 1 DP: 784361<br>153 Bridge ST MUSWELLBROOK<br>LOT: 1 DP: 794803 | Inland Building<br>and Construction  | \$0          | 2/09/2019       | 73          | Notify Adjoining Owners  |
| 005.2019.00000073.001 | Relocation/Demolition of<br>an Existing Dwelling,<br>Construction of a new<br>dwelling,garage,<br>swimming pool, driveway,<br>tennis court and pegolas | Bylong Valley Wy BAERAMI<br>LOT: 31 DP: 755437   | Mrs P Beak                           | \$800,000    | 29/08/2019      | 77          | Notify Adjoining Owners  |



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|-----------------------|--|--|--|--------------|-----------------|-------------|-----------------------------|
| 005.2019.00000072.001 | Subdivision of One (1) Lot into Two (2) Lots               | 43 Paxton ST DENMAN<br>LOT: 104 DP: 1170018  | Mr S D Givney                            | \$10,000     | 21/08/2019      | 85          | Additional Info Required    |
| 005.2019.00000069.001 | Ancillary Development - Carport                            | 26 Queen ST MUSWELLBROOK<br>LOT: 12 DP: 514181   | Mr D B Smith                             | \$18,900     | 16/08/2019      | 90          | Refer to Mine Subsidence Bo |
| 005.2019.00000068.001 | Convert Part of Existing Garage into an Additional Bedroom | 9 Manning ST MUSWELLBROOK<br>LOT: 27 DP: 38140<br>9 Manning ST MUSWELLBROOK<br>LOT: 28 DP: 38140                             | Mr S J Scott                             | \$19,886     | 14/08/2019      | 92          | Notify Adjoining Owners     |
| 005.2019.00000067.001 | Extension to existing Recreational Hall                    | 420 Wybong P O RD MUSWELLBROOK<br>LOT: 100 DP: 1111213 REF: HALL   | Wybong Public Hall                       | \$129,096    | 12/08/2019      | 94          | Notify Adjoining Owners     |
| 005.2019.00000066.001 | Ancillary Development - Carport                            | 7 Calgaroo AVE MUSWELLBROOK<br>LOT: 2032 DP: 263131  | Complete Planning Solutions              | \$6,400      | 8/08/2019       | 98          | Notify Adjoining Owners     |
| 005.2019.00000059.001 | Boundary Adjustment  | 4 Sheppard AVE MUSWELLBROOK<br>LOT: 10 ALT: DP: 1111854 REF:<br>6 Sheppard AVE MUSWELLBROOK<br>LOT: 11 ALT: DP: 1111854 REF: | Mm Hyndes Bailey & Co                    | \$10,000     | 25/07/2019      | 112         | DA Acknowledgement          |
| 005.2019.00000057.001 | Demolition of Existing Shed and Replace with New Shed      | 36 Hunter TCE MUSWELLBROOK<br>LOT: 11 DP: 836622   | Mr D Simpson                             | \$42,985     | 15/07/2019      | 122         | Notify Adjoining Owners     |
| 005.2019.00000054.001 | Subdivision One (1) Lot into Three (3) Lots                | 52 Palace ST DENMAN<br>LOT: 345 DP: 576669   | Casson Planning and Development Services | \$10,000     | 28/06/2019      | 139         | Additional Info Required    |



## Development Assessment Committee - Outstanding DAs as at 14/11/2019

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|-----------------------|--|---|--|--------------|-----------------|-------------|--------------------------|
| 005.2019.00000053.001 | Subdivision of Two (2) Lots into Seventy Five (75) Lots                                  | 9027 New England HWY MUSWELLBROOK<br>LOT: 12 DP: 1162012<br>Day ST MUSWELLBROOK<br>LOT: 8 DP: 1181346 | WZ Capital Holdings Pty Ltd                        | \$4,875,600  | 27/06/2019      | 140         | Notify Adjoining Owners  |
| 005.2019.00000050.001 | Industrial Development - Asphalt Plant   | LOT: 14 ALT: DP: 1119843 REF:   | Newpave Asphalt                                    | \$415,800    | 21/06/2019      | 146         | Notify Adjoining Owners  |
| 005.2019.00000047.001 | Centre-based child care facility and the subdivision of one (1) Lot into two (2)         | 111 Skellatar Stock RTE MUSWELLBROOK<br>LOT: 1 DP: 1070178  | Trustee of the Roman Catholic Church for Diocese o | \$2,895,187  | 18/06/2019      | 149         | Additional Info Required |
| 005.2019.00000044.001 | New Recreational Building Comprising Two Squash Courts and Amenities and a Golf Pro Shop | Bell ST MUSWELLBROOK<br>LOT: 265 DP: 1030447 REF: GOLF  | Muswellbrook Golf Club Ltd                         | \$633,815    | 11/06/2019      | 156         | Notify Adjoining Owners  |



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|-----------------------|--|---|--------------------------|--------------|-----------------|-------------|--------------------------|
| 005.2019.00000041.001 | Subdivision - Nine (9)<br>Lots into Six (6) Lots   | Castlerock RD MUSWELLBROOK<br>LOT: 1 DP: 136249<br>Castlerock RD MUSWELLBROOK<br>LOT: 2 DP: 136249<br>Castlerock RD MUSWELLBROOK<br>LOT: 5 DP: 750926<br>Castlerock RD MUSWELLBROOK<br>LOT: 61 DP: 750926<br>Castlerock RD MUSWELLBROOK<br>LOT: 62 DP: 750926<br>Castlerock RD MUSWELLBROOK<br>LOT: 63 DP: 750926<br>Ellis PH COUNTY BRISBANE<br>LOT: 4 DP: 21335<br>Castlerock RD MUSWELLBROOK<br>LOT: 2 DP: 1102585<br>Castlerock RD MUSWELLBROOK<br>LOT: 1 DP: 1102585 | Mm Hyndes<br>Bailey & Co | \$10,000     | 9/05/2019       | 189         | Notify Adjoining Owners  |
| 005.2019.00000039.001 | Boundary Adjustment  | 211 Kayuga RD MUSWELLBROOK<br>LOT: 51 DP: 811580<br>207 Kayuga RD MUSWELLBROOK<br>LOT: 52 DP: 811580  | Perception<br>Planning   | \$0          | 1/05/2019       | 197         | Notify Adjoining Owners  |
| 005.2019.00000037.001 | Construction of Pipes and<br>Pump Infrastructure to<br>Return Seepage Water<br>from Lake Liddell Dam<br>Wall to Lake Liddell | New England HWY MUSWELLBROOK<br>LOT: 102 DP: 1053098<br>New England HWY MUSWELLBROOK<br>LOT: 14 DP: 1193430   | AGL Macquarie<br>Pty Ltd | \$250,000    | 16/04/2019      | 212         | Advertisement - Proposal |



## Development Assessment Committee - Outstanding DAs as at 14/11/2019

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|-----------------------|--|--|---|--------------|-----------------|-------------|--------------------------|
| 005.2019.00000036.001 | Installation of a 120m Tall Wind Monitoring Mast   | Sandy Creek RD MCCULLYS GAP<br>LOT: 197 DP: 752444<br><br>Sandy Creek RD MCCULLYS GAP<br>LOT: 199 DP: 752444 | Epuron Projects Pty Ltd                 | \$150,000    | 16/04/2019      | 212         | Additional Info Required |
| 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<br>LOT: 2 DP: 6758<br><br>LOT: 100 DP: 1193814                                   | Repinski Pty Ltd                        | \$1,700,000  | 2/04/2019       | 226         | Additional Info Required |
| 005.2019.00000016.001 | Information and Education Facility (Museum)  | Turner ST DENMAN<br>PRT: 231 DP: 729996 REF: FIELD   | Denman & District Heritage Village Inc. | \$265,000    | 15/02/2019      | 272         | Additional Info Required |
| 005.2019.00000013.001 |  | 8911 New England HWY MUSWELLBROOK<br>LOT: 1300 DP: 1164893   | Raj & Jai Construction Pty Ltd          | \$5,142,236  | 14/02/2019      | 273         | Notify Adjoining Owners  |
| 005.2019.00000002.001 | The construction of multi dwelling housing comprising a total of Sixte   | 19 John Howe CCT MUSWELLBROOK<br>LOT: 514 DP: 1089307  | Raj & Jai Construction Pty Ltd          | \$4,414,300  | 14/01/2019      | 304         | Notify Adjoining Owners  |
| 005.2018.00000117.001 | Commercial Alterations and Additions (Expansion of Bottle Shop)  | 36 Sydney ST MUSWELLBROOK<br>LOT: 1 DP: 80963  | Mr N Sakno                              | \$500,000    | 21/12/2018      | 328         | Additional Info Required |
| 005.2015.00000087.002 | S4.55(1A) Modification - Subdivision of One (1) Lot into Nine (9) Lots<br>Modification to carry out the Development in Two (2) Stages  | Merriwa RD SANDY HOLLOW<br>LOT: 31 DP: 1156452   | Mr A P Thrift                           | \$0          | 17/12/2018      | 332         | Notify Adjoining Owners  |



## Development Assessment Committee - Outstanding DAs as at 14/11/2019

| <u>Account</u>        |   | <u>Property</u>  | <u>Applicant</u>              | <u>Value</u> | <u>Received</u> | <u>Days</u> | <u>Current Status</u>    |
|-----------------------|---|--|-------------------------------|--------------|-----------------|-------------|--------------------------|
| 005.2018.00000054.001 | Demolition of a Commercial Building and the Construction of a Two (2) | 142 Bridge ST MUSWELLBROOK<br>LOT: 1 DP: 11221<br>140 Bridge ST MUSWELLBROOK<br>LOT: 2 DP: 11221<br>126 Bridge ST MUSWELLBROOK<br>LOT: 7 DP: 71755 REF: LIBRARY<br>126 Bridge ST MUSWELLBROOK<br>PT: 8 ALT: A SEC: 6 DP: 758740 REF: LIBRARY<br>Bridge ST MUSWELLBROOK<br>Lot: 400 DP:816923<br>Bridge ST MUSWELLBROOK<br>Lot: 562 DP:747012<br>30 Brook ST MUSWELLBROOK<br>LOT: 1 DP: 219503<br>30 Brook ST MUSWELLBROOK<br>LOT: 6 DP: 219503<br>30 Brook ST MUSWELLBROOK<br>LOT: 1 DP: 76058<br>83 Hill ST MUSWELLBROOK<br>LOT: 5 DP: 11221 REF: TERTIARY ED*<br>85 Hill ST MUSWELLBROOK<br>LOT: 4 DP: 11221<br>87 Hill ST MUSWELLBROOK<br>LOT: 3 DP: 11221<br>Bridge ST MUSWELLBROOK<br>PT: 8 ALT: B SEC: 6 DP: 758740 REF: WEIDMAN<br>83 Hill ST MUSWELLBROOK<br>LOT: 5 DP: 11221 REF: CARPARK | Muswellbrook<br>Shire Council | \$3,556,300  | 15/06/2018      | 517         | Additional Info Required |



## Development Assessment Committee - Outstanding DAs as at 14/11/2019

| <u>Account</u>          |   | <u>Property</u>  | <u>Applicant</u>                         | <u>Value</u> | <u>Received</u> | <u>Days</u> | <u>Current Status</u>    |
|-------------------------|---|--|--|--------------|-----------------|-------------|--------------------------|
| 005.2002.00000342.005   | S96(2) Modification - Consolidate Two Consent Documents into One with Modified Conditions Where Applicable      | 8440 New England HWY MUSWELLBROOK<br>LOT: 30 ALT: DP: 815308   | RPS Group                                | \$0          | 28/02/2018      | 624         | Signed Linen Released    |
| 005.2017.00000058.002   | S96 (1A) Modification - Modify Condition 8  | Jerdan ST DENMAN<br>LOT: 1 DP: 151236  | Ms M J Melville                          | \$0          | 19/02/2018      | 633         | Advertisement - Proposal |
| 005.2017.00000060.001   | Change of Use - Building Materials Recycling Depot  | 7 Glen Munro RD MUSWELLBROOK<br>LOT: 5 DP: 1018378   | Mr L McWhirter                           | \$0          | 23/06/2017      | 874         | 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<br>LOT: 1 DP: 221400<br>2449 Denman RD MUSWELLBROOK<br>LOT: 12 DP: 1027580 | Cardno<br>(NSW/ACT) Pty<br>Ltd           | \$0          | 29/05/2017      | 899         | Advertisement - Proposal |
| 005.2016.00000032.001   | Placement of Fill   | 110 Merriwa RD DENMAN<br>LOT: 402 DP: 1175263<br>Merriwa RD DENMAN<br>LOT: 403 DP: 1175263           | Casson Planning and Development Services | \$5,000      | 12/04/2016      | 1311        | Additional Info Required |
| <b>DAs Outstanding:</b> | <b>54</b>   |  |  |              |                 |             |                          |



**7 DATE OF NEXT MEETING**

2 December 2019

**8 CLOSURE**