



**muswellbrook
shire council**

Muswellbrook Shire Council
**DEVELOPMENT ASSESSMENT
COMMITTEE MEETING**

BUSINESS PAPER
6 APRIL 2020



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, 6 APRIL 2020

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

2 April, 2020

Cr Martin Rush (Chair)
Cr Rod Scholes
Cr Brett Woodruff
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 **6 April, 2020** commencing at 4.00pm.

Sharon Pope
ASSISTANT DIRECTOR - ENVIRONMENT & COMMUNITY SERVICES

Order of Business

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**MUSWELLBROOK SHIRE COUNCIL
DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

AGENDA
MONDAY 6 APRIL 2020

1 APOLOGIES AND LEAVE OF ABSENCE

Moved: _____ **Seconded:** _____

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

The Minutes of the Development Assessment Committee held on **9 March 2020**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

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

IN ATTENDANCE: Ms F. Plesman (General Manager), Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development) , Mr P. Brown (Chief Engineer) and Miss M. Meadows (PA to the Mayor).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

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

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

The Minutes of the Development Assessment Committee held on 24 February 2020, 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

Mrs Cameron – Item 6.1 –DA 100/2019 Ancillary Development – Carport and Shed - - 17 Ruth White Avenue, Muswellbrook

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 2019/100 - ANCILLARY DEVELOPMENT - CARPORT AND SHED - 17 RUTH WHITE AVENUE, MUSWELLBROOK

Mrs Cameron advised the meeting that the application was lodged in November and raised concerned about the delay.

Mrs Cameron advised the meeting that she believed the steel clad shed would be the best option for the site. Mrs Cameron also advised the meeting that the option of a brick shed is out of the budget allocated for the shed. Mrs Cameron advised the meeting that the shed is not visible from the street.

Mrs Cameron will discuss with Randbuild possible alternatives to colorbond.

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

The Development Assessment Committee grant development consent to DA 2019/100, involving the construction of a carport and shed at 17 Ruth White Avenue, Lot 17 DP 229323, subject to the recommended conditions of consent contained in Attachment B and the following amendments to

conditions 2 and 6:

(2) Restriction on the use of sheet metal wall cladding

The use of sheet metal wall cladding for the construction of the shed is not approved *for the North Western and South Western Elevations*. Prior to the issue of a Construction Certificate, a revised plan is to be provided which complies with the requirements of condition (6) of this consent and details a satisfactory alternate design for the construction of the shed walls.

(6) Submission of Plans for Shed Wall Design

Prior to the issue of a Construction Certificate, documentary evidence is to be provided to the Certifying Authority demonstrating compliance with the following:

Revised plans are to be submitted to and approved by Council in relation to the shed. These revised plans must detail:

- The use of an acceptable alternative cladding for the external *North Western and South Western Elevation walls*. The alternative cladding shall be timber weatherboard, a high quality plastic composite material that looks like weatherboard or an alternate material acceptable to Council. Sheet metal wall cladding will not be permitted on these elevations.
- The inclusion of a window in the shed wall elevation that addresses Ruth White Avenue.

The revised elements of the design included in these plans are to be reflected in the plans endorsed as part of any Construction Certificate and the development carried out in accordance with the revised design requirements.

6.2 OUTSTANDING DEVELOPMENT APPLICATIONS

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

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

7 DATE OF NEXT MEETING

23 March 2020

8 CLOSURE

The meeting was declared closed at 4:42 pm.

.....
Cr R. Scholes
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 2020/9 PROPOSAL FOR ANCILLARY DEVELOPMENT - GARAGE - 52 PALACE STREET, DENMAN

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 2020-9 Section 4.15 Assessment Report.docx B. DA 2020-9 Recommended Conditions of Consent .docx C. DA 2020-9 Proposed Site Plan.pdf D. DA 2020-9 Proposed Plans

PURPOSE

This report has been prepared to inform the Development Assessment Committee in determining Development Application (DA) 2020/9. This Development Application has been assessed by Council Officers and a copy of the Section 4.15 Assessment Report and recommended conditions of Consent are attached for Council's information. Delegations issued to the General Manager include a limitation on the General Manager determining matters under the Environmental Planning and Assessment Act 1979 as follows:

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

(f) works alongside or adjoining any waterway

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

RECOMMENDATION

The Committee approve Development Application No. 2020/9, involving the construction of a residential garage at Lot 345 DP 576669, 52 Palace Street Denman, subject the conditions in Attachment B.

Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development is relates to 52 Palace Street Denman (Lot 345 DP 576669).

The proposed development involves the construction of a garage. The proposed garage would be orientated toward the Turtle Street road frontage and setback 7.62m from this street in line with the existing dwelling.

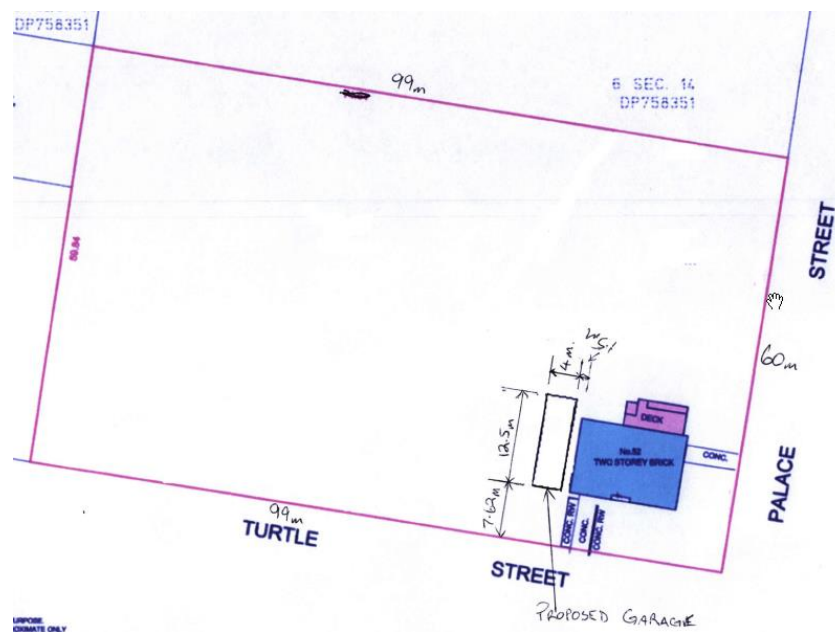
The dimensions of the proposed garage are:

- Width 4m
- Depth 12.5m
- Height 4m to 3.65m (the proposed shed has a mono-pitched roof with the tallest point adjacent the existing dwelling).

The land is zoned R1 General Residential under the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009. The subject site is located within the Denman Residential Heritage Conservation Area.

A waterway intersects the property and parts of the land are identified as flood liable by the Muswellbrook Flood Risk Management Study and Plan, 2018.

The image below identifies the location of the proposed garage at the site.



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 is granted to the proposed garage 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 land subject to this development application is flood liable land. The proposed development is acceptable provided the garage is built in accordance with Muswellbrook DCP 2009 requirements for flood affected land.
- The development is unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.
- A waterway is located on the site. The waterway is a tributary of Sandy Creek and has been piped under Palace Street and underneath residential lots north of the subject site. The waterway is not within an easement. Council would have a legal right to access the waterway to carry out maintenance work as a part of its existing drainage network, the land owner has confirmed that Council have done work on the site related to the management of the waterway in the past. In line with the provisions of the draft DCP provisions currently on exhibition, and previous decisions made by the Development Assessment Committee, a condition of consent has been recommended to require the land owner to register an easement over the waterway in favour of Council prior to the issue of an occupation Certificate.

COMMUNITY CONSULTATION

Surrounding properties were notified of the development proposal between 7 February 2020 and 25 February 2020. 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 unconditionally or subject to amended conditions of consent,
- C. Refuse development consent to the proposed development and nominate reasons for refusal.

LEGAL IMPLICATIONS

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

CONCLUSION

DA 2020/9 has been reported to the Development Assessment Committee as it involves the development of a parcel of land with a waterway. Therefore, the determination of this development application is outside the function delegated to Council Officers by Council. The determination of the development application is within the function delegated to the development assessment committee. Council Officers have completed a Section 4.15 Assessment in relation to the proposed development and recommend that the Development Assessment Committee grant development consent to DA 2020/9, subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	LOT: 345 DP: 576669 52 Palace Street DENMAN			
APPLICATION No:	9/2020			
PROPOSAL:	Single Residential Garage			
PLANS REF:	Drawings no.	Drawn by	Date	Received
	Site layout plan	MM Hyndesa Bailey & Co	22 May 2019	16 January 2020
	Building Plan	Unknown	Not Dated	16 January 2020
	Elevations	Unknown	Not Dated	16 January 2020
OWNER:	Mr C J & Mrs G Garland			
APPLICANT:	Mr C J Garland 52 Palace Street DENMAN NSW 2328			
AUTHOR:	Mr T Bhuiya			
REVIEWED BY:	Mr H McTaggart			
DATE LODGED:	31/01/2020			
AMENDED:	Nil			
ADD. INFO REC'D:	Nil			
DATE OF REPORT:	17 March 2020			

SUMMARY

ISSUES: Heritage Conservation Area, Flood Prone Zone, Open surface drainage

SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

The proposed development is relates to LOT 345 DP 576669. The street address is 52 Palace Street Denman. The land is zoned RU5 Village pursuant under the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.

The subject site is located on the corner of Palace and Turtle Streets and has a total area of 5,933m². The site is located within the Denman Conservation Area. The land is identified as flood liable in the Muswellbrook Flood Risk Management Study and Plan, 2018.

A waterway is located on the subject site. This waterway is a tributary of Sandy Creek and has been piped under Palace Street and underneath residential lots north of the site. This waterway is not piped through this site. Council Officers are not aware of any easement being registered on the property title to the benefit of Council for maintenance of the waterway.

A search of Council's record keeping system identified two applications lodged in relation to the site:

- CDC2020/1 – this complying development certificate application sought approval for the construction of a garage similar to that proposed as part of this application. The application was withdrawn by the applicant. The proposal did not meet the stringent assessment criteria established by the SEPP (Exempt and Complying Development Codes) 2008 for the carrying out of complying development.
- DA 2019/54 – this development application involves the subdivision of the land into three (3) lots. The application is under assessment. Council Officers have identified concerns regarding the flood liability of the site. The applicant has been advised of these concerns and requested to provide a detailed stormwater and flooding report by a qualified hydraulic engineer. The shed proposed under this application would not be located across the boundary line of the lots proposed under DA 2019/54.

An aerial image of the property has been included below.



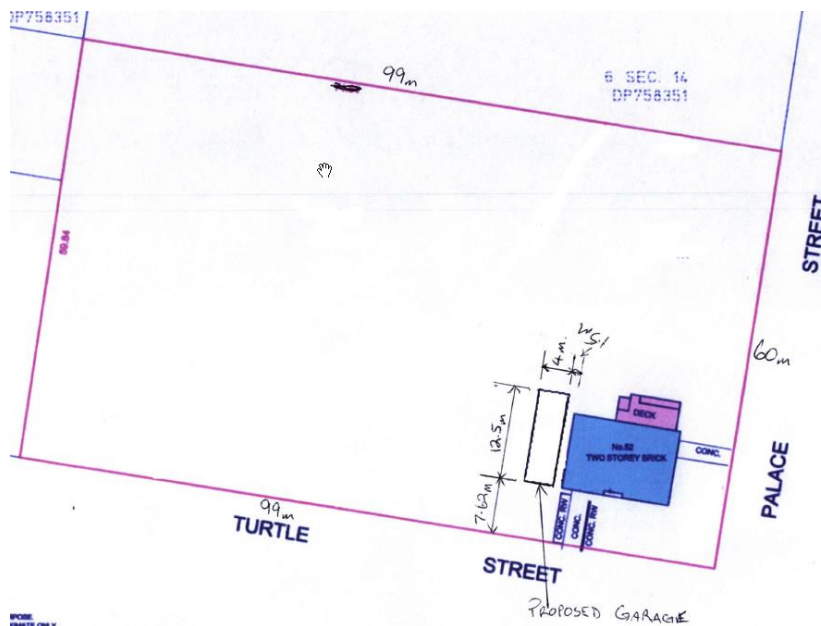
2.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves the construction of a garage. The proposed garage would be orientated toward the sites Turtle Street road frontage and setback 7.62m from this street in line with the existing dwelling.

The dimensions of the proposed garage would be:

- Width 4m
- Depth 12.5m
- Height 4m to 3.65m (the proposed shed would have a mono-pitched roof with the tallest point adjacent the existing dwelling).

The image below is the site plan submitted with the development application which details the location of the proposed garage in relation to existing buildings on the site.



3.0 Internal Referrals

The application was referred to Council's Heritage Advisor, Water and Waste and Community Infrastructure. Comments provided in response to these referrals have been included under the sub-headings below.

Heritage Advisor

The proposed development was referred to Council's Heritage Advisor on 20 February 2020. Council's Heritage raised no objection or concern regarding heritage impacts.

Water and Waste

Council's Water and Waste Officer indicate that the proposed structure would be well clear of Council's sewage infrastructure and the proposed development would be unlikely to have any significant impact on this infrastructure.

Community Infrastructure

The proposed development was referred to Water and Waste for advice on the waterway on-site and to provide any comments related to the impact of the development on the dispersion of flood or stormwater at the site.

Council's Chief Engineer raised no objection to the proposed development and made the following comments regarding the proposal:

"Very small size of shed should not cause the large floodplain area to raise 0.1m or higher. A Flood Assessment is to be provided for the shed located with floodplain area to demonstrate it can withstand flood velocity and depth."

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 RU5 Village 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 RU5 Village 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 RU5 Village Zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To allow more flexibility in the development of the town of Denman and village of Sandy Hollow.
- To allow for future development of residential, commercial or low-impact land use within the town of Denman and village of Sandy Hollow.
- To ensure that non-residential uses do not result in adverse amenity impacts on residential premises.
- To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.

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 RU5 land use table as expressed above and in accordance with the relevant to the land use zone objectives. Complies
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.3 Height of buildings</i>	MLEP 2009 specifies a maximum building height of 8.5m in relation to the land. The maximum height of the proposed developments is approximately 4.0m, which does not exceed the height limitations specified by the clause. Complies
<i>4.4 Floor space ratio</i>	MLEP 2009 specifies a floor space ratio of 0.5:1 in relation to the land. The existing dwelling on the site has an area of approximately 432m ² (this measurement has been taken from Six Maps). The proposed garage will have an area of approximately 50m ² (this measurement has been taken from plans of the application). The

	Lot has an area of 5933m ² . Using these calculations the FSR of the proposed development would be 0.08:1 and would not exceed the maximum FSR. Complies
Part 5 Miscellaneous provisions	
Part 6 Urban release areas	
Part 7 Additional local provisions	
7.1 Terrestrial biodiversity	The subject site is not identified as 'biodiversity' on Council's Biodiversity Mapping. Accordingly, the provisions of this Clause do not require further consideration in relation to the proposed development. NA
7.6 Earthworks	Earthworks involved with the proposed development would be minimal and associated with the establishment of the foundation. The proposed garage is not anticipated to have a detrimental impact on existing drainage patterns, soil stability and amenity of the adjoining properties. Complies

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

Council officers are unaware of any activities that have carried out on the site that may have caused the contamination of the land. The land is used for a residential purpose and 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 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 6 – Residential Development

	Comments
6.1 Built Form	
6.1.1 Context	The built form of the proposed development would be in accordance with the existing characteristics, opportunities and constraints of the site and its context (adjoining land and the locality). Complies
6.1.2 Front Setbacks	The proposed development would be rear to the existing building line and will not change the current existing front setbacks. Complies
6.1.3 Side and Rear Setbacks	The proposed garage would be setback 7.62m from the nearest southern property boundary, 38m from northern side property boundary and 70.0m to rear. This complies with the requirements of the MDCP 2009 which states that a minimum setback of 450mm would be required to ensure the proposed development do not encroach upon adjoining lots. Complies
6.1.4 Building Height and Scale	The proposed garage would be consistent with the height, bulk and scale of existing neighbouring dwellings nearby the subject site. The maximum height of the proposed ancillary development is 4.0m. Thereby the proposal would be in accordance with the

	requirements of this part. Complies
<p>6.1.6 Garages, Carports and Sheds</p> <ol style="list-style-type: none"> 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. Garages and sheds are not located forward of the established building line. Open carports, less than 36m² in roof area and no greater than 6m wide, may be built to the side boundary or no closer than 1m to the street frontage provided they meet the objectives of this clause. 	<ol style="list-style-type: none"> Proposed garage would not be directly visible from front Place Street though would be directly visible from Turtle Street. The proposed garage would be compliment the colour and roof form of the dwelling on that allotment The proposed garage would not be located forward of the existing established building line. The proposed garage would be rear to existing dwelling and facing Turtle Street. NA
6.1.7 Dwelling Entry	The proposed development is at the rear of the existing dwelling, facing Turtle Street. The proposed garage would not alter the dwelling entry. Complies
6.1.9 Reflective Materials	Natural colours (Basalt for both roof and wall), muted and earthy tones are proposed for major areas of the building is to be used for the proposed development. Complies
6.2 Urban Landscape	
6.3 Environmental	
6.4 Site Operation	
6.4.2 Stormwater Management	<p>The proposed development is connected with the council storm water system and the proposed land have fall toward the rear.</p> <p>Condition to be included on the consent requiring stormwater is to be disposed of to the existing stormwater drainage. Compliance to be administered through a condition</p>

Section 24 – Waste Management

A waste minimisation management plan has not been prepared in relation to the proposed development. Accordingly it is recommended that the DCP objectives be achieved through the imposition of a condition for the minimisation and management of waste associated with the development.

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 \$27,548.00. 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

Council Officers have considered potential environmental impacts associated with the proposed development through the assessment of the development application and the impacts are likely to be minimal.

Flooding and Stormwater Management

The proposed development was reviewed by Council's Roads and Drainage Division who raised not objection to the development from a stormwater management or flood impact perspective.

Council's draft Waterways and Drainage Policy, and draft Rivers and Drainage provisions in Muswellbrook DCP 2009, which is currently on exhibition, indicates Council would like an easements over the waterway on this site. A condition requiring the registration of an easement over the waterway is proposed in line with previous decisions of the Development Assessment Committee.

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

In accordance with the Community Participation Plan adjoining owners were notified about the development. No submissions were received during the notification period.

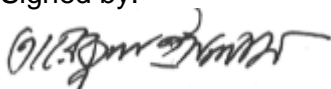
Section 4.15(1)(e) the public interest.

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

5 CONCLUSION

The application has been assessed in accordance with legislation The proposed development is considered to not have any adverse environmental impacts. Accordingly, the proposed development is recommended for approved subject to the recommended conditions of consent.

Signed by:



Taraqual Bhuiya
Graduate Building Surveyor
Date: 17 March 2020

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	-	MM Hyndes Bailey & Co	22 May 2019	16 January 2020
Building Plan	-	Unknown	Not Dated	16 January 2020
Elevations		Unknown	Not Dated	16 January 2020

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

(2) Building Code of Australia

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

(3) Home Building Act

- (1) Building work that means residential building works (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development which the work relates:
 - (a) In the case of work being carried out by a licensed builder :
 - (i) Has been informed in writing of the licensee's name and license number, and;
 - (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
 - (b) In the case of an Owner Builder:
 - (i) Has been informed in writing of the person's name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
 - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.
- (2) A certificate 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*.

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

(4) Construction Certificate Requirement

No works shall commence on-site until such time as a Construction Certificate has been issued for either part or all of the works 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.

(5) Potential Flood Damage to Buildings

An assessment report and certification by a qualified practising 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.

The Muswellbrook Flood Risk Management Strategy and Plan identifies that the 1% flood height at the part of the site to be developed is 105.78m AHD (Australian Height Datum)

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

(6) 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.

(7) Site Sign

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

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

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

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

(8) Damage to Public Infrastructure

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

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

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

(9) 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.

(10) Prohibition on Use of Pavements

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

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

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

(12) Site Waste Minimisation

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

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

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

(13) 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.

(14) Vehicle Access to Garage

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.

(15) Easement over drainage swale

Prior to the issue of an Occupation Certificate an easement is to be registered over the waterway located on the land 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

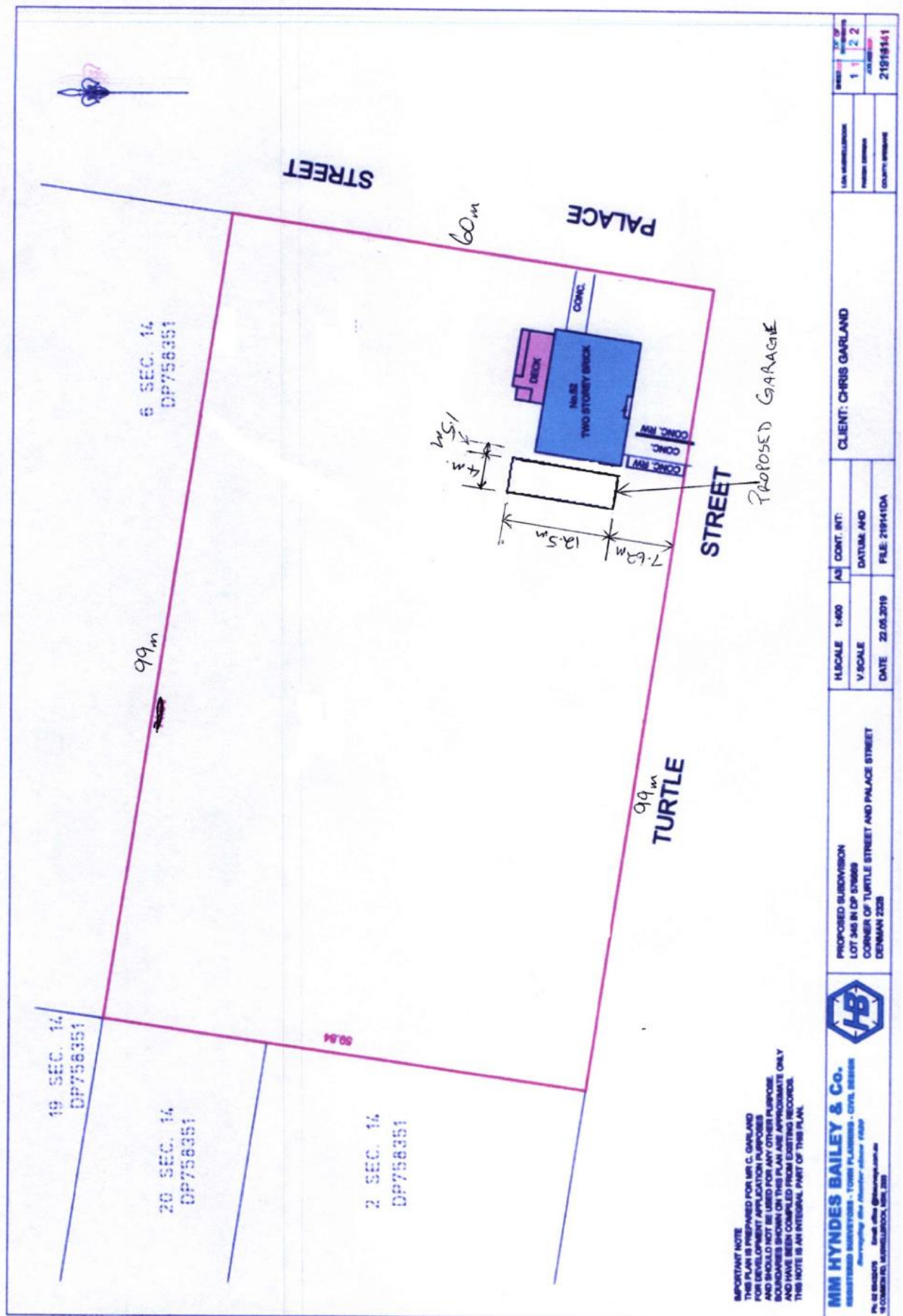
CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(16) Stormwater Disposal

All stormwater from the development, including all hardstandings and overflows from rainwater tanks, is to be collected and disposed of to an appropriately constructed discharge point at a distance of 3m clear of the proposed and any adjoining buildings. The discharge point shall be constructed to avoid erosion of the adjacent ground.

(17) No Commercial Use

The garage 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.



Building Summary - Skillion Roof Shed**Paul Taylor Sheds**

ABN: 20074493520
 Builders License: 219190C
 Postal Address: 37 Hebburn Street
 Hamilton East 2303

Phone: 0427001603
 Fax: 0249408271
 Mobile: 0427001603
 E-Mail: paultaylorsheds@bigpond.com
 Web: Paul Taylor Sheds

Quote #: PTS0624
 Date: 10/12/2019

Client: **Chris Garland**
 Postal Address: 52 Palace St
 Denman NSW 2328

Phone:
 Fax:
 Mobile: 0439426661
 E-Mail:

Site Address: 52 Palace St
 Denman NSW 2328

Wind Rating: N3
 Building Type: Skillion Shed
 Roof Type: Skillion
 Roof Pitch Angle: 5
 Bay size: 3125
 Bays: 4
 Length: 12500mm
 Span: 4000mm
 Low Height: 3650mm
 High Height: 4000mm

	Type
Roof Sheeting	Custom Orb
Roof Screw	M5.5X39CL4ATEKN**BX
Wall Sheeting	Custom Orb
Wall Screw	CL4SDSN**BX
Framing Screw	ST12-14X20CL5

	Type	Quantity	Height	Width
Personnel Door	DG-820w EYZAZ Steel	2	2040	820
Roller Door, opening	Industrial Series B	1	3200	3100
Roller Door, opening	Domestic Series A	1	2100	2450

	Type	Positioning
Roof Purlin	TS6175	Purlins at: 130mm, 1330mm, 2530mm, 3730mm from low side
Wall Girt	TS6175	Girts at: 300mm, 1300mm, 2300mm, 3300mm from slab

	Column	Rafter
Sheeted Frame	C15015	C15015
Unsheeted Frame	C15015	C15015

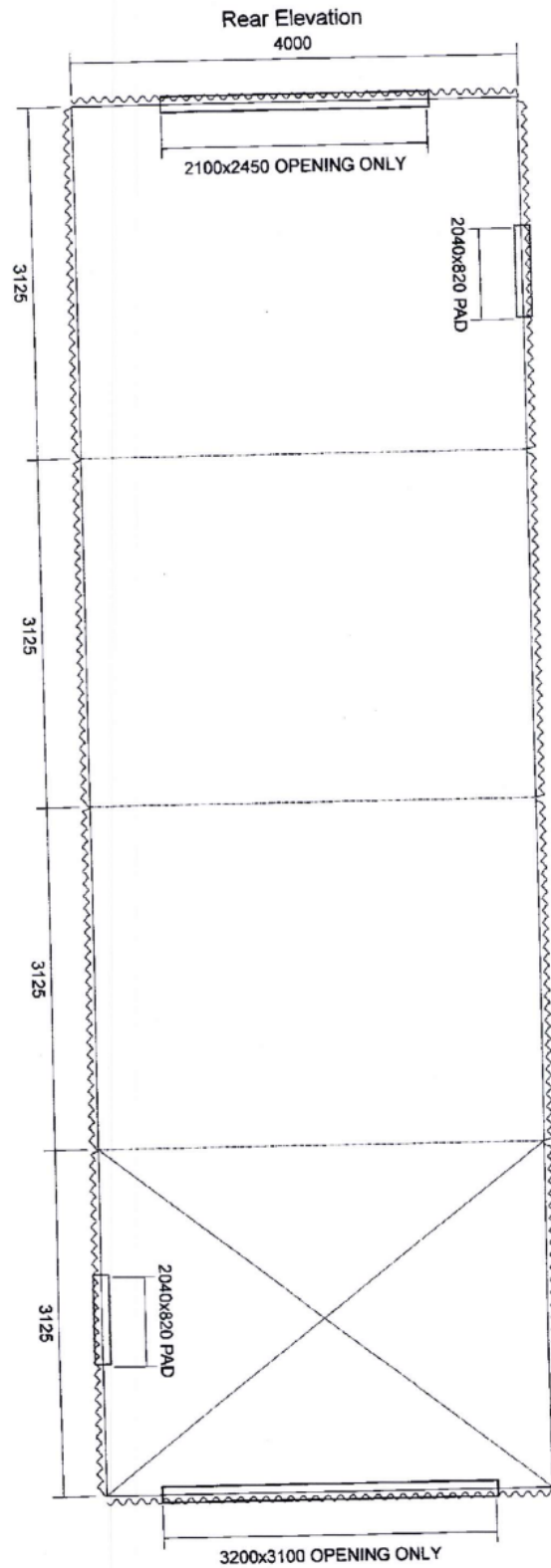
Base Plate: U Bracket 5mm
 Base Plate Anchor: 12x160mm CHEMSET

	Diameter	Depth (including slab)
Minimum shed footing with slab	450mm	600mm
Minimum shed footing without slab	450mm	900mm

This document is produced by ConXSteel software as a summary of values, please verify all specifications against certified engineering prior to construction.
 For certified Skillion Shed engineering information, refer to accompanying skillion shed span table and skillion shed drawing number GAF-SK2 1,2,3

Left Elevation

Right Elevation



Building Plan

Paul Taylor Sheds

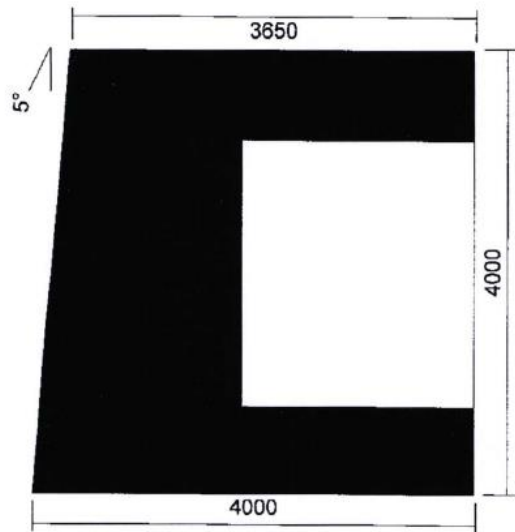
Quote #: PTS0624

Client: Chris Garland

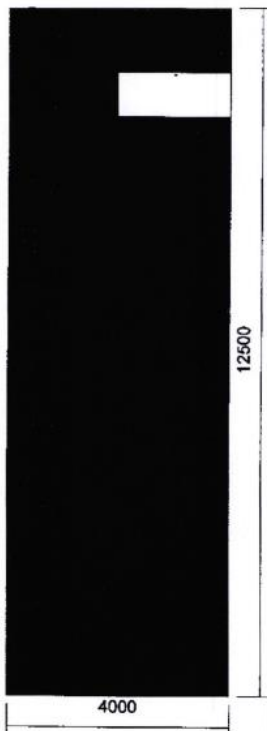
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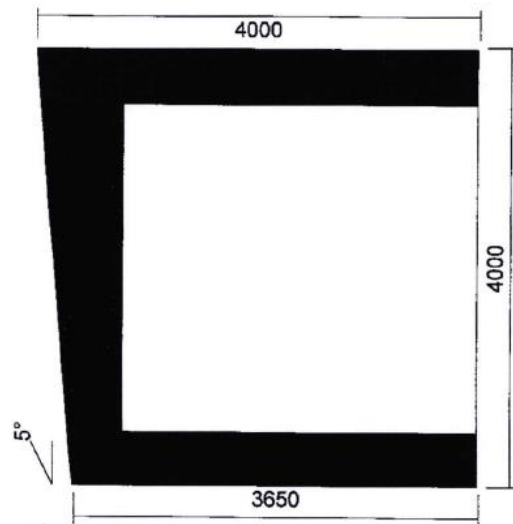
High Side Elevation



Rear Elevation



Low Side Elevation



Front Elevation

Date

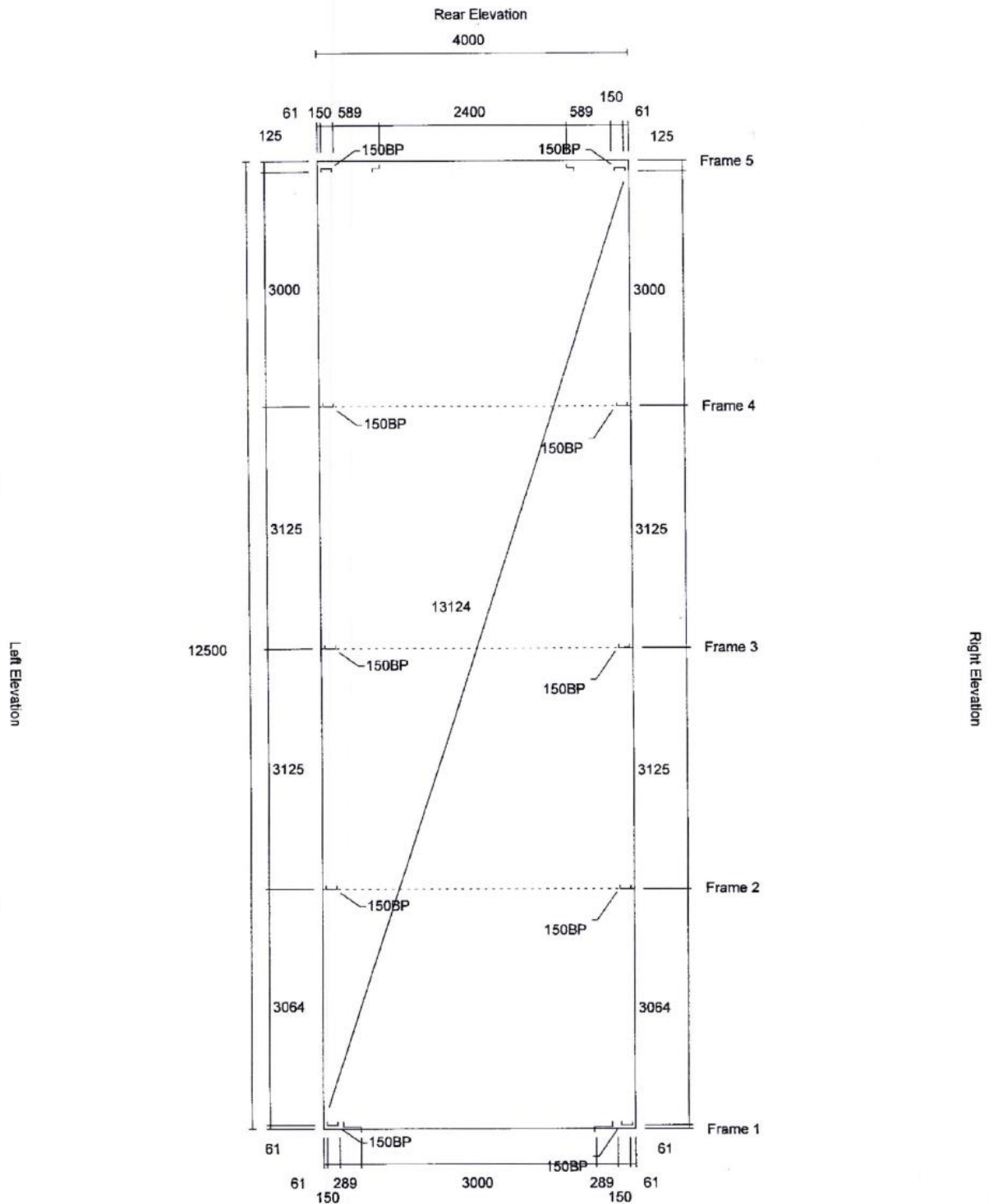
Management Signed

Date

Customer Signed

Elevations	Paul Taylor Sheds	Client: Chris Garland	Building Type: Skillion Shed
	Quote#: PTS0624	Client Address: 52 Palace St, Denman NSW, 2328	

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Baseplate Layout - Skillion Roof Shed

Paul Taylor Sheds

Job #: PTS0624

Client: Chris Garland

Page 1 of 1

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6.2 DA 2020/18 - STEEL SHELTER - 241 MERRIWA ROAD, DENMAN

Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Hamish McTaggart - Co-Ordinator - Development 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 2020/18 Section 4.15 Assessment Report B. DA 2020/18 Recommended Conditions of Consent C. DA 2020/18 Proposed Plans

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PURPOSE

This report has been prepared to inform the Development Assessment Committee in determining Development Application (DA) 2020/18. This Development Application has been assessed by Council Officers and a copy of the Section 4.15 Assessment Report and recommended conditions of Consent are attached.

Delegations issued to the General Manager include a limitation on the General Manager determining development applications in urban areas which are for or in any way related to works alongside or adjoining any waterway.

The land subject to this development application is zoned RU5 Village under the Muswellbrook Local Environmental Plan (LEP) 2009. As the application involves land zoned within the Denman urban area which comprises a waterway the application has been referred to the Development Assessment Committee for determination.

RECOMMENDATION

The Committee approve Development Application No. 2020/18, involving the construction of a steel structure at Lot 1 DP 128061, 241 Merriwa Road Denman, subject the conditions in Attachment B.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development is relates to 241 Merriwa Road, Denman (LOT 1 DP 128061).

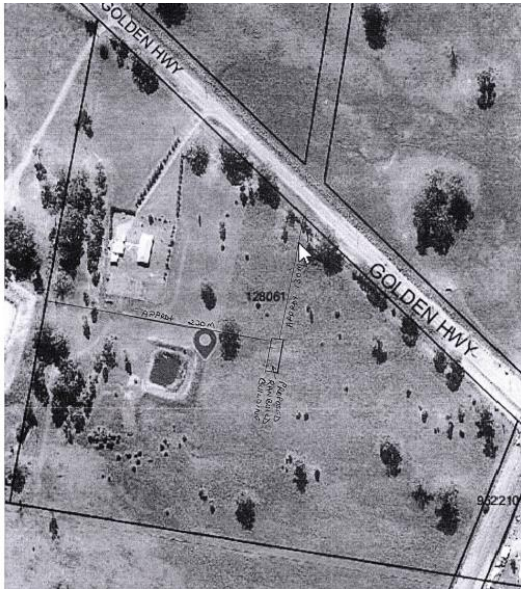
Under Muswellbrook Local Environmental Plan (LEP) 2009 the land is zoned RU5 Village. The subject site has a total area of approximately 14 hectares.

The subject site and adjoining RU5 Village zoned land has not been developed for intensive residential use at this stage. Despite the RU5 zoning, the land is physically separated from the developed part of the Denman Township.

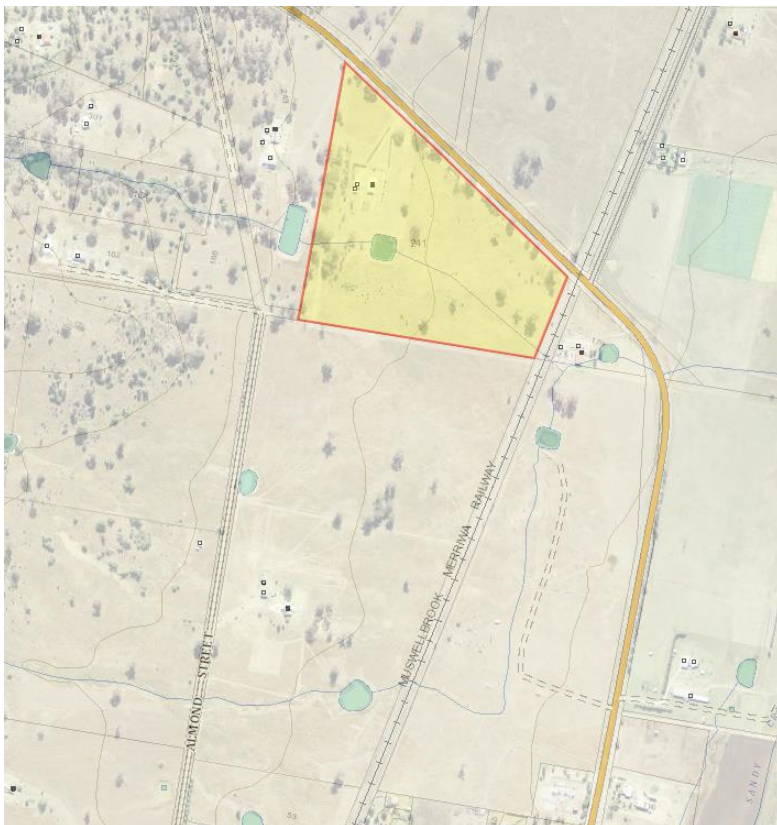
The proposed development involves the construction of an open steel shelter with the following dimensions:

- 7.32m width
- 10.5m depth
- 3.6m height

The proposed shelter would be setback 130m from the sites Merriwa Road Frontage and 220m from the nearest adjoining boundary. The image below identifies the development location in relation to property boundaries.



The image below shows the location of the waterway situated on the site in blue.



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 is granted to the proposed garage 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 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 DCP 2009.
- The part of the site on which building works are proposed is not identified as flood liable.
- The development is unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.
- A waterway is located on the site. The waterway is a tributary of Sandy Creek. As the waterway is located within the RU5 Village land use zone the provisions of Council's draft DCP changes to Section 25 - Storm Water Management, and the draft revised Rivers and Drainage Channels Policy are relevant considerations. There is no easement currently registered over the waterway. Council's draft DCP and Policy provisions require an easement over the waterway in favour of Council prior to the issue of an Occupation Certificate. Council Officers have not recommended the imposition of a condition requiring the registration of an easement. This position has been informed by the fact that the land has rural characteristics despite its RU5 Village zoning and the draft DCP and Policy do not seek to establish easements over rural land. Should the land be developed for a more intensive residential/village use in the future, Council would have an opportunity to impose requirements on the registration of an easement at the time of the lands subdivision or development.

COMMUNITY CONSULTATION

The proposed development did not require notification under the provisions of the Community Participation Plan.

OPTIONS

The Development Assessment Committee may:

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

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 2020/18 has been reported to the Development Assessment Committee as it involves the development of a parcel of urban land which contains a waterway. Therefore, the determination of this development application is outside the function delegated to Council Officers.

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 2020/18, subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	LOT: 1 DP: 128061 241 Merriwa Road DENMAN			
APPLICATION No:	18/2020			
PROPOSAL:	Steel Shelter			
PLANS REF:	Drawings no.	Drawn by	Date	Received
	Site Plan	Unknown	Not Dated	14 February 2020
	Elevations	Ranbuild	Not Dated	14 February 2020
OWNER:	L M Pearce & A Y Sharp			
APPLICANT:	Ms L M Pearce 241 Merriwa Road DENMAN NSW 2328			
AUTHOR:	Mr T Bhuiya			
REVIEWED BY:	Mr H McTaggart			
DATE LODGED:	12/02/2020			
AMENDED:	NA			
ADD. INFO REC'D:	NA			
DATE OF REPORT:	30 March 2020			

SUMMARY

ISSUES: Flood Prone land, Bushfire, Mine Subsidence

SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

The proposed development relates to LOT 1 DP 128061. The street address is 241 Merriwa Road Denman. The land is zoned RU5 Village under the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.

The subject site has been developed with a dwelling and associated structure. A search of Council's records identified the following development consent in relation to the site:

DA 1998/157 – New Dwelling

DA 1998/107 – Steel Frame Shed

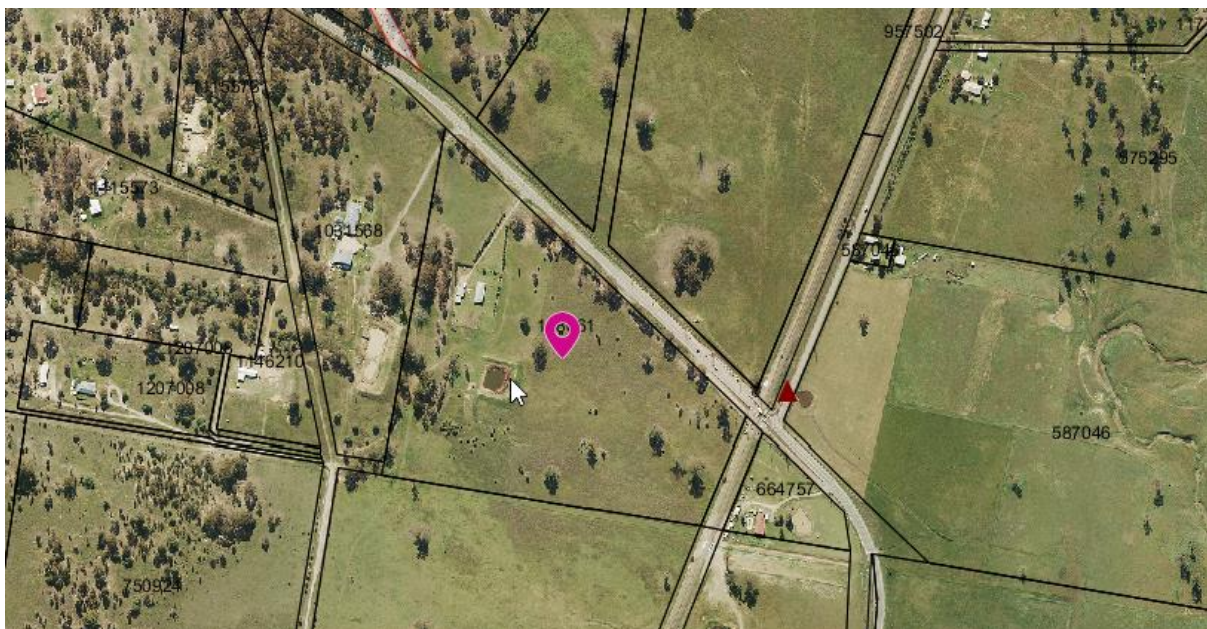
DA 1996/10092 – Green House

This property has a fall from west to east. No significant vegetation is situated on the location of the proposed development. The site is accessible from Golden Highway

The eastern part of the site is identified as flood liable and the Muswellbrook Flood Risk Management Study and Plan, 2018 identifies the land as being affected by the 1 in 100 year flood event. The part of the site on which building works are proposed is not identified as flood liable.

The land subject to this development application is identified as bushfire prone land by Council's bushfire mapping information. The subject site is identified as being within a mine subsidence district by Council's property information mapping.

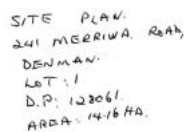
An aerial image of the property has been included below



2.0 DESCRIPTION OF PROPOSAL

The proposed development involves the construction of a new Steel Shelter. The proposed developments would be ancillary development to an existing dwelling on the site.

The proposed shelter (width 7.32m, depth 10.5m and maximum height 3.6) would be rear of The proposed shed would be setback 130m from the nearest northern property boundary and approximately 220m to side boundary.



Subsidence Advisory NSW

The proposed development was referred to Subsidence Advisory NSW on 24 March 2020 as the subject site is identified as being within a mine subsidence district by Council's property information mapping and approval received on 25 March 2020 without any recommended consent conditions.

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 RU5 Village 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 developments are considered to be permissible with consent as development ancillary to the dwelling house.

Objectives of the RU5 Village 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 RU5 Village Zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To allow more flexibility in the development of the town of Denman and village of Sandy Hollow.
- To allow for future development of residential, commercial or low-impact land use within the town of Denman and village of Sandy Hollow.
- To ensure that non-residential uses do not result in adverse amenity impacts on residential premises.
- To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.

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 RU5 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 8.5 m in relation to the land. The maximum height of the proposed development is approximately 3.6m. Complies
<i>4.4 Floor space ratio</i>	MLEP 2009 specifies a floor space ratio of 0.5:1 in relation to the land. The FSR of the proposed development would be 0.003:1 and would not exceed the maximum FSR of 0.50. Complies
<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. Exempted
<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" on Council's biodiversity Mapping and therefore the provision of this clause do not require further consideration in relation to the proposed development

7.6 Earthworks	<p>Earthworks involved with the proposed development would be minimal and associated with the establishment of the foundation.</p> <p>The proposed shelter is not anticipated to have a detrimental impact on existing drainage patterns, soil stability and amenity of the adjoining properties.</p>
----------------	---

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

Council officers are unaware of any activities which have carried out on the site that may have caused contamination of the land. There was no visual evidence of any contamination 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 6 – Residential Development

	Comments
6.1 Built Form	
6.1.1 Context	The built form of the proposed developments would be in accordance with the existing characteristics, opportunities and constraints of the site and its context (adjoining land and the locality). Complies
6.1.2 Front Setbacks	The proposed shelter would be rear to the existing building line and will not change the current existing front setbacks. Complies
6.1.3 Side and Rear Setbacks	The proposed shelter would be setback approximately 130m from the nearest northern property boundary, approximately 220m to western property boundary and approximately 200m to rear property boundary. This complies with the requirements of the MDCP 2009. Complies
6.1.4 Building Height and Scale	The proposed shelter would be consistent with the height, bulk and scale of existing neighbouring dwellings nearby the subject site. The maximum height of the proposed ancillary development is 3.6m. Complies
6.1.6 Garages, Carports and Sheds	
1. Garages 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. 2. Garages and sheds are not located forward of the established building line. 3. Open carports, less than 36m ² 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.	1. The proposed shelter is distant from the front Golden Highway. The colour and roof form is compatible with the dwelling on the allotment. Complies 2. The proposed shelter would not be located in front of the existing established building line. Complies 3. NA
6.1.7 Dwelling Entry	The proposed development is rear to the existing dwelling and would not alter the dwelling entry. Complies
6.2 Urban Landscape	
6.3 Environmental	

6.3.1 Topography	Finished ground level will not alter the existing Natural topography and landform.
6.4 Site Operation	
6.4.2 Stormwater Management	The proposed development is not connected with the council storm water system, roof water will drain to the paddock.

Section 24 – Waste Management

A waste minimisation management plan has not been prepared in relation to the proposed development. A review of this Section of the DCP by staff has concluded that such a plan is unnecessary for the proposed development.

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 \$13,900.00. 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 13 – Flood Prone Land

The portion of the site on which the building works are proposed is not identified as flood liable and therefore the proposal is considered unlikely to have any tangible impact on the flood plain or to be impacted by flooding. Given the location of the proposed building works outside of the flood affected portion of the site this section of the DCP has no further implication for the proposed development.

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

Council Officers have considered the potential environmental impacts of the proposed development throughout its assessment. Council Officers are satisfied that the proposed shelter is ancillary to the dwelling are unlikely to have any significant adverse environmental impacts. Environmental impacts have been considered and commented on under various headings of this development assessment.

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

Council Officers have considered potential environmental impacts associated with the proposed development through the assessment of the development application and the

impacts are likely to be minimal.

Flooding and Stormwater Management

Council's draft Waterways and Drainage Policy, and draft Rivers and Drainage provisions in Muswellbrook DCP 2009, which is currently on exhibition, indicates Council would like an easements over the waterway on this site given the land is zoned RU5 Village.

The provisions of these documents have been considered by Council Officers through the assessment of the development application. Council Officers have not recommended the imposition of a condition of consent requiring the imposition of an easement over the waterway. This position has been informed by the rural characteristics of the site despite its RU5 Village zoning. Should the land owner seek approval to intensify the residential use of the land or subdivide the property, Council would have the opportunity to impose a requirement at that stage for an easement.

Section 4.15(1)(d) any submissions made

The proposed development did not require notification under the provisions of the Community Participation Plan.

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

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

5 CONCLUSION

The application has been assessed in accordance with the legislation listed at the beginning of the report. The proposed development is considered to be in accordance with the Muswellbrook LEP 2009, Muswellbrook DCP and is unlikely to have any adverse environmental impacts. Accordingly, the proposed development is considered to be in accordance with the relevant Section 4.15 heads of considerations and it is recommended that the proposed development be approved subject to the recommended conditions of consent.

Signed by:



Taraqual Bhuiya
Graduate Building Surveyor

Reviewed by

Hamish McTaggart
Development Coordinator

Date: 30 March 2020

DA 202/18 Recommended Conditions of Consent:

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

The development being carried out in accordance with the development application 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	14 February 2020
Elevations	A	Ranbuild	Not Dated	14 February 2020

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

(2) Building Code of Australia

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

(3) Home Building Act

- (1) Building work that means residential building works (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development which the work relates:
 - (a) In the case of work being carried out by a licensed builder :
 - (i) Has been informed in writing of the licensee's name and license number, and;
 - (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
 - (b) In the case of an Owner Builder:
 - (i) Has been informed in writing of the person's name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
 - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.
- (2) A certificate 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*.

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

(4) Construction Certificate Requirement

No works shall commence on-site until such time as a Construction Certificate has been issued for either part or all of the works 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
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(5) 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.

(6) Damage to Public Infrastructure

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

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

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
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(7) Construction Hours

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.

(8) 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.

- Minimise waste generation.
- Ensure appropriate storage and collection of waste.
- Avoid illegal dumping.
- Promote improved project management.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE
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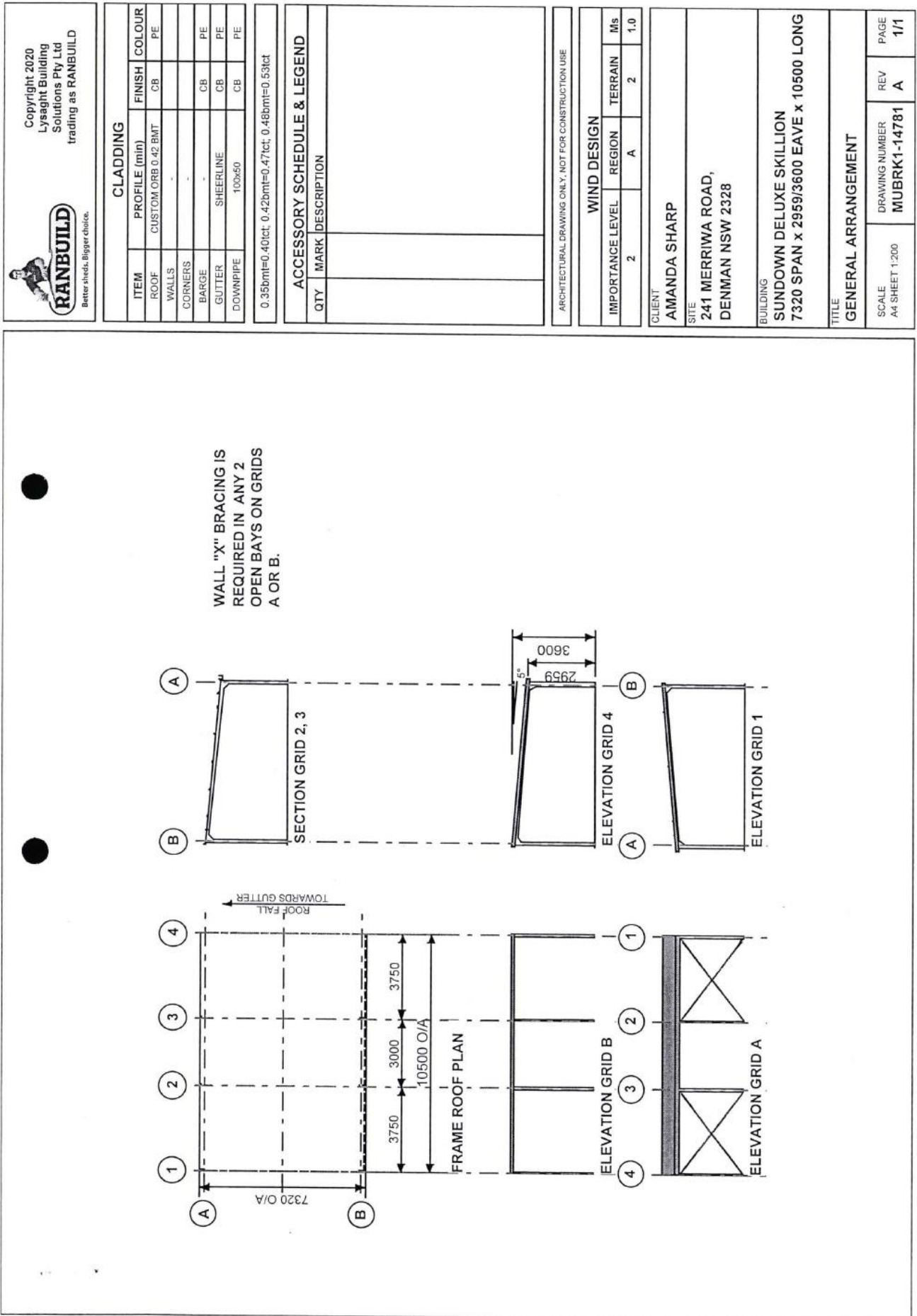
(9) Occupation

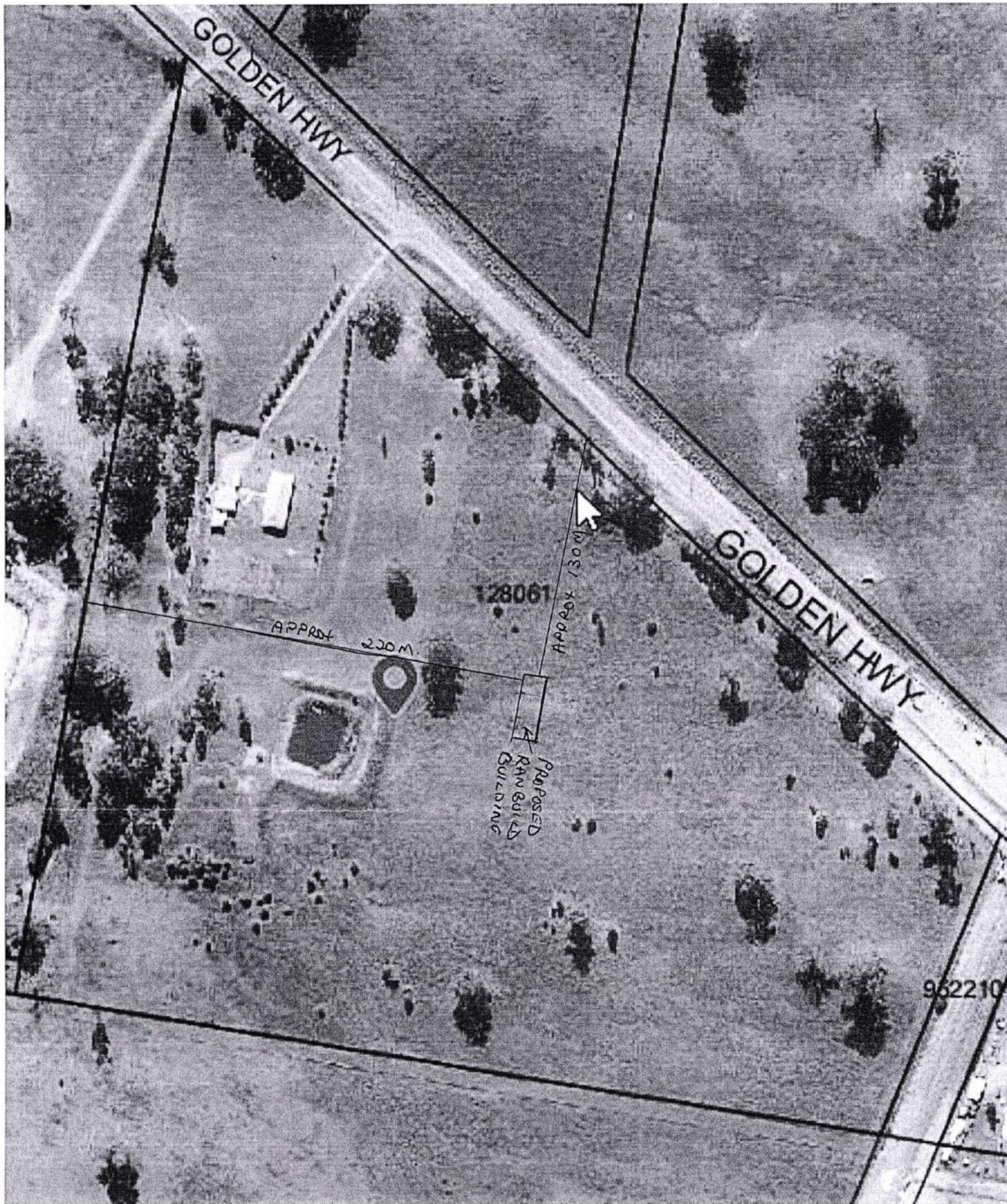
The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(10) Stormwater Disposal

All stormwater from the development shall be discharged at a distance of 3m clear of the proposed and any adjoining buildings. The discharge point shall be constructed to avoid erosion of the adjacent ground.





SITE PLAN.
241 MERRIWA ROAD,
DENMAN.
LOT: 1
D.P: 128061.
AREA: 14.16 HA.

6.3 OUTSTANDING DEVELOPMENT APPLICATIONS

Attachments:	A. Outstanding Development Applications 1 April 2020
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Michelle Reichert - Administration Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Facilitate the inspection of all development sites subject to Development Application / Construction Certificate in accordance with statutory requirements.</i>

PURPOSE**OFFICER'S RECOMMENDATION**

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

Moved: _____ Seconded: _____

STATUTORY IMPLICATIONS

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

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

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

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

Development Assessment Committee - Outstanding DAs as at 1/04/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.000000030.001	Partial Demolition and Rebuild of Fire Damaged Dwelling	148 Sydney ST MUSWELLBROOK LOT: 23 DP: 22107	Mrs K E Bussey	\$200,933	27/03/2020	5	DA Acknowledgement
005.2020.000000028.001	Alterations and additions to two (2) existing dwellings and their strata subdivision	40 Market ST MUSWELLBROOK PT: 39 ALT: A DP: 561037 39 Market ST MUSWELLBROOK PT: 39 ALT: B DP: 561037	Mr J N Bingham	\$181,610	19/03/2020	13	Advertisement - Proposal
005.2020.000000029.001	Patio	20B Grey Gum RD DENMAN LOT: 2 DP: 1233230	Mr P J Mills	\$41,300	17/03/2020	15	Notify Adjoining Owners
005.2020.000000027.001	Residential Shed	99 Woodland Ridge RD MUSCLE CREEK LOT: 9 DP: 1044551	Mr P D Anstee	\$45,968	13/03/2020	19	Notify Adjoining Owners
005.2020.000000026.001	Residential Shed	5 Honeyeater CL DENMAN LOT: 4 DP: 1248157	Mr D A Brown	\$48,000	11/03/2020	21	Notify Adjoining Owners
005.2020.000000025.001	Racetrack observation building	16 Sheppard AVE MUSWELLBROOK LOT: 150 DP: 708030	Muswellbrook Race Club Limited	\$20,000	28/02/2020	33	DA Acknowledgement
005.2020.000000024.001	Steel Storage Shed	53 Bimbadeen DR MUSWELLBROOK LOT: 420 DP: 1089305	Ms M Martin	\$32,200	26/02/2020	35	Notify Adjoining Owners
005.2020.000000023.001	Installation of Two (2) Rainwater Tanks	8 Ironbark RD MUSWELLBROOK LOT: 1017 DP: 262815	Mr T E Hammond	\$2,000	21/02/2020	40	DA Acknowledgement
005.2020.000000022.001	Industrial Hard Stand Area	LOT: 20 DP: 1119843	Mr G Ray	\$73,500	19/02/2020	42	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 1/04/2020

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000021.001	Rural Workers Dwelling 828 Bylong Valley Wy BAERAMI LOT: 5 DP: 1152622	Mr G K Towell	\$273,717	17/02/2020	44	Additional Info Required
005.2020.00000020.001	Residential Shed 28 Silver Eye RD MUSWELLBROOK LOT: 307 DP: 1105347	Mr T C Stewart	\$25,000	17/02/2020	44	Notify Adjoining Owners
005.2020.00000019.001	Dwelling Additions 11 Grevillea ST MUSWELLBROOK LOT: 3006 DP: 263113	Mr B R Lanesbury	\$49,977	13/02/2020	48	Notify Adjoining Owners
005.2020.00000018.001	Steel Shelter 241 Merriwa RD DENMAN LOT: 1 DP: 128061	Ms L M Pearce	\$13,900	12/02/2020	49	Notify Adjoining Owners
005.2020.00000013.001	Residential Shed 7 Honeyeater CL DENMAN LOT: 3 DP: 1248157	Mr D J Collins	\$35,000	4/02/2020	57	Additional Info Required
005.2020.00000012.001	Residential Shed Honey LA SANDY HOLLOW LOT: 2 DP: 1234634	Mr S R Cox	\$35,194	4/02/2020	57	DA Acknowledgement
005.2020.00000011.001	Residential Shed 29 Palace ST DENMAN LOT: 2109 DP: 864033	Mrs H E Hassett	\$12,350	3/02/2020	58	Additional Info Required
005.2020.00000010.001	Single Residential Garage 1 Gyarran ST MUSWELLBROOK LOT: 6 DP: 16372	Mr M J Hughes	\$9,000	3/02/2020	58	Additional Info Required
005.2020.00000009.001	Single Residential Garage 52 Palace ST DENMAN LOT: 345 DP: 576669	Mr C J Garland	\$27,548	31/01/2020	61	Notify Adjoining Owners
005.2020.00000008.001	New Dwelling Honey LA SANDY HOLLOW LOT: 2 DP: 1234634	Mr S R Cox	\$320,029	30/01/2020	62	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 1/04/2020

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000007.001	184 Bridge ST MUSWELLBROOK LOT: 3 DP: 37789 REF: HOTEL Additions and Alterations to existing Hotel	Mr P Ryan	\$110,000	24/01/2020	68	Notify Adjoining Owners
005.2020.00000006.001	26 George ST MUSWELLBROOK ALT: B DP: 371230 Carport	Mrs S Gillespie	\$1,900	24/01/2020	68	Additional Info Required
005.2020.00000005.001	29 Sydney ST MUSWELLBROOK LOT: 1 DP: 69766 Change of Use from a Restaurant to a Community Facility	Sunnyfield	\$0	20/01/2020	72	Additional Info Required
005.2020.00000004.001	Palace ST DENMAN LOT: 228 DP: 727761 32 Palace ST DENMAN LOT: 227 DP: 727761 Old Denman Courthouse change of use to Bed and Breakfast, Carpark and addition of accessible bathroom.	Mr I P Simpson	\$46,585	16/01/2020	76	Notify Adjoining Owners
005.2020.00000003.001	Widden Valley RD DENMAN LOT: 48 DP: 755441 Demolition and Replacement of Dwelling	The Flying Builder PTY LTD	\$313,233	10/01/2020	82	Notify Adjoining Owners
005.2019.00000104.001	Thomas Mitchell DR MUSWELLBROOK LOT: 25 DP: 260504 Change of use to warehouse and distribution premises with a new office and storage/shade structure	Mrs N S Englebrecht	\$75,000	27/11/2019	126	Notify Adjoining Owners
005.2019.00000102.001	1333 Merriwa RD DENMAN LOT: 12 DP: 1042612 Electricity Generating Works (Solar Farm)	Vernon Trust C/- Andrew King	\$6,114,757	19/11/2019	134	Refer to RFS - Head Office
005.2019.00000099.001	159 Martindale RD DENMAN LOT: 22 DP: 739528 Secondary Dwelling Appurtenant to Principle Dwelling	Miss P G Wilks	\$210,000	8/11/2019	145	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 1/04/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.000000093.001	Change of use to Retail Outlet, Alterations to front of building and Signage	19 Bridge ST MUSWELLBROOK LOT: 60 DP: 847718	Casson Planning and Development Services	\$20,000	24/10/2019	160	Notify Adjoining Owners
005.2019.000000090.001	Subdivision of One (1) Lot into Twenty (20) Lots	9 Yarrawa RD DENMAN LOT: 1 DP: 323945	Waebroon Pty Ltd	\$2,828,700	30/09/2019	184	Additional Info Required
005.2019.000000089.001	Storage Shed	Turner ST DENMAN PRT: 231 DP: 729996 REF: FIELD	Denman Golf Club	\$37,220	26/09/2019	188	Advertisement - Proposal
005.2019.000000087.001	Replacement Dwelling	Bureen RD DENMAN LOT: 413 DP: 1251003	Casson Planning and Development Services	\$200,000	20/09/2019	194	Notify Adjoining Owners
005.2019.000000054.001	Subdivision One (1) Lot into Three (3) Lots	52 Palace ST DENMAN LOT: 345 DP: 576669	Casson Planning and Development Services	\$10,000	28/06/2019	278	Additional Info Required
005.2019.000000053.001	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England HWY MUSWELLBROOK LOT: 12 DP: 1162012 Day ST MUSWELLBROOK LOT: 8 DP: 1181346	WZ Capital Holdings Pty Ltd	\$4,875,600	27/06/2019	279	Notify Adjoining Owners
005.2019.000000037.001	Construction of Pipes and Pump Infrastructure to Return Seepage Water from Lake Liddell Dam Wall to Lake Liddell	New England HWY MUSWELLBROOK LOT: 102 DP: 1053098 New England HWY MUSWELLBROOK LOT: 14 DP: 1193430	AGL Macquarie Pty Ltd	\$250,000	16/04/2019	351	Advertisement - Proposal
005.2019.000000016.001	Information and Education Facility (Museum)	Turner ST DENMAN PRT: 231 DP: 729996 REF: FIELD	Denman & District Heritage Village Inc.	\$265,000	15/02/2019	411	Additional Info Required

Development Assessment Committee - Outstanding DAs as at 1/04/2020

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.000000013.001	8911 New England HWY MUSWELLBROOK LOT: 1300 DP: 1164893	Raj & Jai Construction Pty Ltd	\$5,142,236	14/02/2019	412	Notify Adjoining Owners
005.2019.000000002.001	The construction of multi dwelling housing comprising a total of Sixte 19 John Howe CCT MUSWELLBROOK LOT: 514 DP: 1089307	Raj & Jai Construction Pty Ltd	\$4,414,300	14/01/2019	443	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 1/04/2020

<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 Three	Muswellbrook Shire Council	\$4,983,672	15/06/2018	656	Advertisement - Proposal
	142 Bridge ST MUSWELLBROOK LOT: 1 DP: 11221					
	140 Bridge ST MUSWELLBROOK LOT: 2 DP: 11221					
	126 Bridge ST MUSWELLBROOK LOT: 7 DP: 71755 REF: LIBRARY					
	126 Bridge ST MUSWELLBROOK PT: 8 ALT: A SEC: 6 DP: 758740 REF: LIBRARY					
	Bridge ST MUSWELLBROOK Lot: 400 DP: 816923					
	Bridge ST MUSWELLBROOK Lot: 562 DP: 747012					
	30 Brook ST MUSWELLBROOK LOT: 1 DP: 219503					
	30 Brook ST MUSWELLBROOK LOT: 6 DP: 219503					
	30 Brook ST MUSWELLBROOK LOT: 1 DP: 76058					
	83 Hill ST MUSWELLBROOK LOT: 5 DP: 11221 REF: TERTIARY ED*					
	85 Hill ST MUSWELLBROOK LOT: 4 DP: 11221					
	87 Hill ST MUSWELLBROOK LOT: 3 DP: 11221					
	Bridge ST MUSWELLBROOK PT: 8 ALT: B SEC: 6 DP: 758740 REF: WEIDMAN					
	83 Hill ST MUSWELLBROOK LOT: 5 DP: 11221 REF: CARPARK					

Development Assessment Committee - Outstanding DAs as at 1/04/2020

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2017.000000058.002	S96 (1A) Modification - Modify Condition 8 Jerdan ST DENMAN LOT: 1 DP: 151236	Ms M J Melville	\$0	19/02/2018	772	Advertisement - Proposal
005.2017.000000060.001	Change of Use - Building Materials Recycling Depot 7 Glen Munro RD MUSWELLBROOK LOT: 5 DP: 1018378	Mr L McWhirter	\$0	23/06/2017	1013	Additional Info Required
005.2000.00000212.006	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions Denman PH COUNTY BRISBANE LOT: 1 DP: 221400 2449 Denman RD MUSWELLBROOK LOT: 12 DP: 1027580	Cardno (NSW/ACT) Pty Ltd	\$0	29/05/2017	1038	Advertisement - Proposal
005.2016.000000032.001	Placement of Fill 110 Merriwa RD DENMAN LOT: 402 DP: 1175263 Merriwa RD DENMAN LOT: 403 DP: 1175263	Casson Planning and Development Services	\$5,000	12/04/2016	1450	Additional Info Required

DAs Outstanding: 42

7 DATE OF NEXT MEETING

20 April 2020

8 CLOSURE