



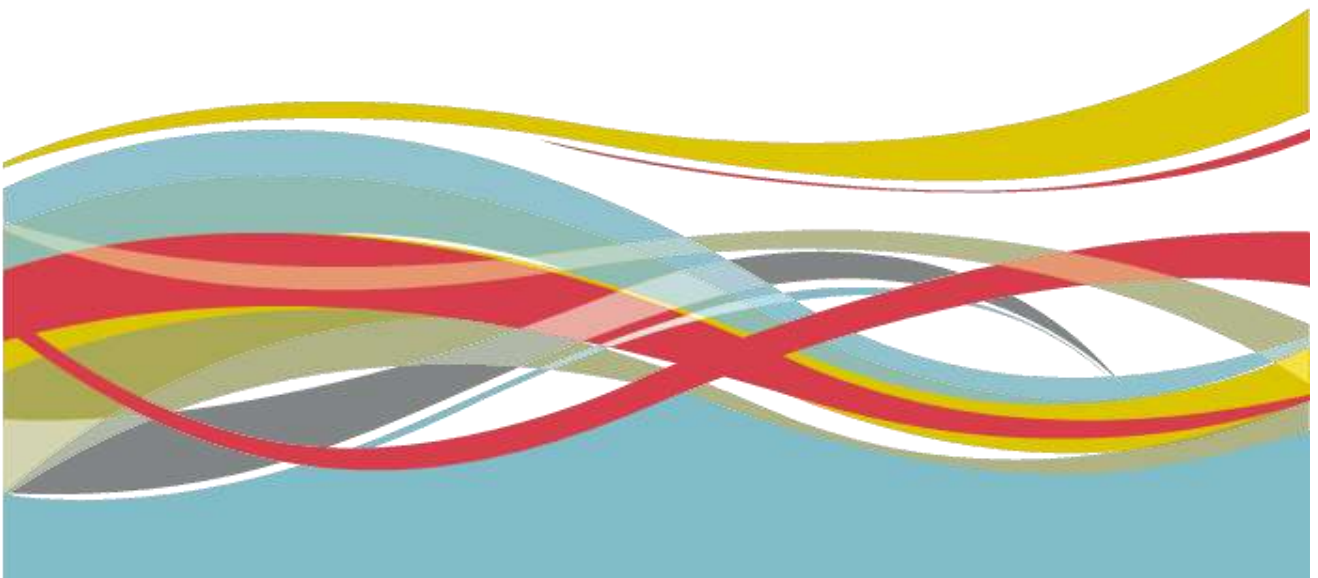
**muswellbrook
shire council**

Muswellbrook Shire Council

DEVELOPMENT ASSESSMENT COMMITTEE MEETING

BUSINESS PAPER

24 AUGUST 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, 24 AUGUST 2020

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

21 August, 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 **24 August, 2020** commencing at 4.00pm.

Sharon Pope
EXECUTIVE MANAGER - ENVIRONMENT AND PLANNING

Order of Business

| ITEM | SUBJECT | PAGE NO |
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**MUSWELLBROOK SHIRE COUNCIL
DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

**AGENDA
MONDAY 24 AUGUST 2020**

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 **10 August 2020**, and the Extraordinary Development Assessment Committee Meeting held on **13 August 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 M. Rush (Chair), Cr B. Woodruff, Cr R. Scholes and Cr J. Ledlin (Phone).

IN ATTENDANCE: Cr J. Foy, Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development), Mrs M. Sandell-Hay, Mrs S. Drayton, Mr R. Beckingham and Mr I. Webber.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

The Minutes of the Development Assessment Committee held on 13 July 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

Cr R. Scholes – Declared a significant non-pecuniary interest in Item 6.2. Cr Scholes advised the meeting that he is a friend of the proponent and some of the submitters.

4 PUBLIC PARTICIPATION

RECOMMENDED on the motion of Crs Rush and Woodruff that:

Public Participation take place prior to each item.

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 2019-93 - CHANGE OF USE OF RETAIL PREMISES, ALTERATION TO FRONT OF BUILDING AND SIGNAGE

Mrs Drayton and Mr Beckingham entered the meeting at 4.12pm.

Discussion took place on this item, in particular, window removal, brick removal, replacement aluminium framed windows and the possibility of restoring the building when no longer used as retail premises.

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The item be adjourned for 15 minutes to allow staff the opportunity to provide Conditions relating window & brick removal and restoration of building.

Mrs Drayton and Mr Beckingham left the meeting at 4.19pm

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The meeting be adjourned to allow an informal workshop with the applicant of 6.2 to be undertaken.

Disclosure of Interest

Cr Scholes declared a significant non-pecuniary interest in Item. 6.2. Cr Scholes left the meeting and therefore took no part in discussion or voting on this matter.

The meeting adjourned at 4.20pm.

The meeting resumed at 4.45pm

6.2 PP009 - REZONING - IRONBARK RIDGE

Public Participation

Mr Webber entered the meeting at 4.45pm.

RECOMMENDED on the motion of Crs Woodruff and Ledlin that:

This item be considered at the next Development Assessment Committee that Mr Cole can attend on behalf of the proponent.

Cr Scholes returned to the meeting room at 4.46pm

6.3 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.

RESUMPTION OF STANDING ORDERS

6.1 DA 2019-93 - CHANGE OF USE OF RETAIL PREMISES, ALTERATION TO FRONT OF BUILDING AND SIGNAGE

RECOMMENDED on the motion of Crs Rush and Scholes that:

This item be considered at an Extra-Ordinary meeting of the Committee scheduled for 4.30pm on Thursday 13 August, 2020.

8 DATE OF NEXT MEETING

13 August, 2020

8 CLOSURE

The meeting was declared closed at 5.07pm.

.....
Cr M. Rush
Chairperson

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

IN ATTENDANCE: Cr J. Foy, Ms F. Plesman, Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development), Mrs M. Sandell-Hay, Mrs S. Drayton, Mr J. Drayton, Mrs K. Beckingham, Mr M. Cole and Mr I. Webber.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr R. Scholes declared a significant non-pecuniary interest in item 5.2. Cr Scholes advised the Committee that he is personal friends with the proponent and is friends with a number of submitters.

RECOMMENDED on the motion of Crs Rush and Scholes that:

Public Participation be held at the beginning of each item.

3 BUSINESS

3.1 DA 2019-93 - CHANGE OF USE OF RETAIL PREMISES, ALTERATION TO FRONT OF BUILDING AND SIGNAGE

Mrs Drayton, Mr Drayton and Mrs Beckingham entered the meeting at 4.42pm.

A copy of the amended conditions were provided to the Applicants. Discussion took place on the proposed conditions.

Motion

That within six (6) months of the cessation by the applicant of the use of the building as proposed in the application the applicant shall do all actions necessary to reinstate the building back to its original form.

RECOMMENDED on the motion of Crs Rush and Scholes that:

The meeting adjourn to allow staff to redraft the conditions.

The Meeting adjourned at 4.52pm

The Meeting resumed at 5.31pm

Mr & Mrs Drayton and Mrs Beckingham returned to the meeting.

A copy of the amended Conditions were distributed to those present.

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Development Assessment Committee Approve DA 2019/93 for the change of use to a retail premises, building alterations and signage at Lot 60 DP 847718, 19 Bridge Street Muswellbrook, in accordance with the plans set-out in Attachment C of the Report, and subject to recommended conditions of consent contained in Attachment A as amended below:

MINUTES OF THE EXTRAORDINARY DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON THURSDAY 13 AUGUST, 2020 COMMENCING AT 4.39PM.

- **Condition 1**, is to be modified to delete the words, 'and marked in red', and delete the note following the condition.
- **Condition 2**, the wording in condition 2 is to be deleted and replaced with
 2. **Limitation to the scope of the approved works**

No approval is granted to the installation of aluminium frame windows in the building façade. Windows installed in the building façade are to be timber frame windows.
- New prior to Construction Certificate Condition, **condition 7**
 7. **Window design details**

Prior to the issue of a Construction Certificate the person acting with this consent is to submit revised design plans to Council for the installation of windows in the building façade. The revised plans are to detail the use of timber frame windows in the place of the aluminium framed windows proposed. These plans are to be approved by Council in writing and documentary evidence that this approval has been obtained, and that the window design included in construction plans is consistent with this approved design, is to be provided to the Certifying Authority with any application for a Construction Certificate for works that include the window installation.
- New prior to Construction Certificate Condition, **condition 10** (condition 11 after renumbering)
 10. **Retention of original materials**

Through the carrying out of building works, care is to be taken to avoid any damage occurring to the original timber frame windows or bricks removed to allow installation of new windows. The windows and original brickwork are to be securely stored in accordance with the requirements of this consent
- New at all times condition, **Condition 19** (condition 21 after renumbering)
 19. **Storage and safekeeping of original building material**

The timber framed windows and original brickwork removed through the carrying out of this development are to be retained by the person acting with this consent and are to be securely stored at the premises, or a suitable alternative secure and dry location agreed to by Council in writing.
- New condition 20 included under a new heading **CONDITIONS TO BE COMPLIED WITH AT THE CONCLUSION OF THE DEVELOPMENT** (condition 22 after renumbering)
 20. **Reinstatement of windows and removal of awnings**

Within six (6) months of the cessation of the use of the premises for the approved purpose by the person acting with this consent is to remove the windows and window awnings approved as part of this development and reinstate the original timber frame windows and associated brickwork to the satisfaction of Council's General Manager.
- Renumbering of conditions to account for the newly created and modified conditions.

In Favour: Crs J. Ledlin, M. Rush, R. Scholes and B. Woodruff.

Against: Nil.

Mr & Mrs Drayton and Mrs Beckingham left the meeting at 5.32pm

3.2 PP009 - REZONING - IRONBARK RIDGE

Disclosure of Interest

Cr Scholes declared a significant non-pecuniary interest in this item. Cr Scholes advised the meeting that he is a personal friend of the proponent and is friends with a number of submitters. Cr Scholes left the meeting at 5.32pm and therefore took no part in discussion or voting on this item.

Mr Cole and Mr Webber entered the meeting at 5.32pm

RECOMMENDED on the motion of Crs Rush and Woodruff that:

This matter be considered at the next Development Assessment Committee after the Proponent supplys new information on a potential lot layout for the subdivision.

4 CLOSURE

The meeting was declared closed at 5.34pm.

.....

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 2016/32 - PLACEMENT OF FILL - 10 MERRIWA ROAD, DENMAN

| | |
|---------------------------------|--|
| Attachments: | <p>A. DA 2016/32 Section 4.15 Assessment</p> <p>B. DA 2016/32 Recommended Conditions of Consent</p> <p>C. DA 2016/32 - Site Survey</p> <p>D. DA 2016/32 Statement of Environmental Effects and RHM Engineering Report - Under Separate Cover</p> <p>E. DA 2016/32 Soil Quality Report, Qualtest Laboratory - Under Separate Cover</p> <p>F. DA 2016/32 NSW EPA Letter</p> <p>G. DA 2016/32 Submissions</p> |
| Responsible Officer: | Sharon Pope - Executive Manager - Environment and Planning |
| Author: | Hamish McTaggart - Co-Ordinator - Development |
| Community Plan Issue: | <i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i> |
| Community Plan Goal: | <i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i> |
| Community Plan Strategy: | <i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i> |

PURPOSE

This report has been prepared to inform the Development Assessment Committee in determining Development Application DA 2016/32. 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 the Committee's information.

OFFICER'S RECOMMENDATION

The Development Assessment Committee approve Development Application No 2016/32 involving the placement of fill at Lot 402 and 403 DP 1175263 (10 Merriwa Road, Denman), subject to the recommended conditions of consent in Attachment B.

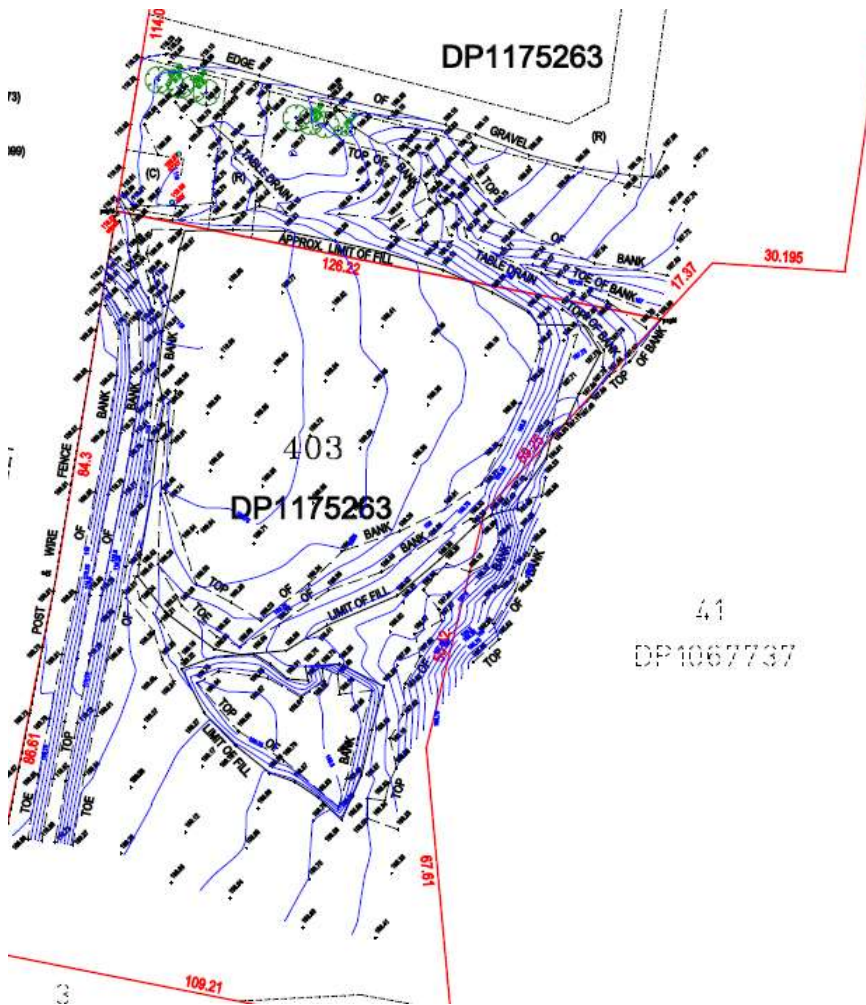
Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

This development application relates to the placement of fill at Lot 402 and 403 DP 1175263, 10 Merriwa Road Denman.

The fill was placed on the site prior to the lodgement of this development application. This application seeks development consent for the fill currently located on the site to be kept on-site. The placement of further fill is not proposed as part of this development application.

The majority of the fill has been placed on Lot 403 DP 1175263, with a smaller portion of the fill being placed on Lot 402. The survey prepared indicates the maximum depth of fill to be approximately 500mm (50cm). The survey plan is provided in Attachment C to this report.



The site is identified as flood liable by Council's 2018 Flood Risk Management Plan. A report has been prepared by RHM Consulting Engineers to assess the impact of the fill on the floodplain. In accordance with this report a drainage channel has been shaped at the site on the southern portion of Lot 402 to control stormwater runoff.

On-site testing of the material has been carried out by Qualtest to determine the composition of the soil. This report is provided in Attachment E, the results have been considered by the NSW EPA, Council's Senior Environmental Health Officer and Council Officers completing the assessment of this development application.

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. Council Officers recommend that development consent be granted to the proposed development subject to recommended conditions of consent 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 site is identified as being flood liable by the Muswellbrook Flood risk Management Plan and Study 2018. A report has been prepared by RHM Consulting Engineers to consider the impact of the fill on the floodplain and Denman Levee Bank. This report concludes that the fill is not likely to have an effect or impact on the flood height or flood characteristics a negligible impact on the

floodplain and notes the works undertaken in relation to the creation of a drainage swale to be a drainage system improvement. In view of the outcomes of this report Council Officers are satisfied that the proposed development would be in accordance with the provisions of Chapter 13 of the DCP which relate to development on flood prone land and would not enhance flood impacts in the locality.

- The proposed development has been considered against the requirements of Section 25 of the Muswellbrook DCP that relate to the registration of easements over the 'urban stormwater drainage system'. The development site includes drainage corridors and adjoins Sandy Creek. Council Officers have not recommended the applicant be required to register an easement over a water way or the portion of the Denman Levee Bank located at the site. Due to the land being zoned RU1 Primary Production.
- The source and soil quality of the fill placed on the site has been a key consideration for the assessment of the development application. The applicant has provided a Statutory Declaration that advises that the fill was sourced from a Council work site - the Turner St sewer trunk main.

Given the fill has not been obtained from a quarry or landscape supplies business, Council has had an interest in ensuring that the fill is free of contaminants and achieves an appropriate criterion for reuse on-site from a soil contamination perspective. Soil testing of the material was carried out by Qualtest Laboratory. Qualtest took samples from 16 locations on the site. Qualtest measured the fill against the guidelines for residential reuse and identified that the balance of samples achieved the relevant reuse criteria. An exceedance of benzo(a)pyrene was identified at Test Pit 3 and a fragment of asbestos containing material at Test Pit 1, no exceedances of the residential reuse criteria were identified at the other 14 sample sites.

The Qualtest Report was then reviewed and considered by the NSW EPA and Council's Environmental health Officer. The NSW EPA advised Council that the pollution risk of the material was low and returned the matter to Council for determination.

Council Officers requested that the applicant engage an appropriately skilled person to prepare a remediation action plan in relation to the identified exceedances. The applicant raised concerns about their ability to prepare such a report and further discussions were held in relation to the material qualities and relevant information requirement. Noting the NSW EPA's comments, the soil quality information contained in the Qualtest Report and that the site is currently used only for agricultural purposes, it was considered that the material may be permitted to be retained on-site subject to the registration of a covenant restricting the use of the land that contains test Pit 1 and 3 (the locations where exceedances to the residential reuse criteria were identified).

Council Officers have put forward a recommended condition of consent that requires the applicant within 6 months of approval, to either complete and provide an agreeable timeline for the enactment of a remediation action plan or registration of a Section 88E instrument over the title of the land restricting its use as set-out above.

- Where the development is carried out in accordance with the recommended conditions of consent Council Officers are satisfied it would be compatible with the Muswellbrook DCP requirements.
- Council Officers are satisfied that where the development is carried out in accordance with the recommended conditions of consent it would be in accordance with the provisions of the relevant State Environmental Planning Policies (SEPP) including the provisions of SEPP No 55 Remediation of Land.
- Council Officers are satisfied that where the proposed development is carried out in accordance with the recommended conditions of consent it is unlikely to result in any significant adverse environmental impacts.

COMMUNITY CONSULTATION

The proposed development was notified and advertised under the provisions of the Muswellbrook DCP in force at the time the development application was lodged, for a period of not less than fourteen days from 27 April 2016 to 11 May 2016. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

Three (3) submissions were received in relation to the development application. Concerns raised primarily related to the information detail provided and the potential impact of the development on the floodplain.

These issues have been considered through the assessment of the development application and the submitter concerns examined in the Section 4.15 Report. The content of the submissions received has been attached for the Development Assessment Committee's information.

Council Officers are satisfied that the issues raised by the submitters have been sufficiently addressed through the assessment of the development application and information provided by the applicant and would not inhibit Council from granting approval to this development application.

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 2020/8 has been reported to the Development Assessment Committee as three (3) public submissions were received in relation to the development application through its notification. 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 consent to DA 2016/32 subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT**Attached:** Site Plan**REPORT TO THE GENERAL MANAGER**

| | |
|-------------------------|---|
| ADDRESS: | LOT: 402 DP: 1175263, LOT: 403 DP: 1175263 110 Merriwa Road DENMAN |
| APPLICATION No: | 32/2016 |
| PROPOSAL: | Placement of Fill |
| OWNER: | Phil Goodwin Investments Pty Ltd |
| APPLICANT: | Casson Planning And Development Services 5 Stanstead Close SCONE NSW 2337 |
| AUTHOR: | Mr H A McTaggart |
| DATE LODGED: | 12/04/2016 |
| AMENDED: | |
| ADD. INFO REC'D: | |
| DATE OF REPORT: | 17 August 2020 |

SUMMARY

| | |
|------------------------|--|
| ISSUES: | flood impacts, source of fill, potential contamination |
| SUBMISSIONS: | 3 |
| RECOMMENDATION: | Approval subject to recommended conditions |

1.0 SITE AND LOCALITY DESCRIPTION

The land subject to this development application is Lot 402 and 403 DP 1175263, 110 Merriwa Road, Denman. The site fronts the Golden Highway and is adjacent the northern fringe of the Denman township. The site is zoned RU1 Primary Production under the Muswellbrook LEP 2009 and is identified as flood prone land by the Muswellbrook Flood Risk Management Plan and Study 2018.

The subject site is identified in the figure below.

Figure.1 (subject site)

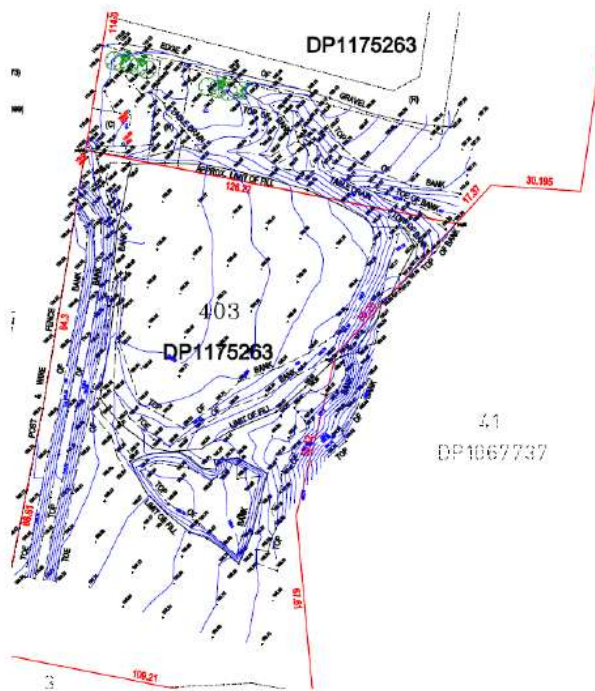


2.0 DESCRIPTION OF PROPOSAL

This development application relates to the placement fill on the subject site and the reshaping of the land by the spreading of that fill. The fill was placed on the land prior to the lodgement of this development application.

Following an investigation of the site and the works by Council Officers this development application was lodged to seek approval for retention of the fill on the site.

The attached image shows the placement of the fill on the land and the reshaping of the site at the 10 June 2016.



A report was prepared by RHM Consulting Engineers to consider the impact of the placement of the fill on the floodplain.

The applicant has advised Council that the fill placed on the site was excavated as part of works undertaken by Council in Turner St Denman for a sewer trunk main. A statutory declaration has been provided by a contractor that worked on the project to this effect.

To enable to the assessment of this application to progress and provide a detailed analysis of the fill placed on-site, soil testing was carried out and an Insitu Excavated Natural Material and Waste Classification Assessment prepared by Qualtest (2 October 2019). This report identified that the majority of soil tested met the criteria for on-site re-use with the exception of samples taken at TP-1 and TP-3. A fragment of asbestos containing material was identified at TP-1 and a sample not meeting the ecological criteria for benzo(a)pyrene was identified at TP-3. A total of 16 test pits were sunk at various locations of the site in the carrying out of the soil testing and aside from the soil samples referenced no further exceedances to the relevant criteria for on-site reuse were identified. This document and the soil quality test results were reviewed by the NSW EPA, who advised that the pollution risk of the material is low and referred the matter back to Council for determination.

3.0 SPECIALIST COMMENTS

3.1 Internal Referrals

Community Infrastructure

Council's Community Infrastructure Department has been involved through the assessment of the development application. The issue of flooding and stormwater management associated with the placement of fill on the site was previously considered by Council's former Manager of Technical Services – Peter Higgins in April 2017 who provided comments that have been included below.

In addition to these comments the matter has also been considered by other members of the Community Infrastructure Team regarding the source of the fill. To assist in resolving issues Council engaged Qualtest in 2019 to carry out soil testing of the fill material.

In regard to flooding, Council Officers note the report prepared by RHM Consulting Engineers and its findings that the fill will have a negligible impact on floodwaters. Council's Manager of Technical Services advises that it is undesirable to establish a precedent for endorsing the transport of soils from outside a floodplain to a flood affected site and that good practice would see compensatory works carried out to off-set any impact by excavating material from within the flood plain. A recommendation was put forward that compensatory works should be investigated through the excavation and dedication of a drainage channel on the northern boundary of Lot 402.

This has not been put forward as a recommended condition of consent as the parameters of the recommended work were never clearly defined, and the RHM Report concludes that the development will likely have a negligible impact on flooding and does not recommend any compensatory work.

Senior Environmental Health Officer

Council's Senior Environmental Health Officer has been involved in the assessment of the development application and was part of a meeting with the applicant completed in 2020 where the outcomes of the Material Classification Assessment were considered.

Council's Senior Environmental Health Officer notes the following in relation to the soil quality information:

- the Qualtest results had adopted a residential use criteria as a baseline
- the majority of the site samples had been identified to achieve the adopted criteria for residential land use.
- One sample not meeting the ecological criteria for benzo(a)pyrene. The 95% UCL calculation showed that the arithmetic average concentration was below the adopted criteria for residential land use. benzo(a)pyrene is commonly found where the combustion of organic material has occurred at high temperatures and regularly seen in tar or where vehicle combustion has occurred),
- The presence of asbestos containing material (ACM) in one sample. The asbestos sampling and analysis was carried out on a presence/absence basis for the purpose of assessing if the material was ENM (where no asbestos is acceptable). It is possible that an asbestos assessment carried out in accordance with the ASC NEPM (2013) may find that the concentration of asbestos is within the residential land use guidelines, but this would need to be carried out to be confirmed.
- Samples were taken from of a total of 16 locations as part of the Qualtest soil investigation.
- The NSW EPA advised Council that the material located on-site presented a low pollution risk.

The most effective measure to manage this issue would be for the applicant to engage an appropriately qualified person to prepare a remediation action plan in relation to these components of the site to remediate the entirety of the site to achieve the residential land use criteria. This was put to the applicant who advised that they had financial concerns with such a strategy to resolve the matter and felt that such a pathway may be unnecessary given the information provided by Qualtest suggested, on balance, that the majority of fill was free of contaminants and that the subdivision approval creating the lot included a restriction on the erection of a dwelling on the subject land (DA 468/2007).

Noting the applicant's statements Council Officers gave further consideration to the Qualtest findings, EPA comments and the risk of pollution related to their findings. From this review it was identified that the retention of the fill in state on-site was unlikely to present a significant pollution issue. However, should the use of the parts of the site (TP-1 and TP-3) that were not identified to meet the residential re-use criteria were to change from agriculture, there will be

a need for further soil quality investigations to be completed.

Based on these considerations Council's Senior Environmental Health Officer advised that there was unlikely to be an issue in permitting the fill to be retained on-site provided the use of the parts of the site identified not to meet the residential re-use criteria was restricted.

The recommended conditions have been drafted in accordance with this advice which requires the applicant to either:

- prepare and enact a remediation plan in relation to the site, or
- register an 88E covenant over the site restricting any change of use or development involving the parts of the site on-which TP-1 and 3 are located without further investigations being carried out in relation to soil qualities and remediation.

3.2 External Referrals

3.2.1 Department of Primary Industries – Office of Water

The proposed development was referred to the NSW Office of Water on the 28 April 2016.

A letter response was received by Council on the 12 July 2016 advising that the works did not appear to require approval through a Controlled Activity Approval under the Water Management Act 2000. Accordingly, further engagement with the Office of Water or the issuing of any General Terms of Approval was not required as part of the development assessment.

3.2.2 NSW Environmental Protection Authority (EPA)

On the 9 October 2019 Council self reported the matter to the NSW EPA's hotline for referring legacy waste issues.

This referral was completed by Council's Community Infrastructure Department, given the information contained in the development application that suggested Council had provided the material to the be deposited on-site.

The NSW EPA provided a response to this referral in a letter dated 28 October 2019. In this response the NSW EPA advised that they had conducted an inspection and investigation of the matter and in doing so had viewed the soil quality assessment prepared by Qualtest. The NSW EPA advised that they considered the pollution risk of the material to be low and returned the matter back to Council for determination.

4 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 proposed development involves the carrying out of earthworks and does not seek approval to alter the use of the land. The carrying out of earthworks is permissible with consent in any

zone including the RU1 Primary Production zone, the zoning of the subject site, by virtue of the provisions of Clause 7.6.

Objectives of the RU1 Primary Production Zone

The land use zone for the subject site is RU1 Primary Production. It is considered the proposed development would not contravene the land use zone objectives for this zone. The land use zone objectives for this zone have been included below.

- *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.*

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

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| <i>Part 1 Preliminary</i> | |
| <i>Part 2 Permitted or prohibited development</i> | |
| <i>2.3 Zone objectives and Land Use Table</i> | <p>clause 2.3 (2) of the Muswellbrook LEP 2012 requires the following:</p> <p><i>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p> <p>The land use zone objectives for the RU1 Primary Production zone have been</p> |

| | |
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| | <p>considered in relation to the proposed development under the Objectives of the zone heading of the report.</p> <p>The proposed development is considered to be compatible with the relevant land use objectives and thereby can be supported under the provisions of this Clause. Complies</p> |
| <i>Part 3 Exempt and complying development</i> | |
| <i>Part 4 Principal development standards</i> | |
| <i>4.1 Minimum subdivision lot size</i> | <p>The proposed development does not involve the subdivision of land. Accordingly, the provisions of this clause do not require further consideration in relation to the proposed development. Not relevant</p> |
| <i>4.3 Height of buildings</i> | <p>The maximum building height for the land subject to this development application as identified by the height of buildings map is 13m.</p> <p>The height of the fill placed on the land would not exceed this maximum height restriction and thereby complies with this Clause. Complies</p> |
| <i>4.4 Floor space ratio</i> | Not relevant |
| <i>Part 5 Miscellaneous provisions</i> | |
| <i>Part 6 Urban release areas</i> | |
| <i>Part 7 Additional local provisions</i> | |
| <i>7.1 Terrestrial biodiversity</i> | <p>The land subject to this development application is not identified as 'biodiversity' by the relevant map. Accordingly, the provisions of the Clause do not require further consideration in relation to the proposed development. Not relevant</p> |
| <i>7.6 Earthworks</i> | <p>This clause specifies the requirement for development consent to be obtained for the carrying out of earthworks and prescribes matters for a consent authority to consider prior to granting development consent for the carrying out of earthworks. Each of the prescribed matters for consideration have been listed below along with commentary regarding their consideration in relation to the proposed development.</p> <p>a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p><u>Planning Comment:</u> information regarding the impact of the placement of fill at the site has been considered through documentation prepared by RHM Engineers.</p> |

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| | <p>This documentation concludes that the fill installed across the site would have 'a negligible effect on drainage systems/paths and associated infrastructure at the boundaries. One would suggest works undertaken are an improvement. With respect to the proposed filling, the location is beyond the levee and thus would have no effect or impacts on the flood height or flood characteristics.</p> <p>b) <i>the effect of the proposed development on the likely future use or redevelopment of the land</i></p> <p><u>Planning Comment:</u> the proposed fill would not inhibit the future development of the land. The fill has been placed on-site to elevate the site pad and support the site's development potential by mitigating flood impacts on the bulk of the site. Council Officers raise no concern in relation to the proposed development's relationship with this clause 7.6 provision.</p> <p>c) <i>the quality of the fill or of the soil to be excavated, or both,</i></p> <p><u>Planning comment:</u> the quality of fill placed on the site has been the subject of detailed consideration through the assessment of this development application. The outcomes of soil quality investigations indicate that the quality of fill samples taken from 14 of the 16 on-site test pit sites met the criteria for residential re-use. At the remaining test pit, test pits. A fragment of asbestos and higher qualities than the ecological criteria for benzon(a)pyrene were identified were identified in TP-1 and TP-3 respectively.</p> <p>The findings of this report were referred to the NSW EPA who observed the pollution risk associated with the site and fill material to be low.</p> <p>In view of the NSW EPA's comments Council Officers are satisfied that the fill could be permitted to remain on-site. However, it is recommended that where this position is endorsed a covenant is registered over the location of test pit 1 to advise future site owners and developers that further investigations may need to be carried out in relation to that land with any application for its further development.</p> |
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| | <p>d) <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><u>Planning Comment:</u> Council Officers have considered</p> <p>e) <i>the source of any fill material or the destination of any excavated material,</i></p> <p><u>Planning Comment:</u> the applicant has been advised that fill has been sourced from a Council civil works site. Soil testing has been carried out to determine the suitability of the fill material for use on the site. Based on the findings of that testing and the outcomes of the EPA referral Council are satisfied that the fill presents a low environmental risk and may remain on-site subject to conditions restricting development in the vicinity of the portion of the site identified as test pit 1.</p> <p>f) <i>the likelihood of disturbing relics,</i></p> <p><u>Planning comment:</u> the proposal does not involve the carrying out of further works. While Council Officers note that the site has previously been disturbed through its agricultural use and consider it unlikely that the proposed works disturbed significant archaeological relics.</p> <p>g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p> <p><u>Planning comment:</u> the proposed development would have a negligible impact on any drinking water catchment in the area.</p> <p><u>Conclusion</u></p> <p>Council Officers have considered each of the matters prescribed by Clause 7.6 above, the most significant of which being the impact of the development on the floodplain and stormwater management and the potential for contaminants to be contained in the fill brought to site.</p> <p>In relation to these matters Council Officers are satisfied that:</p> <ul style="list-style-type: none"> the conclusions of the report prepared by RHM consulting in relation to the development indicates that the fill placed on the site is unlikely to have any significant |
|--|--|

| | |
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| | <p>adverse impact on floodwaters or stormwater management.</p> <ul style="list-style-type: none"> • That the soil testing carried out by Qualtest indicates that the fill used across the majority of the site achieves the appropriate standard for residential re-use with the exception of fill at the location of test-pit 1 and 3. Informed by the qualities of the soil taken from these test pits and the comments provided by the EPA Council Officers are satisfied that the fill in this area presents a low pollution risk and may remain on-site subject to the registration of an 88E Instrument on the land to restrict future development without the further investigation of soil qualities in relation to the relevant proposed use. <p>Complies – Subject to the imposition of conditions including establishment of S.88E Instrument</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.*

In accordance with the above Council as the consent authority is required to consider whether the land is contaminated, and in the event that the land is contaminated whether the land is suitable for the proposed use in its existing state or if remediation of the site is required.

In reviewing this issue Council Officers observed:

- the existing use of the site to be primarily extensive agriculture and that this use would remain unchanged under the proposal.
- the Qualtest soil investigation identified soils taken from 14 of 16 sample pits achieved the requirements for on-site residential reuse. Material taken from test pit 1 was identified to include a sample of asbestos containing material. Material from TP-3 was identified to exceed the ecological criteria for benzo(a)pyrene (quantities of this chemical is commonly found where the combustion of organic material has occurred at high temperatures and regularly seen in tar or where vehicle combustion has occurred),
- The NSW EPA was referred the application along with the findings of the Qualtest soil investigation report and observed that the risk of pollution of the material to be low.

As a consequence of the above Council Officers have formed the view that soil qualities of the bulk of the fill are unlikely to present any environmental issue and that the site is unlikely to be contaminated in such a manner that would inhibit its ongoing agricultural use.

In the event that the applicant or a future developer intends to develop the site for a more intensive use it may be necessary for further investigations to be carried out in relation to possible site contamination and remediation action requirements, particularly for development in the vicinity of test pit 1. To inform any future developer or consent authority of this site specific issue a recommended condition of consent has been put forward to require the land owner to register a covenant on the site advising of the outcomes of the Qualtest Soil investigation and that further soil quality investigations may need to be carried out with any application for a future development of the site.

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 27 April 2016 to 11 May 2016. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period. Three (3) submissions were received during the notification period. The issues raised in the submissions have been considered under the submitter concerns heading of this report.

Section 8 – Rural and Environmental Zone development

| | Comments |
|---|---|
| 8.1 Introduction | |
| 8.1.1 Dwelling Houses on existing parcels of land | Lot 402 DP 1175263 contains an existing dwelling and sheds. The proposed fill will not impact on the dwelling or sheds. |
| 8.2 Built Form | Not applicable |
| 8.3 Environmental Matters | |
| 8.3.1 Topography | The proposed fill has altered the topography slightly. |
| 8.3.2 Vegetation | No vegetation was removed. |
| 8.3.3 Riparian Buffers | The fill placed on the subject land does not affect the water course or riparian corridor. |
| 8.3.4 Management of Rivers, Creeks, Streams and Drainage | DPI Water did not raise any objection to the proposed development. |
| 8.3.5 Services | Not applicable |
| 8.4 Frost Control Fans | Not applicable |

Section 13 – Flood Prone Land

The site is identified as by Council's Flood Risk Management Plan and Study 2018 and the Hunter River Flood Study 2014.

To consider the impact of the development on the flood plain the applicant engaged RHM

Consulting Engineers to prepare a report on the proposed development and its implications for the flood plain and Denman Levee Bank. This report concluded:

'The works as undertaken and inspected by the undersigned would have negligible effects on drainage systems / paths and associated infrastructure at the boundaries. One would suggest works undertaken are an improvement. With respect to the proposed filling, the filling location is beyond the levee and thus would have no effect or impacts on the flood height or flood characteristics'.

Noting the findings of this report and the total height and area of the fill placed on the site as shown by the survey plan submitted, Council Officers are satisfied that the fill is unlikely to substantially impact the floodplain and the distribution of flood waters and thereby contravene the DCP provisions.

Section 25 – Stormwater

The provisions of Section 25.2.2 of the DCP require easements to be registered over parts of Council's 'Urban Stormwater Drainage System' located on development sites in favour of Council.

The term 'urban drainage system' is defined by the DCP as - any river, creek, drain, channel or swale channelling water within the urban areas of the Shire. The land to which this development relates is zoned RU1 Primary Production and thereby is not viewed as comprising an urban area.

Section 94A Contributions Plan 2009

Council's Section 94A Contribution Plan requires the payment of a development contribution at a rate of 1% of the total estimated value of a development for development applications with a value exceeding \$100,000.

As the estimated value of the development is less than \$100,000 a Section 7.12 Contribution (formerly Section 94A contribution) is not applicable to the proposed development.

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

Environmental impacts associated with the proposed development have been considered throughout the assessment of this development application and are commented on in greater detail under previous headings of this assessment report.

Through the assessment of the application key potential environmental impacts requiring consideration have been identified to be; flood impacts of the development, soil qualities and presence of possible contaminants in the fill used and visual impact of the development. A brief summary of Council's consideration of each of these key issues has been included under

the sub-headings below.

Flood Impacts

A report has been prepared by RHM Consulting Engineers to review the impact of the proposed development on the flood plain.

In view of the information contained in this report Council Officers are satisfied that the proposed development is unlikely to have any significant impact on the floodplain or increase the likelihood of flooding on adjoining properties and would be compatible with the provisions of Council's DCP in relation to flooding. Accordingly, Council Officers are satisfied that the proposed development may be supported from a flood impact perspective.

Site Contamination

A key issue for the assessment of the proposed development has been the source of fill used at the development site.

Council Officers are satisfied that the fill could be permitted to remain on-site as low risk material, the bulk of which complied with re-use guidelines as clean fill with the exception of fill in the vicinity of test pit 1. It was considered that any contaminants within the fill was unlikely to pose significant public risk where the site continued to be used for extensive agriculture. However, should the use of the site change it may be necessary for further investigations to be carried out in relation to the lands soil qualities to demonstrate that it meets the criteria for the relevant proposed use. To ensure that any future developer is aware of this site specific development constraint it has been recommended that where Council approves the proposed development a condition is imposed to require an 88E instrument to be placed on the land identifying the requirement for further soil quality investigations to be completed.

Visual impact

The fill installed at the site has a limited visual impact on the existing locality. The fill has been placed on site varies at different locations and is generally within a range of 0-0.5m in height.

When the site was inspected by Council Officers in April 2020 grass cover had grown over the fill placed on the site and batters around the emplacement had reduced any visual impact. As such Council Officers are satisfied that the development does not have an intrusive visual impact on the locality.

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

A total of three submissions were received during the notification period and are attached as **Appendix B**.

The concerns raised in the submissions are summarised below.

1. *Concern regarding Engineers statement on the amount of fill that was stated to be placed on the site.*

Response: Council requested a detailed survey of the site. This survey was to provide currently ground levels. From the survey provided and the information available to Council, it appears the maximum height of the fill placed on the site is 500mm (50cm).

2. *Concerns over the amount of fill on site within the flood zone.*

Response: The application was referred to Council's Community Infrastructure section for consideration and comment. There was no objection raised with regard to the amount of fill placed on the site. Further Clause 13.4(c) of the Muswellbrook Development Control Plan 2009 states:

The development will not result in increased flood hazard or flood damage to other properties or increase afflux by more than 0.1 metres.

From the survey information provided by the applicant and a review of the information available to Council, it appears the placement of fill on the site will not increase the flood level by more than 0.1metres.

3. *Concern the fill will not divert stormwater like suggested*

Response: The RHM Report submitted with the development application includes information regarding the management of stormwater at the site. It indicates that improvement works related to the installation of a swale drain would see the development have an overall positive impact on the management of stormwater. This swale drain has been installed in accordance with the report requirements and has been in place along with the fill for approximately 4 years. Council has not received any complaints regarding the impact of the fill on the dispersal of stormwaters from recent rain events.

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

Approval of the proposed development and the retention of fill on the site is not considered to conflict with the public interest as the development is expected to have a negligible impact on the dispersal of flood waters on the flood plain or cause site pollution. The requirement for further consideration of the soil composition of the fill is to be brought to the attention of any future developers through an 88E instrument to be registered on the site as a condition of consent.

5 CONCLUSION

The proposed development has been assessed against the provisions of Section 4.15C of the Environmental Planning and Assessment Act 1979 and particular consideration given to issues related to the impact of the fill on the floodplain and the potential for the material to be affected by contaminants. The application has also been reported to the NSW EPA and their comments considered through the assessment as well as the content of the three (3) public submissions received through the notification of the application.

On balance and in view of all the relevant information it is considered that the development application may be approved subject to the recommended conditions of consent including a condition which gives the applicant the option of either:

- Preparing and enacting a remediation action plan for the site, or
- Registering a Section 88E covenant restricting the use of the parts of the site that contain TP-1 and TP-3.

Recommended Conditions of Consent DA 2019/32**IDENTIFICATION OF APPROVED PLANS****1. Development in Accordance with Plans**

The development being carried out and the fill placed on the site in accordance with the drawings and documents referenced below, and endorsed with Council's approved stamp, except where amended by the following conditions.

| Document Details | Prepared by | Dated |
|---|--------------------------|---------------|
| Survey Plan | MM Hyndes Bailey | 10 June 2016 |
| Earthworks and Filling to Lot 402 and 403 | RHM Consulting Engineers | 26 March 2016 |

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT OF ANY EARTHWORKS**2. 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.

CONDITIONS TO BE COMPLIED WITH WITHIN SIX (6) MONTHS OF THE GRANTING OF CONSENT**3. Management of Fill Exceeding Residential Reuse Criteria**

Within six (6) months of the granting of this consent, the person acting with this consent is to carry out the requirements of either (3)(a) or (3)(b) outlined below and demonstrate that the relevant provisions have been complied with to the satisfaction of Council.

- (a) The person acting with this consent is to engage the services of an appropriately qualified person to prepare a remediation action plan in relation to the management of any contaminated fill placed on the site. The remediation action plan should detail how fill material identified as not compliant with the criteria for onsite reuse identified by the Qualtest report dated 2 October 2019 is to be remediated to ensure the entirety of the site is remediated to address this criterion.

A copy of any remediation plan prepared to address this requirement is to be submitted to Council along with a timeline for the completion of all required remediation works for consideration and approval. Remediation works required by this plan are to be completed at the site and suitable documentation prepared by an appropriately qualified person provided to Council to certify that all required works have been completed and the premises remediated in accordance with the relevant standard.

Or

- (b) The person acting with this consent is to register a public positive covenant on the title of Lot 403 DP 1175263 under Section 88E of the Conveyancing Act 1919 to the benefit of Council that advises that fill of an unconfirmed origin has been placed on the site and that fill at the locations of TP-1 and TP-3 were found not to meet the criteria for residential reuse. Further investigation into the soil qualities of these sites

are to be provided Council should building works or a use other than an agricultural use be proposed for these locations in the future.

| |
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| CONDITIONS TO BE COMPLIED WITH AT ALL TIMES |
|--|

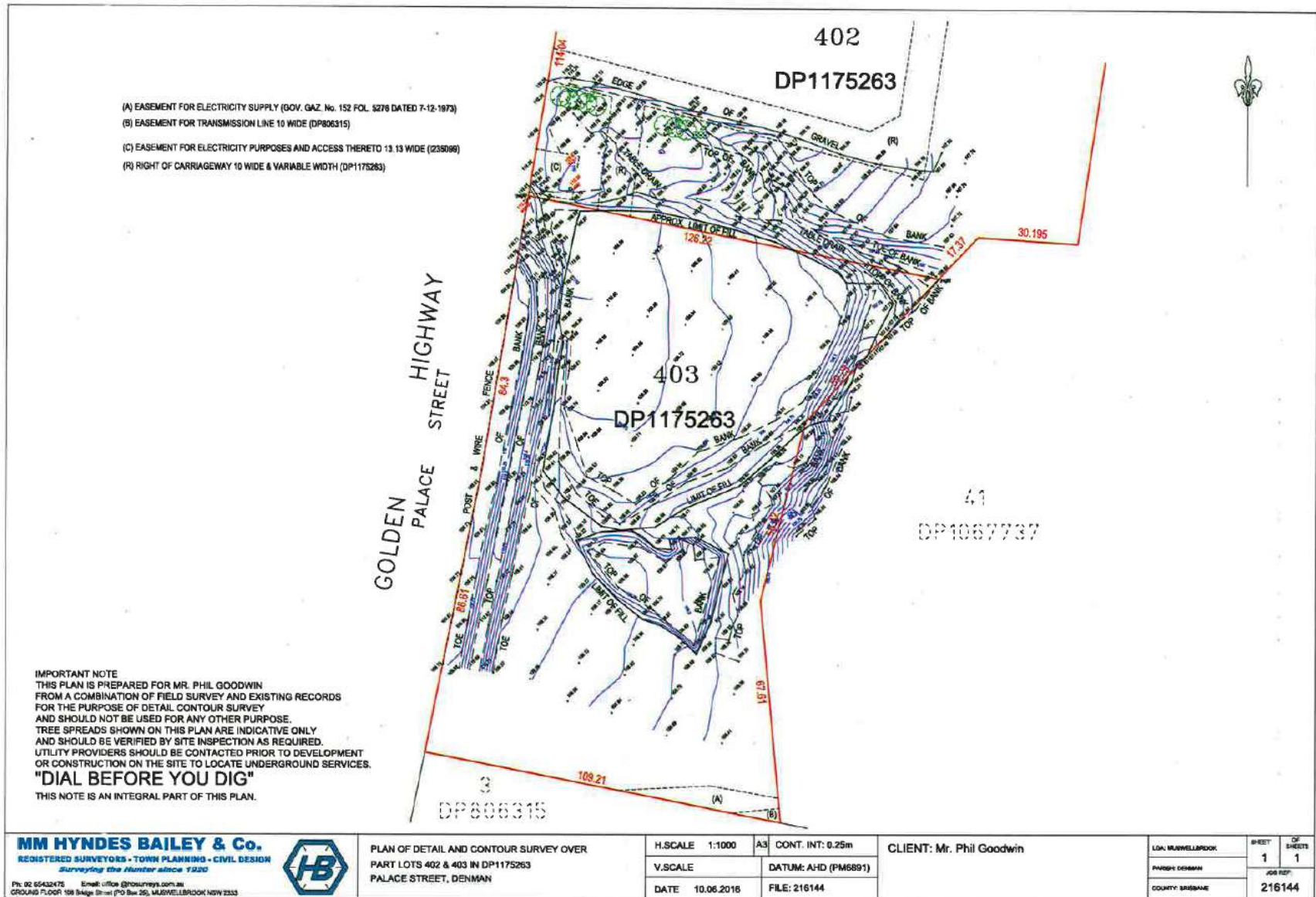
4. Restriction on the placement of further fill

Except where required by the provisions of an approved remediation plan or subsequent development consent no cut or fill works outside of the scope of those approved by this development application are to be carried out on the site.

Should a person seek to carry out additional works on the site at a future stage they should immediately contact Council to identify any approval requirements for the works.

5. Maintenance of the Diversion Swale

The diversion swale identified by the Earthworks and Filling Report prepared by RHM Consulting Engineers is to be maintained on the site at all times. No structures or fill are to be placed in the swale that have the potential to obstruct the passage of stormwater.





Our ref: DOC19/928334

Ms Fiona Plesman
General Manager
Muswellbrook Shire Council
P.O. Box 122
MUSWELLBROOK NSW 2333

council@muswellbrook.nsw.gov.au

Attention: Mr Derek Finnigan

Standard Post and Electronic Mail

25 October 2019

Dear Ms Plesman

Alleged unlawful application of waste to land - Referral to EPA

Why you are getting this letter

I refer to a phone call from Mr Derek Finnigan of Muswellbrook Shire Council (Council) on 9 October 2019 to the Environment Protection Authority's (EPA) Environment Line referring a legacy waste issue at 110 Merriwa Road, Denman NSW (the Premises) for our investigation.

Legislative Breaches

We have reviewed all the documents provided by Council and have conducted an inspection at the Premises. From our investigation into the matter we have identified that the material was transported to the Premises over an extended period from various sites, most of which are unknown. Consequently, it is unlikely that the EPA will be able to obtain sufficient evidence to prove an offence under the *Protection of the Environment Operations Act 1997*.

The EPA recommends that any further decisions about the material applied to land at the Premises should be made by Council in consideration of relevant planning legislation.

Pollution Risk

We note a comprehensive assessment of the material was conducted by Qualtest Laboratory (NSW) Pty Ltd, with the findings being reported to Council in a letter dated 2 October 2019 (the Report).

The Report states that nineteen samples were taken across an area of approximately 0.6 hectares where material was applied; with the analysis determining that one sample contained a 40mm by 20mm fragment of asbestos containing material. Also, one sample was found to contain a high concentration of benzo(a)pyrene.

Phone 131 555
Phone 02 4908 6800

Fax 02 4908 6810
TTY 133 677
ABN 43 692 285 758

PO Box 488G
Newcastle
NSW 2300 Australia

117 Bull St
Newcastle West
NSW 2302 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au

In considering the sampling results, the fact that the material is spread rather than stockpiled, and that the material is covered in grass, the EPA considers that the pollution risk of the material is low. The occurrence of one of the nineteen samples being found to have a concentration of benzo(a)pyrene indicates a "hot spot" rather than widespread contamination, likewise the asbestos.

The EPA now refer this matter back to Council for the determination of DA 32/2016.

If you have any further queries about this matter, please contact Sean Joyce on 4908 6897.

Yours sincerely

 28/10/2019
STEVEN JAMES
Unit Head Waste Compliance
Environment Protection Authority

10th May, 2016

The General Manager,
Muswellbrook Council
P.O. Box 122, MUSWELLBROOK NSW 2333



Re: OBJECTION IN CONFIDENCE - to Phil GOODWIN DA 32/2016

My primary objection to this fill is the impact to 1:100 year flood zone. The legality of it, the build up of fill past water course bank and the gross inaccuracies in the report attached to the DA.

1. I find it inconceivable and questionable that an engineer claims to have verified for themselves that the maximum fill placed upon this land is up to 150mm and that the quantity of fill was a mere 300T.

The fill depth would actually be from 150mm at levee bank up to 2m on creek side with an estimate of at least 4,000 Tonnes of fill. I have photos of fill on land prior to being leveled. So, I consider the technical detail supplied by RHM Consulting Engineers to be understated and very misleading.

2. I have been advised by Council engineers in the past I could not place fill onto land within the 1:100 year flood zone, into existing waterway or within 10m of a watercourse bank – which is the case here. From the evidence presented here, it would appear that this conduct is now OK by Council, and that anyone can put substantial fill onto 1:100 Year Flood Zone without interference from Council.

3. The purported reason to divert flow from the highway is also questionable, as the levee bank is between the highway and the placement of fill. The flow from pipe under highway is north of levee, indicated as 'swales' on photo, does not justify filling in large area between that line, levee and south about 90m. The position of the levee on attached photo is also incorrect – see attached. Noting there is still more fill currently stockpiled south of leveled area, presumably to be either topped over current works, or to spread even further along creek bank.

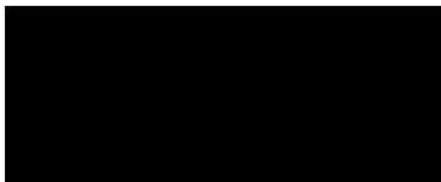
4. The same Applicant – Mr Phil Goodwin some years ago, applied and had this rural and broken into smaller blocks. It is now obvious there is an ulterior motive to this fill being placed – and has nothing to do with making it easier to slash/mow, as the land was already reasonably level.

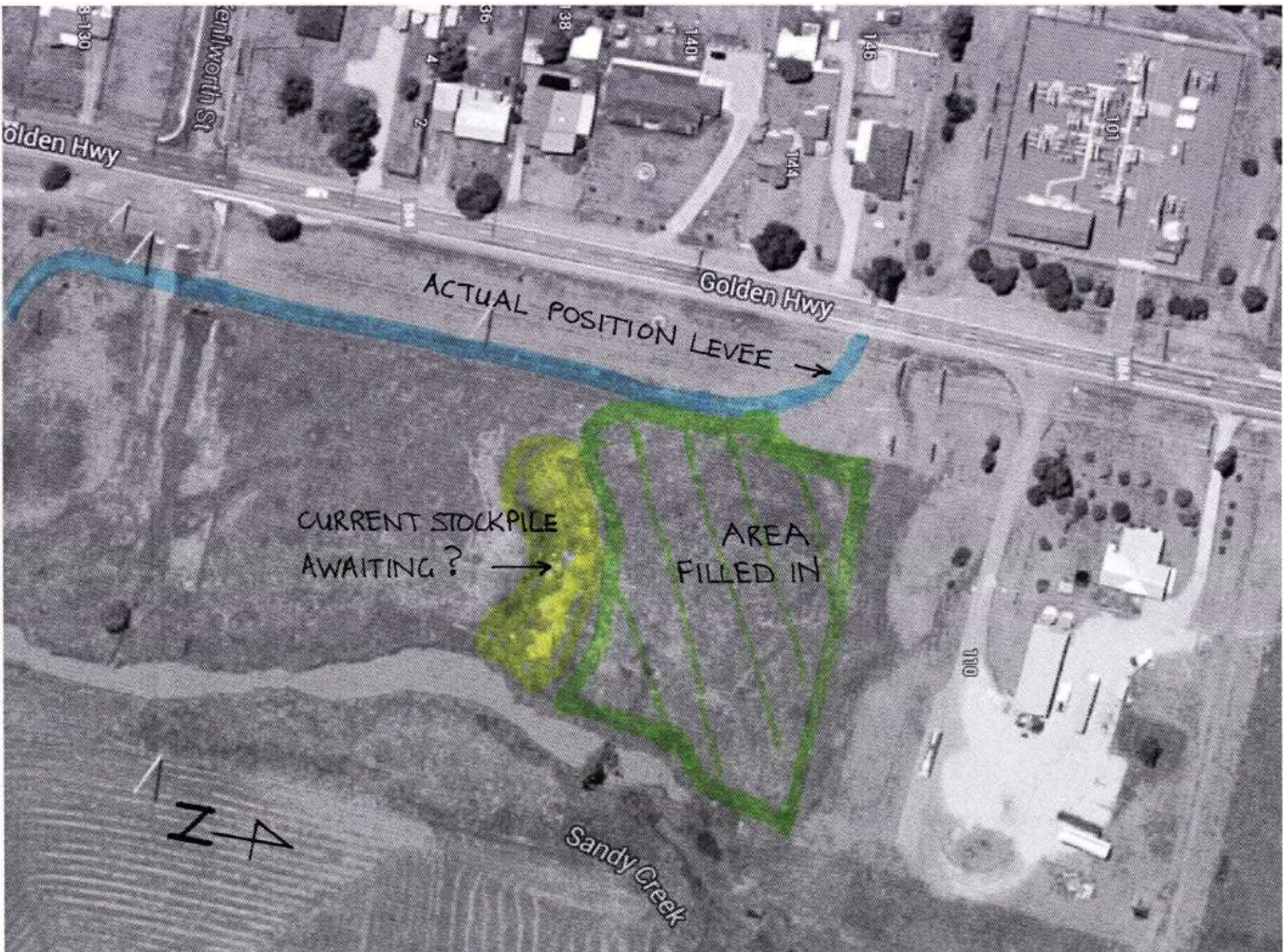
5. RHM Consulting Engineers claim the fill would have negligible effects on drainage systems and infrastructure. From experience, 'nuisance flooding' arises from elevation of the water level in the 'discharge watercourse', thus (albeit negligible) added back up of water flow upstream.

Attached:

3 photos showing earthworks in progress

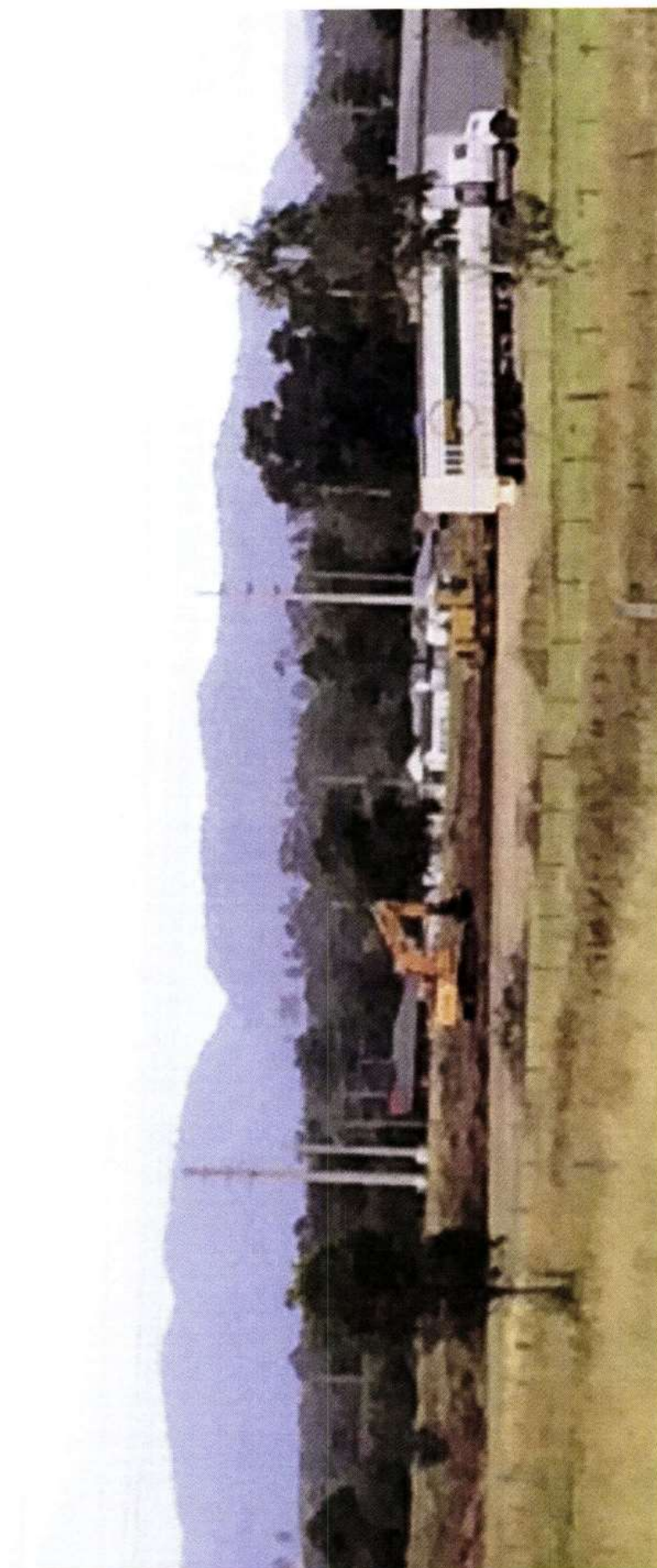
Google map showing correct position of levee and of filled area







VIEW FROM GOLDEN HWY LOOKING SOUTH-EAST



VIEW LOOKING SOUTH-WEST

11th May 2016

The General Manager,
Muswellbrook Council
P.O. Box 122
Muswellbrook 2333

Re: Objection in Confidence

DA 32/2016 Casson Planning and Development Services for Mr Phil Goodwin

We are lodging our objection to this Development Application as we own property that will be affected by this.

We have noticed this Application and on reading the request for approval for works, currently partly completed, we note some inconsistencies, which do not make sense.

Casson Planning & Development Services have come in after the effect, engaging RHM Consulting Engineers. We find several misleading points in the report.

Working in the earthmoving industry, we know that the amount of fill already placed far exceeds the purported 300Tonnes – more like several thousand tonnes at least.

As far as claiming maximum fill depth to be 150mm is also significantly understated. The fill is a taper from levee bank down into creek bank, and would be over 1.5m at the bank.


If the true purpose of works was to make the land easier to mow/slash, this could have been simply achieved with a grader – no need for fill.

Further the reason given to divert water flow from highway side in a 'controlled manner to discharge location' (creek) is also questionable, as firstly, a small bund or channel would suffice this purpose. Secondly, by filling such a large area, makes the excuse almost laughable, as increasing ground height would only force more water north side (upstream) - right onto his own property infrastructure (house and sheds).

On the picture it also shows wrong placement of levee bank, the stockpile is clearly yet to be distributed either over area already covered, or to spread even further. Does not show area already filled, we estimate about 12,600m².

We can only deduce that by significantly understating works it is an attempt to play down the impact for easy approval, and possibly another purpose, given application was made in past to subdivide.

We believe the fill should be removed.



The General Manager,
Muswellbrook Council
P.O. Box 122,
Muswellbrook 2333

Re: Objection in Confidence - DA 32/2016 Phil Goodwin

I notice a DA has been lodged after works carried out.

From the report attached to the DA with regard to where fill is placed, and how much, I find it unbelievable in its truthfulness.

I think there is much more fill than stated in the report, deeper than in report and placements on photo seem not right.





6.2 OUTSTANDING DEVELOPMENT APPLICATIONS

| | |
|---------------------------------|---|
| Attachments: | A. Outstanding Development Applications 18 August 2020.pdf |
| Responsible Officer: | Sharon Pope - Executive Manager - Environment and Planning |
| 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 18/08/2020

| <u>Account</u> | | <u>Property</u> | <u>Applicant</u> | <u>Value</u> | <u>Received</u> | <u>Days</u> | <u>Current Status</u> |
|-----------------------|--|---|----------------------------------|--------------|-----------------|-------------|-------------------------|
| 005.2020.00000092.001 | SWIMMING POOL | 102 Woodland Ridge RD MUSCLE CREEK LOT: 15 DP: 1044551 | Mr B D Parkes | \$29,900 | 18/08/2020 | | DA Acknowledgement |
| 005.2020.00000090.001 | Ancillary Development - Residential Shed | 116 Palace ST DENMAN LOT: 9 DP: 261318 | Mr R Duggan | \$13,578 | 18/08/2020 | | CC Application Received |
| 005.2020.00000089.001 | Service Station | 33 Maitland ST MUSWELLBROOK LOT: 4 DP: 18699 31 Maitland ST MUSWELLBROOK Lot: B DP:364391 31 Maitland ST MUSWELLBROOK LOT: 3 DP: 18699 | KLK Enterprises Pty Ltd | \$2,128,496 | 18/08/2020 | | DA Acknowledgement |
| 005.2020.00000091.001 | Industrial Extensions - Steel Shelter Over Existing Wash Bay | 26 Wallarah RD MUSWELLBROOK Lot: 42 DP:260504 | Cummins South Pacific Pty Ltd | \$16,443 | 17/08/2020 | 1 | DA Acknowledgement |
| 005.2020.00000088.001 | Residential Shed and Swimming Pool | 87 Woodland Ridge RD MUSCLE CREEK LOT: 7 DP: 1044551 | Mrs K M Jones | \$49,621 | 17/08/2020 | 1 | CC Application Received |
| 005.2020.00000087.001 | Ancillary Development - Carport | 11 Plashett CL MUSWELLBROOK LOT: 24 DP: 1062553 | Mr J D Chapman | \$7,000 | 17/08/2020 | 1 | DA Acknowledgement |
| 005.2020.00000086.001 | Residential Shed with Attached Carport | 56 Cook ST MUSWELLBROOK LOT: 8 DP: 38235 | Mr B D Kane | \$24,500 | 14/08/2020 | 4 | DA Acknowledgement |
| 005.2020.00000085.001 | New Dual Occupancy Dwelling | 25 Pendula WAY DENMAN LOT: 34 DP: 1182796 | Yarrum Designer Homes | \$455,000 | 11/08/2020 | 7 | DA Acknowledgement |
| 005.2020.00000084.001 | Alterations and Additions to existing School Building | 80 Palace ST DENMAN LOT: 2 DP: 594471 REF: SCHOOL | Austin McFarland Pty Ltd | \$290,000 | 11/08/2020 | 7 | DA Acknowledgement |

Development Assessment Committee - Outstanding DAs as at 18/08/2020

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|-----------------------|--|---|---|--------------|-----------------|-------------|-------------------------|
| 005.2020.00000082.001 | Commercial Fitout | LOT: 2 DP: 1230519 | Great Northern investment Group Pty Ltd | \$80,000 | 11/08/2020 | 7 | DA Acknowledgement |
| 005.2020.00000001.002 | S4.55 (1a) Modification - Ancillary Development (Garage and Carport) | 18 Grimes CL DENMAN LOT: 21 DP: 45633 | Mr I G McLeod | \$0 | 11/08/2020 | 7 | S4.55 Acknowledgement |
| 005.2020.00000081.001 | Dwelling house | Foley LA MUSWELLBROOK LOT: 112 DP: 749569 | Mr B T W Scott | \$382,145 | 7/08/2020 | 11 | Notify Adjoining Owners |
| 005.2020.00000079.001 | Residential Shed | 13A Grey Gum RD DENMAN LOT: 2101 DP: 1186437 | Mr G C Dick | \$25,600 | 7/08/2020 | 11 | Notify Adjoining Owners |
| 005.2020.00000078.001 | Residential Shed | 63 Calgaroo AVE MUSWELLBROOK LOT: 3063 DP: 263113 | Topline Garages And Sheds | \$12,862 | 7/08/2020 | 11 | Notify Adjoining Owners |
| 005.2020.00000080.001 | Relocation of Existing Dwelling | Bylong Valley Wy BAERAMI LOT: 31 DP: 755437 Bylong Valley Wy BAERAMI LOT: 105 DP: 755437 | Mrs P Beak | \$40,000 | 4/08/2020 | 14 | DA Acknowledgement |
| 005.2020.00000083.001 | Subdivision of one lot (1) into three (3) | 60-62 Palace ST DENMAN LOT: 1 DP: 112715 | Mm Hyndes Bailey & Co | \$10,000 | 3/08/2020 | 15 | DA Acknowledgement |
| 005.2020.00000075.001 | Residential Shed | 38 Stockyard PDE MUSWELLBROOK LOT: 301 DP: 1180655 | Mr C J Nichols | \$96,742 | 3/08/2020 | 15 | Notify Adjoining Owners |
| 005.2020.00000076.001 | Dual Occupancy | 29 Pendula WAY DENMAN LOT: 36 DP: 1182796 | Yarrum Designer Homes | \$465,000 | 31/07/2020 | 18 | Notify Adjoining Owners |
| 005.2020.00000074.001 | Residential Shed | 10 Finnegan CR MUSWELLBROOK LOT: 703 DP: 1174885 | Miss J L McTaggart | \$19,800 | 31/07/2020 | 18 | CC Application Received |

Development Assessment Committee - Outstanding DAs as at 18/08/2020

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|-----------------------|--|--|----------------------------------|--------------|-----------------|-------------|--------------------------|
| 005.2020.00000077.001 | Change Of Use To A Hair And Beauty Salon | 17 Bridge ST MUSWELLBROOK LOT: 51 DP: 850159 | Ms J Clifton | \$3,800 | 30/07/2020 | 19 | Notify Adjoining Owners |
| 005.2018.00000078.003 | S4.55(1A) Modification - Alterations to site plan layout and car parking | 147/151 Bridge ST MUSWELLBROOK LOT: 1 DP: 159620 147 Bridge ST MUSWELLBROOK LOT: 1 DP: 161784 147 Bridge ST MUSWELLBROOK LOT: 1 DP: 784361 153 Bridge ST MUSWELLBROOK LOT: 1 DP: 794803 | Inland Building and Construction | \$0 | 28/07/2020 | 21 | Notify Adjoining Owners |
| 005.2020.00000073.001 | Residential Shed | 39 Pamger DR MUSWELLBROOK LOT: 2 DP: 258743 | Mr N I Simmons | \$40,000 | 27/07/2020 | 22 | Additional Info Required |
| 005.2020.00000072.001 | Residential Shed | 23 Osborn AVE MUSWELLBROOK LOT: 44 DP: 239686 | Mr B C Doyle | \$11,300 | 24/07/2020 | 25 | Notify Adjoining Owners |
| 005.2020.00000071.001 | Residential Shed | 5 Malbec ST MUSWELLBROOK LOT: 122 DP: 261832 | Mr N S Jones | \$15,999 | 22/07/2020 | 27 | Notify Adjoining Owners |
| 005.2016.00000037.002 | S4.55(1A) Modification – NEW TWO (2) STOREY DWELLING AND RETAINING WALLS | 3 Lou Fisher PL MUSWELLBROOK LOT: 11 DP: 1087125 | Mr N Wear | \$0 | 22/07/2020 | 27 | S4.55 Acknowledgement |
| 005.2020.00000070.001 | Residential Shed | 45 Wanaruah CCT MUSWELLBROOK LOT: 708 DP: 1098302 | Mr L A Draper | \$9,500 | 13/07/2020 | 36 | Notify Adjoining Owners |

Development Assessment Committee - Outstanding DAs as at 18/08/2020

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|-----------------------|---|--|----------------------------|--------------|-----------------|-------------|--------------------------|
| 005.2019.00000024.002 | S4.55(1) Modification - New Dwelling and Ancillary Development (Shed) | 15 Babbler CR MUSCLE CREEK LOT: 401 DP: 1197030 | Mr B J Andrews | \$0 | 13/07/2020 | 36 | S4.55 Acknowledgement |
| 005.2020.00000068.001 | Residential Shed | 52 Calgaroo AVE MUSWELLBROOK LOT: 3043 DP: 263113 | Mr J D Pieters | \$14,500 | 8/07/2020 | 41 | CC Application Received |
| 005.2020.00000069.001 | Commercial alterations and additions to fitout an existing shop premises for use as a bakery and cafe | 72-78 Brook ST MUSWELLBROOK LOT: 11 DP: 1046939 REF: SHOP CEN | Muswellbrook Shire Council | \$100,000 | 7/07/2020 | 42 | Additional Info Required |
| 005.2020.00000067.001 | Residential Shed | 36 Top Knot PL MUSWELLBROOK LOT: 320 DP: 1105347 | Miss L M Clark | \$32,900 | 7/07/2020 | 42 | Additional Info Required |
| 005.2020.00000064.001 | Change of use of a restaurant to a health services facility (chiropractic practice) | 26 Sowerby ST MUSWELLBROOK LOT: 6 DP: 995629 | Dr A McKenzie | \$10,000 | 3/07/2020 | 46 | Notify Adjoining Owners |
| 005.2020.00000061.001 | Residential Shed | 15 Grey Gum RD DENMAN LOT: 20 ALT: DP: 876528 | Mr C M Pickersgill | \$49,700 | 22/06/2020 | 57 | Notify Adjoining Owners |
| 005.2020.00000060.001 | Dwelling House | 190 Woodland Ridge RD MUSCLE CREEK LOT: 309 DP: 1105347 | Hunter Homes Pty Ltd | \$377,993 | 19/06/2020 | 60 | Additional Info Required |
| 005.2020.00000059.001 | Signage | 49-51 Maitland ST MUSWELLBROOK LOT: 390 ALT: DP: 1144132 REF: | KSJS Pty Ltd | \$7,500 | 19/06/2020 | 60 | Additional Info Required |
| 005.2020.00000058.001 | Commercial Alterations and Additions | 4 Lorne ST MUSWELLBROOK ALT: A DP: 332469 | Building Design Direct | \$45,000 | 16/06/2020 | 63 | Notify Adjoining Owners |

Development Assessment Committee - Outstanding DAs as at 18/08/2020

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|-----------------------|--|---|---|--------------|-----------------|-------------|--------------------------|
| 005.2020.00000057.001 | Amenities Building | LOT: 22 DP: 616590 REF: SHOW GROUND Maitland ST MUSWELLBROOK Lot: 10 DP: 843828 St James CR MUSWELLBROOK LOT: 400 DP: 578684 | Upper Hunter Show Incorporated | \$242,000 | 16/06/2020 | 63 | Additional Info Required |
| 005.2020.00000055.001 | Commercial Fitout Additions and Alterations | 20 Ogilvie ST DENMAN LOT: 1 DP: 770596 | Building Design Direct | \$49,720 | 12/06/2020 | 67 | Additional Info Required |
| 005.2020.00000054.001 | Change of use - refrigeration and electrical sales, service and warehousing (light industry) | 74 Aberdeen ST MUSWELLBROOK LOT: 224 ALT: DP: 626856 | Mm Hyndes Bailey & Co | \$50,000 | 5/06/2020 | 74 | Notify Adjoining Owners |
| 005.2020.00000053.001 | Dwelling House | 81 Babbler CR MUSCLE CREEK LOT: 411 DP: 1197030 | Oracle Building Corporation Pty Ltd | \$425,995 | 2/06/2020 | 77 | Additional Info Required |
| 005.2020.00000052.001 | Dwelling House | 20 Tindale ST MUSWELLBROOK LOT: 121 DP: 233508 | Welshman Building Services | \$283,094 | 2/06/2020 | 77 | DA Acknowledgement |
| 005.2020.00000051.001 | Residential Shed | 7 Arlingham CL MUSWELLBROOK LOT: 5 DP: 700845 5 Arlingham CL MUSWELLBROOK LOT: 6 DP: 700845 | Mr M A Bunt | \$25,350 | 29/05/2020 | 81 | Additional Info Required |
| 005.2020.00000049.001 | Electricity Generating Works (Solar Farm) | Denman RD MUSWELLBROOK LOT: 400 DP: 791860 | Denman Road Solar Park Pty Ltd | \$26,131,000 | 21/05/2020 | 89 | Referrals |

Development Assessment Committee - Outstanding DAs as at 18/08/2020

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|-----------------------|--|--|--------------------------------|--------------|-----------------|-------------|--------------------------|
| 005.2020.00000048.001 | Use of Shipping Container as a Residential Shed | 54 Ironbark RD MUSWELLBROOK LOT: 21 DP: 1001348 | Mrs B J Sharp | \$1,200 | 18/05/2020 | 92 | Notify Adjoining Owners |
| 005.2020.00000043.001 | Animal Boarding Establishment and Community Facility | LOT: 2 DP: 1243931 | Muswellbrook Shire Council | \$2,550,000 | 7/05/2020 | 103 | Additional Info Required |
| 005.2020.00000036.001 | Residential Outbuilding - Storage Space | 540 Sandy Creek RD MUSWELLBROOK LOT: 165 DP: 633737 | Mr B K Maxwell | \$20,000 | 17/04/2020 | 123 | DA Acknowledgement |
| 005.2020.00000035.001 | 599 Lot Residential Subdivision and associated Civil Construction Work | 8911 New England HWY MUSWELLBROOK LOT: 1300 DP: 1164893 | Raj & Jai Construction Pty Ltd | \$21,200,572 | 15/04/2020 | 125 | Additional Info Required |
| 005.2020.00000034.001 | Change of Use to Indoor Recreational Facility (Gymnastics Centre) | 5 Glen Munro RD MUSWELLBROOK LOT: 4 DP: 1018378 | Mrs M J Thompson | \$10,000 | 15/04/2020 | 125 | Notify Adjoining Owners |
| 005.2020.00000032.001 | Change of Use of Existing Buildings for Vehicle Repair Station | Golden Hwy SANDY HOLLOW LOT: 2 DP: 1160725 | Mr M Dawson | \$3,500 | 8/04/2020 | 132 | Additional Info Required |
| 005.2003.00000072.005 | S4.55(2) Modification - To Make Previously Approved 12 Month | 83-89 Maitland ST MUSWELLBROOK LOT: 100 DP: 793194 | McDonalds Australia Limited | \$0 | 6/04/2020 | 134 | Advertisement - Proposal |
| 005.2020.00000022.001 | Industrial Hard Stand Area | LOT: 20 DP: 1119843 | Mr G Ray | \$73,500 | 19/02/2020 | 181 | Additional Info Required |
| 005.2020.00000007.001 | Additions and Alterations to existing Hotel | 184 Bridge ST MUSWELLBROOK LOT: 3 DP: 37789 REF: HOTEL | Mr P Ryan | \$110,000 | 24/01/2020 | 207 | Additional Info Required |

Development Assessment Committee - Outstanding DAs as at 18/08/2020

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|-----------------------|--|---|--|--------------|-----------------|-------------|--------------------------|
| 005.2020.00000005.001 | Change of Use from a Restaurant to a Community Facility | 29 Sydney ST MUSWELLBROOK LOT: 1 DP: 69766 | Sunnyfield Disability Services | \$0 | 20/01/2020 | 211 | Additional Info Required |
| 005.2019.00000104.001 | Change of use to warehouse and distribution premises with a new office and storage/shade structure | Thomas Mitchell DR MUSWELLBROOK LOT: 25 DP: 260504 | Mrs N S Englebrecht | \$75,000 | 27/11/2019 | 265 | Notify Adjoining Owners |
| 005.2019.00000093.001 | 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 | 299 | Notify Adjoining Owners |
| 005.2019.00000090.001 | Subdivision of One (1) Lot into Twenty (20) Lots | 9 Yarrowa RD DENMAN LOT: 1 DP: 323945 | Waebron Pty Ltd | \$2,828,700 | 30/09/2019 | 323 | Notify Adjoining Owners |
| 005.2019.00000054.001 | 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 | 417 | Additional Info Required |
| 005.2019.00000053.001 | 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 | 418 | Notify Adjoining Owners |
| 005.2019.00000016.001 | Information and Education Facility (Museum) | Turner ST DENMAN PRT: 231 DP: 729996 REF: FIELD | Denman & District Heritage Village Inc. | \$265,000 | 15/02/2019 | 550 | Additional Info Required |
| 005.2019.00000013.001 | | 8911 New England HWY MUSWELLBROOK LOT: 1300 DP: 1164893 | Raj & Jai Construction Pty Ltd | \$5,142,236 | 14/02/2019 | 551 | Notify Adjoining Owners |

Development Assessment Committee - Outstanding DAs as at 18/08/2020

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|-------------------------|---|--|--|--------------|-----------------|-------------|--------------------------|
| 005.2019.00000002.001 | 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 | 582 | Notify Adjoining Owners |
| 005.2017.00000058.002 | S96 (1A) Modification - Modify Condition 8 | Jerdan ST DENMAN LOT: 1 DP: 151236 | Ms M J Melville | \$0 | 19/02/2018 | 911 | Advertisement - Proposal |
| 005.2017.00000060.001 | Change of Use - Building Materials Recycling Depot | 7 Glen Munro RD MUSWELLBROOK LOT: 5 DP: 1018378 | Mr L McWhirter | \$0 | 23/06/2017 | 1152 | 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 | 1177 | Advertisement - Proposal |
| 005.2016.00000032.001 | Placement of Fill | 110 Merriwa RD DENMAN LOT: 402 DP: 1175263 Merriwa RD DENMAN LOT: 403 DP: 1175263 | Casson Planning and Development Services | \$5,000 | 12/04/2016 | 1589 | Additional Info Required |
| DAs Outstanding: | 64 | | | | | | |

7 DATE OF NEXT MEETING

7 September 2020

8 CLOSURE