



**muswellbrook
shire council**

Muswellbrook Shire Council

**DEVELOPMENT ASSESSMENT
COMMITTEE MEETING**

**BUSINESS PAPER
30 NOVEMBER 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, 30 NOVEMBER 2020

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

27 November, 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 **30 November, 2020** commencing at 4.00PM.

Sharon Pope
EXECUTIVE MANAGER - ENVIRONMENT AND PLANNING

Order of Business

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**MUSWELLBROOK SHIRE COUNCIL
DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

AGENDA
MONDAY 30 NOVEMBER 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 **16 November 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 and Cr R. Scholes.

IN ATTENDANCE: Ms F. Plesman (General Manager), Ms S. Pope (Executive Manager – Planning & Environment), Mr H. McTaggart (Co-Ordinator Development) and Mrs M Sandell-Hay.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Cr Rush and Cr Woodruff that:

The Minutes of the Development Assessment Committee held on 7 September 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

RECOMMENDED on the motion of Cr Rush and Cr Woodruff that:

Standing Orders be suspended in order to consider Items 6.2 and 6.3 prior to Public Participation and Item 6.1 to allow Cr Scholes time to attend the meeting

5 BUSINESS ARISING

Nil

6 BUSINESS

6.2 MUSWELLBROOK COAL OLD PIT TOP REHABILITATION

RECOMMENDED on the motion of Cr Rush and Cr Woodruff that:

The information contained in this report be noted and be considered further at the next Development Assessment Committee Meeting.

6.3 OUTSTANDING DEVELOPMENT APPLICATIONS

RECOMMENDED on the motion of Cr Rush and Cr Woodruff that:

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

ADJOURNMENT OF MEETING

RECOMMENDED on the motion of Cr Rush and Cr Woodruff that:

The meeting be adjourned to allow Cr Scholes time to attend the meeting.

MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 16 NOVEMBER, 2020 COMMENCING AT 4.00PM.

The meeting adjourned at 4.16pm

Cr Scholes arrived at 4.28pm.

The meeting resumed at 4.28pm

7 PUBLIC PARTICIPATION

Mr Michael Blunt – Applicant – DA51/2020

6.1 DA 2020-51 PROPOSAL FOR ANCILLARY DEVELOPMENT - SHED - 5 ARLINGHAM CLOSE, MUSWELLBROOK

RECOMMENDED on the motion of Cr Rush and Cr Scholes that:

The Committee approve Development Application No. 2020/51 proposing ancillary development (Shed) at Lot 5 & 6, DP 700845 known as 5 Arlingham Close Muswellbrook, subject to the conditions in Appendix B.

7 DATE OF NEXT MEETING

30 November 2020

8 CLOSURE

The meeting was declared closed at 4.32pm.

.....
Cr B. Woodruff

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 2020-85 - ERECTION OF A DWELLING WITH AN ATTACHED SECONDARY DWELLING - 25 PENDULA WAY, DENMAN

Attachments:	A. DA 2020/85 4.15 Assessment Report B. DA 2020/85 Recommended Conditions of Consent C. DA 2020/85 Plan of Proposal D. DA 2020/85 - Statement of Environmental Effects E. DA 2020/85 Submission recieved to initial notification F. DA 2020/85 Submission recieved to re-notification G. DA 2020/85 Applicant's response to submission
Responsible Officer:	Sharon Pope - Executive Manager - Environment and Planning
Author:	Tanya Jolly - Building Inspector
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 2020/85. A copy of the Section 4.15 Assessment Report and recommended conditions of Consent are attached. DA 2020/85 is being reported to the Development Assessment Committee as a submission objecting to the proposed development was received during the notification period. The determination of this development is within the function delegated to the Development Assessment Committee.

OFFICER'S RECOMMENDATION

The Development Assessment Committee grant consent to Development Application No. 2020/85, for the erection of a Dwelling House with an attached Secondary dwelling on Lot 34 DP 1182796 at 25 Pendula Way, Denman, subject to the conditions in Attachment B.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The site subject to this development application is Lot 34 in DP 1182796 (25 Pendula Way, Denman).

The land is zoned RU5 Village under the Muswellbrook Local Environmental Plan (LEP) 2009 and has an area of 727.2m². The land was created in 2013 by a Council approved subdivision (DA 239/2008). The land is currently vacant. This is the first development application received by Council for the land since subdivision.

The northern part of the land is burdened by an easement to drain stormwater. An open top swale drain is located within this easement.

The proposed development was originally lodged as a dual occupancy but was modified by the applicant. The modified proposal involves:

- A principal dwelling comprising three (3) bedrooms; and
- A secondary dwelling comprised of two (2) bedrooms.

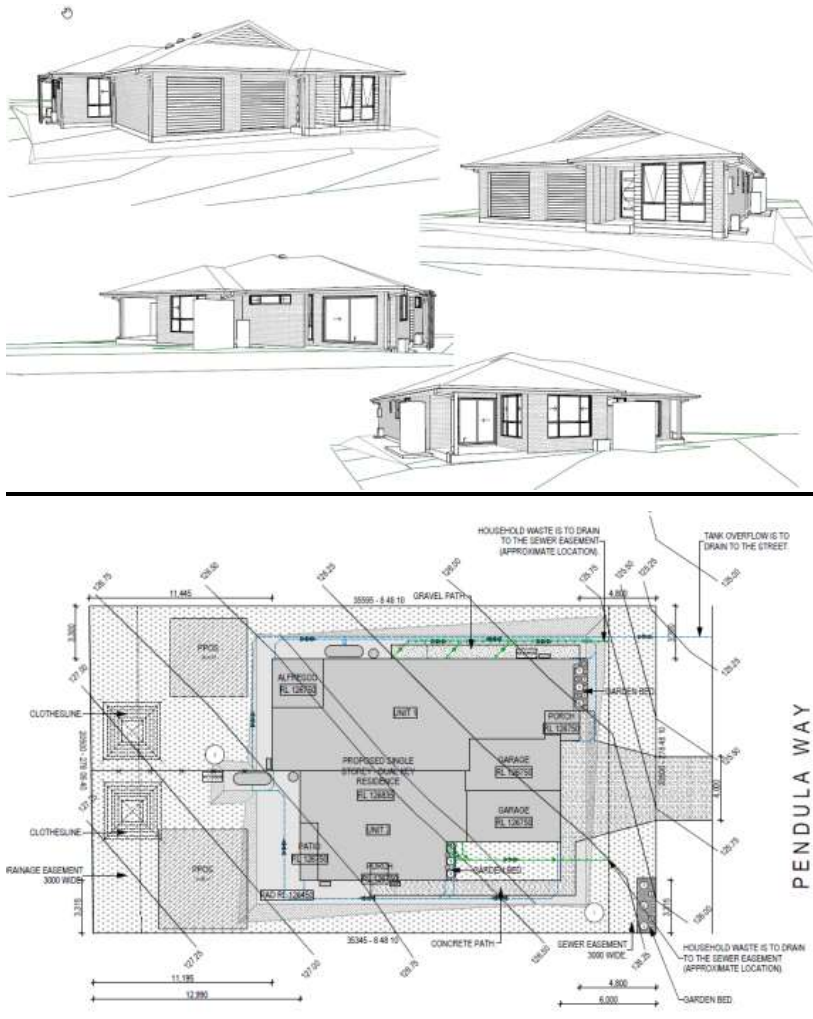
The Muswellbrook LEP 2009 defines a secondary dwelling as:

secondary dwelling means a self-contained dwelling that—

- is established in conjunction with another dwelling (the *principal dwelling*), and
- is on the same lot of land as the principal dwelling, and
- is located within, or is attached to, or is separate from, the principal dwelling.

Clause 5.4 of the Muswellbrook LEP 2009 restricts the floor area of secondary dwellings from whichever is greater of 60m² or 33% of the floor area of the principal dwelling. The proposed secondary dwelling has a total floor area of 58.4m²

The image below includes a site plan and 3D images for the proposed development.



ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

A copy of the Section 4.15 Assessment is provided in Attachment A. Council Staff recommend that the development application be approved subject to the recommended conditions of consent provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed secondary dwelling complies with the Muswellbrook LEP 2009 definition for a secondary dwelling. The proposed secondary dwelling would also be consistent with the miscellaneous provisions included in Clause 5.10 of the Muswellbrook LEP 2009 and would have a total floor area of 58.4m².
- The proposed development is in accordance with other 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 generally in accordance with the requirements of the Muswellbrook Development Control Plan (DCP) 2009.
- Council Officers noted that the proposed secondary dwelling does not have a front entrance orientated toward Pendula Way. Section 6.1.7 of the DCP requires dwellings to have an entry point visible from the street. However, Council Officers have observed that it is not uncommon for secondary dwellings not to have an access fronting a street as they are regularly located in the rear yard of properties as granny flats and similar small builds. The proposed principal dwelling is designed to address Pendula Way. Council Officers consider that the design satisfies the objectives of this Section of the DCP.
- The development is unlikely to have a significant adverse environmental impact that would prevent Council from granting development consent to this development application.
- The proposed development was notified on two occasions. A submission was received objecting to the proposed development on both occasions. The submissions raised concerns regarding traffic, parking and lack of demand for the proposed development noting vacant land in the area. The concerns raised have been considered through the assessment of the development application. Copies of the submissions has been attached for the Committee's information.

COMMUNITY CONSULTATION

The development application has been notified to adjoining owners between the 19/08/2020 to 07/09/2020, in accordance with the requirements of Council's Community Participation Plan. One (1) submission was received objecting to the proposed development.

The Applicant modification the proposed development and the proposal was renotified between 29/10/2020 and 18/11/2020. One (1) submission was received which maintained the submitters objection to the proposed development.

Concerns raised by the submitter relate to traffic, parking and lack of demand the proposed development.

These concerns are considered and commented on in detail in the Section 4.15 Assessment. Council Officers are of the view that the issues raised do not justify a decision to refuse the development. In forming this view Council Officers noted that the proposed development complies with the relevant DCP car parking and development density requirements and the additional traffic related to the development was not unreasonable for a residential lot.

OPTIONS

The Development Assessment Committee may:

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

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 2020/85 has been reported to the Development Assessment Committee as a submission was received during the notification period. Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. The Section 4.15 Assessment recommends that the Development Assessment Committee grant development consent to DA 2020/85 subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT: 34 DP: 1182796 25 Pendula Way DENMAN			
APPLICATION No:	2020/85			
PROPOSAL:	Primary dwelling with Attached Secondary Dwelling			
PLANS REF:	Drawings no.	Drawn by	Date	Received
	Site Plan	Yarrum Designer Homes	19/11/2020	20/11/2020
	Landscape Plan	Yarrum Designer Homes	15/09/2020	18/09/2020
	Ground Floor Plan	Yarrum Designer Homes	15/09/2020	18/09/2020
	Elevations	Yarrum Designer Homes	15/09/2020	18/09/2020
	Drainage Diagram	Yarrum Designer Homes	15/09/2020	18/09/2020
OWNER:	Bellamax Investments Pty Limited			
APPLICANT:	Yarrum Designer Homes Po Box 155 BRANXTON NSW 2335			
AUTHOR:	Ms T Jolly			
DATE LODGED:	11/08/2020			
DATE OF REPORT:	12 November 2020			

SUMMARY

ISSUES: Density in Village Zone, Traffic and Amenity Impact

SUBMISSIONS: One (1)

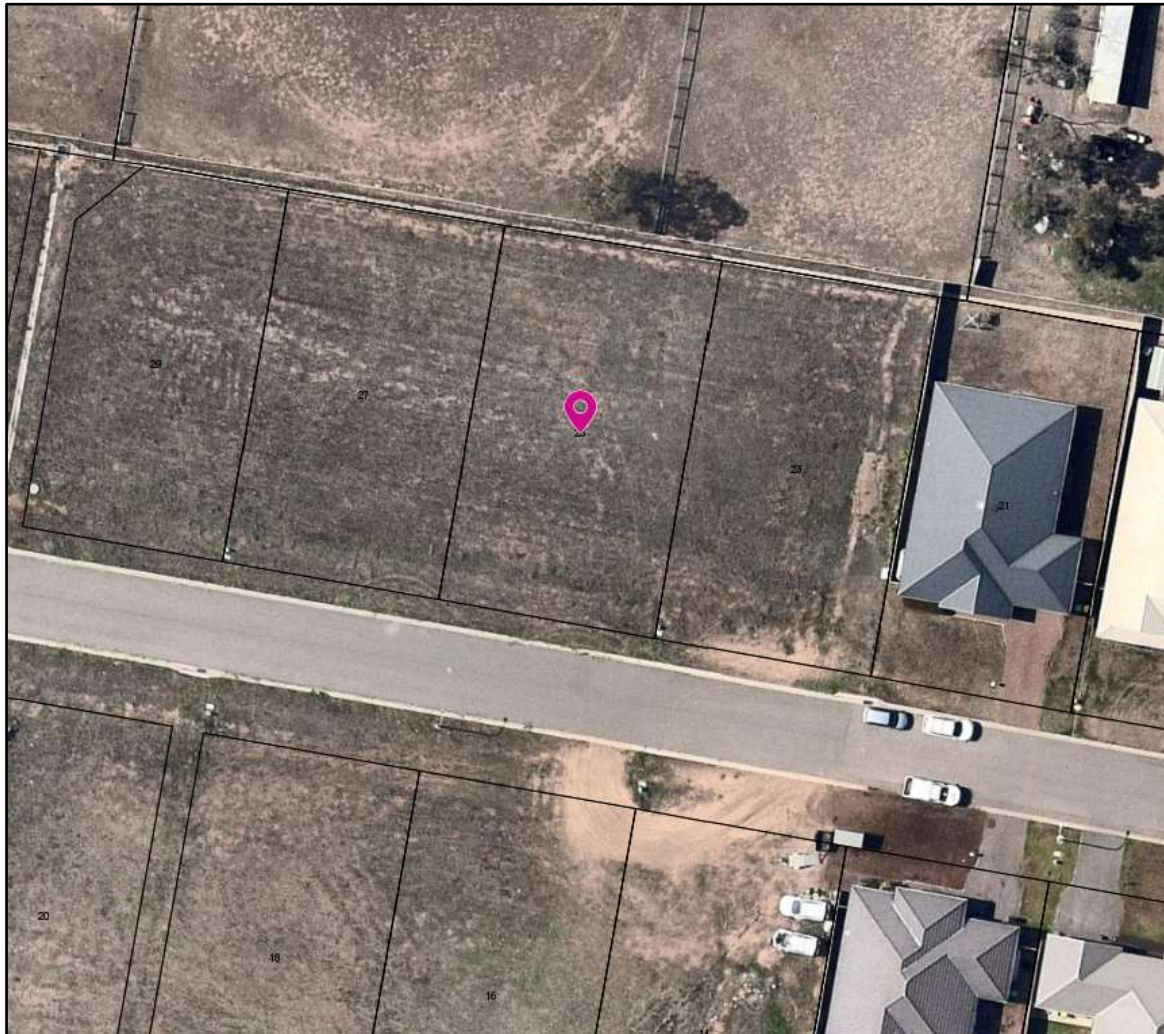
RECOMMENDATION: Approval

1.0 SITE AND LOCALITY DESCRIPTION

The site subject is Lot 34 in DP 1182796. The lot is located at 25 Pendula Way in Denman.

The land is zoned RU5 Village and has an overall area of 727.2m². The site has not been identified as being bushfire prone or flood prone. The site is currently a vacant lot that was approved under DA 2008/239. The site is serviced with sewer, water and stormwater infrastructure.

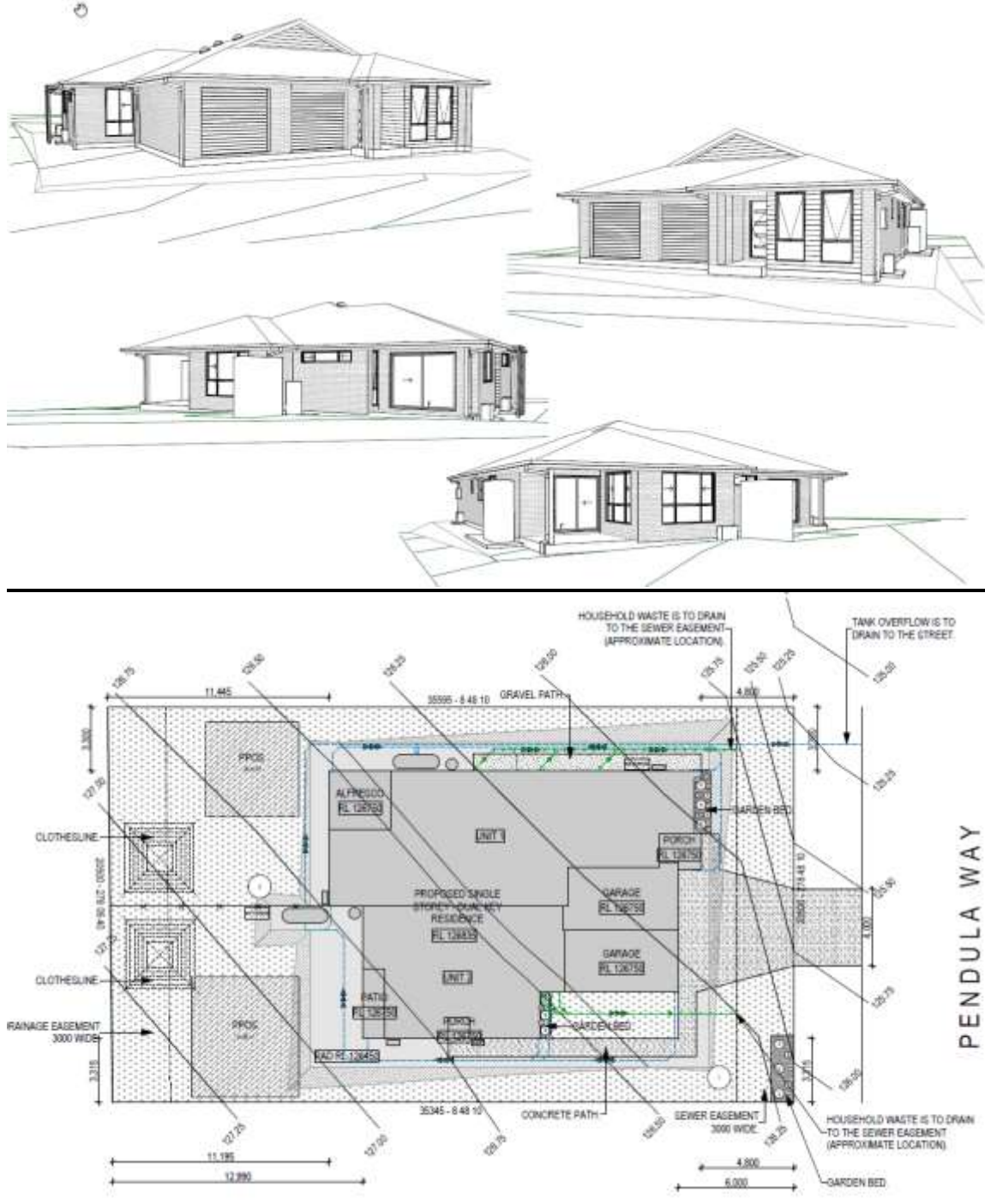
Figure 1 – Site Aerial View



2.0 DESCRIPTION OF PROPOSAL

The proposal seeks to construct a principal dwelling with an attached secondary dwelling. The principal dwelling will contain a single garage and 3 bedrooms. Access to the dwelling will be provided via the front porch entrance facing Pendula Way. The secondary dwelling will contain a single garage and 2 bedrooms with access via a side entrance.

Figure 2 – Site Plan and 3D Perspectives



3.0 SPECIALIST COMMENTS

5.1 Internal Referrals

The application was referred to Council's Building Surveyor, Water and Waste and Community Infrastructure departments. Each section reviewed the proposal and recommended standard conditions to be placed on the development consent should the application be approved.

Water and Waste Officer

Council's Water and Waste Officer has noted that the Secondary dwelling is a two-bedroom unit and hence headworks charges are applicable to it.

Charges are based on:
Water – 0.6ETs
Sewer- 0.75 ETs

In addition to this, the Officer noted that water is to be provided with only one connection for the lot.

Community Infrastructure Officer

Council's CI Officer has noted:

- proposed access driveway should be a minimum of 4m wide to allow a bin to be taken to the footpath if a car is parked in the driveway.
- Driveway to be constructed in accordance with Muswellbrook Shire Council Footpath and Kerb and Guttering Policy No. F10/1
- Modified drawings are required to ensure proper drainage of all stormwater to the road frontage

3.1 External Referrals

The application did not require any external referrals.

4.0 ASSESSMENT

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

Section 4.15 Matters for Consideration

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

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

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned RU5 Village pursuant to MLEP 2009. The proposal is best defined as *Dwelling house* with attached *Secondary Dwelling*, which is permitted with consent in the subject Zone.

Objectives of the RU5 Village Zone

- *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 subject land is zoned RU5 Village The Assessing Officer is satisfied that the proposed development is compatible with the land use zone, subject to the standard conditions imposed, and complies with this requirement. Complies
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	The proposal does not seek to subdivide the land. Does not Apply.
<i>4.3 Height of buildings</i>	MLEP 2009 specifies a maximum building height of 8.5m in relation to the land. The proposed dwelling will have a height of 2.450m at the gutter. The total height of the proposed development will be significantly lower than 8.5m. 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 proposal has a floor space of 0.37:1. Complies
<i>Part 5 Miscellaneous provisions</i>	
<i>5.4 Controls relating to miscellaneous permissible uses</i>	The proposed secondary dwelling has a total area (excluding any area used for parking) of 58.4 m ² . Complies
<i>5.10 Heritage conservation</i>	The proposed site does not contain any items of Heritage Significance nor is it within a Heritage conservation area. Does not Apply
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.6 Earthworks</i>	Earthworks involved with the proposed development would be associated with the establishing the pad and footings for the proposed development. These earthworks are not anticipated to create an issue. A condition would be included on the development consent to ensure the works are carried out in accordance with Council's standard requirements. Complies.

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

Council Officers are unaware of any activities that may have caused the contamination of the land. No visual evidence of any contamination was observed by Council Officers during an inspection of the site. It is therefore considered that the subject site is unlikely to be affected by contamination requiring remediation in accordance with the SEPP. The proposed development may therefore proceed without the need to further consider the provisions of this SEPP.

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	<p>The proposed site slopes gently from the rear of the site toward the front.</p> <p>The site does not contain any native vegetation and has been identified as managed land for bushfire purposes. The land does not contain any significant natural features.</p> <p>The proposed dwelling does not encroach on the existing stormwater and sewer line easements or any above ground services.</p> <p>The setback proposed for the new dwelling is consistent with the existing dwellings in the surrounding lots. Complies</p>
6.1.2 Front Setbacks	<p>The proposed dwelling will have a front setback of 5m, which complies with the DCP requirement.</p> <p>The total width of the site has been identified to be 19m. The proposed garage have a total width of 9.2m. The DCP specifies that the garage width on allotments should not exceed 50% of the site frontage. The proposed garage will use 48% of the site frontage. Complies</p>
6.1.3 Side and Rear Setbacks	<p>The proposed dwelling will have a side setback of 3,315mm to the East of the site and 3,300mm to the West of the site, which complies with the provisions under the DCP. Complies</p>
6.1.4 Building Height and Scale	<p>The building height is comparable to the existing dwellings in the area. The overall scale of the proposal matches the existing dwellings in the area. Complies</p>
6.1.5 Front Fencing and Retaining Walls	<p>The proposal does not involve the construction of any new retaining walls or front fences. Not Applicable.</p>
6.1.6 Garages, Carports and Sheds	<p>The proposed garages are adequately set back from the front and side boundaries and are not forward of the building line.</p> <p>The Assessing Officer recommends including a standard condition to ensure that the materials used for the construction of the garage complements the colour and roof form of the proposed dwelling. Complies</p>
6.1.7 Dwelling Entry	<p>This section of the DCP requires dwellings to have an entry point visible from the street. The DCP does not specifically reference that secondary dwellings require a visible point for a front entry where they share a street frontage.</p> <p>The principal dwelling has a front entry point orientated toward Pendula Way, while the proposed secondary dwelling's front door is located at the side of the building.</p> <p>The objective of this section of the DCP is considered to have been met. The majority of secondary dwellings are located in the rear yards of properties without entry points orientated toward streets. Complies</p>

	Comments
6.1.9 Reflective Materials	The Assessing Officer recommends including a standard condition, should the application be approved, to ensure that the materials used for the construction of the dwelling be compliant with the provisions of the DCP. Able to Comply.
6.2 Urban Landscape	
6.2.1 Usable Open Space	Provision of a minimum of 35m ² of principal private open space has been provided for each dwelling. Complies
6.2.2 Carparking	Adequate on-site parking has been provided in accordance with the DCP. Complies
6.2.3 Landscaped Area	The Assessing Officer is satisfied that the subject site is able to meet the 35% of the total site area as "landscaped area". A landscape Plan has been provided has been submitted in accordance with the DCP requirements. Complies
6.2.4 Landscaping	The landscaping plan has noted that there will be turf (kikuyu) used for the majority of the landscaping, which is consistent with the surrounding development. Complies
6.2.5 Dual Occupancy Housing, Multi Dwelling Housing and Secondary Dwellings	The site has an area of 727.2m ² . The maximum permissible density is 4.36 persons. The proposed development equates to a density of 4.31 persons. Complies
6.3 Environmental	
6.3.1 Topography	The site is predominantly flat and will require minimal cut or fill. No Retaining walls are proposed. Complies.
6.3.2 Solar Access	The development will not create any significant overshadowing of habitable rooms and private open spaces of adjoining properties. Complies
6.3.3 Visual Privacy	The provided plans show that there will be windows into habitable rooms 3.1m from the side boundary to the East of the site and 3.3m to the West of the site and will be separated by high fences. The Assessing Officer has observed that this separation is characteristic of the surrounding dwellings and therefore will have adequate visual privacy for all residents. Complies.
6.3.4 Acoustic Privacy	The proposed dwelling will be located in a residential area and is not expected to create unreasonable noise. The dwelling has been designed to ensure that development does not result in adverse amenity impacts arising from noise generation. Complies
6.4 Site Operation	
6.4.1 Energy Conservation	A BASIX report has been provided by the applicant that complies with the requirements. Complies
6.4.2 Stormwater Management	A standard condition is proposed to ensure that stormwater is managed in accordance with the guidelines. Complies.

	Comments
6.4.3 Security, Site Facilities and Services	From the plans provided, the Assessing Officer is satisfied that the site facilities have been located such that they are unobtrusive, integrated, provide for the needs of the residents. Complies.

Section 7 – Village Zones

7. VILLAGE ZONES	
7.1 Introduction	
7.2 Assessment Process	
Character Statements	<p>The Denman Character statement mentions: <i>“Future development should comprise elements of rural residential development to contribute to the existing semi-rural lifestyle. Higher density residential development only occurs in appropriate locations closer to the main street area within short walking distance, with appropriate landscaped buffers on site to ensure existing residential amenity is maintained.”</i></p> <p>The Assessing Officer has noted that the dwellings are designed to look similar to a single dwelling and has a similar FSR to the dwellings in the locality. The proposed dwellings will be located a short walk to the main street area. Complies</p>
7.3 Residential Development	
General	Discussed under section 6.
Waste Water Disposal	The Assessing Officer recommends including a standard condition of consent to ensure that Waste Water Disposal complies with the requirements of the DCP. Complies
7.4 (a) Public Parks and Reserves	
7.4 Non-Residential Development	

Section 16 – Off-street Car Parking

This Section of the DCP establishes off-street car parking requirements for various types of development including dwellings.

The off-street car parking proposed by this development application would meet the minimum parking requirements prescribed by the DCP.

Under the provisions of the DCP dwellings are required to provide 1 car parking space where they have a gross floor area less than 125m² and 2 parking spaces for larger floor areas. The DCP does not specify a specific parking requirement for secondary dwellings.

The dwelling and secondary dwelling would have respective areas of 101.1m² and 58.6m² and would be provided with two (2) off-street garage car parking spaces, one for each dwelling. This would comply with the DCP requirement. **Complies**

Section 20 – Erosion and Sediment Control

The relevant objective of this section states:

‘to demonstrate through the preparation of an Erosion and Sediment Control Plan or Strategy for developments over 250m² of disturbance that appropriate controls are planned to be installed’.

As the proposal will involve an area of disturbance over 250m², the applicant will need to provide an Erosion and Sediment Control Plan prior to the issue of a Construction Certificate. An appropriate condition is recommended.

Section 24 – Waste Management

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

Section 25 – Stormwater Management

Councils CI Officer noted that the provided plans proposed rainwater overflow to the drainage easement located to the rear of the site and that this is impractical due to the site’s uphill terrain. The Applicant has been asked to modify the drawings to ensure proper drainage of all stormwater to the road frontage.

Section 94A Contributions Plan 2010

The cost of works for the proposed development will be \$465,000. The proposed land was subdivided under DA 2008/239. A contribution under Section 94 of the Environmental Planning and Assessment Act 1979 was charged by Council as a condition of consent at the time the land was subdivided.

The provisions of Council’s Section 94A Contribution Plan prevent a Section 94A contribution being charged to a development where Council has imposed a Section 94 contribution on the subdivision of the land. Accordingly, a Section 94A contribution has not been imposed as a condition of consent for this 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

Likely environmental impacts associated with the proposed development have been considered throughout the assessment of this development application and are commented on throughout this report. Some key potential environmental impacts related to the development have been summarised and commented on under the sub-headings below.

Context and Setting

The proposed development will be the first secondary dwelling in this location, the design is similar to other single dwellings in the area.

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

The development application has been notified to adjoining owners from 19/08/2020 to 07/09/2020 in accordance with the requirements of Council's Community Participation Plan. Following the change from a dual occupancy to a dwelling house with an attached Secondary dwelling the proposal was renotified from 29/10/2020 to 18/11/2020.

One submission was received by Council for each notification period. The content of these submissions has been considered under the consultation section of this Assessment.

It is also to be noted that Bellamax Investments Pty Ltd. owns the proposed site and all the other surrounding sites and therefore the notification did not extend to many general residents on Pendula Way.

The key concerns raised by the objector have been summarised and commented on in the table below.

Submitter Concern	Planning Comment
The off-street car parking for the development is not sufficient to account for the realistic number of vehicles that would need to be accommodated by the development	The proposed development meets the Muswellbrook DCP minimum car parking requirements. It would be difficult for Council to substantiate a decision to refuse consent to the development due to compliance with car parking requirements.
The development would introduce a more intensive form of housing on a small lot with minimal front and side setbacks	The proposed development meets the minimum density requirements for residential development imposed by the MLEP 209 and the DCP. The development is not considered to be an overdevelopment of the site.
There is an oversupply of vacant undeveloped residential land in this locality. This suggests that there is insufficient housing demand in the area to support an intensive residential development.	In determining development applications Council is required to consider matters prescribed by Section 4.15 of the EP&A Act. Considering market trends and demand is not a legislated consideration. Council has policy objectives and goals that encourage a diversity of housing types to meet the needs of a range of people. New two-bedroom dwellings are uncommon, so the proposal meets this objective.

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

The proposed development is compatible with the public interest. The proposal meets the relevant development assessment criteria prescribed by the Muswellbrook LEP 2009 and DCP and will provide additional housing opportunities in the Denman township.

5 CONCLUSION

The application has been assessed in accordance with the legislation. The application has also been notified to neighbouring property owners in accordance with the provisions of the Community Participation Plan.

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

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

Signed by:

Tanya Jolly
Project Planner

Hamish McTaggart
Development Coordinator

Date: 12 November 2020

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.	Drawn by	Drawing Date	Received
Site Plan	Yarrum Designer Homes	15/09/2020	18/09/2020
Landscape Plan	Yarrum Designer Homes	15/09/2020	18/09/2020
Ground Floor Plan	Yarrum Designer Homes	15/09/2020	18/09/2020
Elevations	Yarrum Designer Homes	15/09/2020	18/09/2020
Drainage Diagram	Yarrum Designer Homes	15/09/2020	18/09/2020

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 is residential building work (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development to 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*.

CONSTRUCTION CERTIFICATE REQUIREMENT

(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.

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

(5) Muswellbrook Shire Water and Waste Division

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

Any Notice of Requirements will require the payment of water and sewer headworks contributions prior to the issue of a Compliance Certificate. Water and sewer headworks contributions applicable under Council's current fees and charges for the development are specified the table below:

Headworks Contribution	ET calculated based on the total number	Contribution per 1 ET based on 2020/21 fees and charges	Total Contribution
Water	0.6	\$7,193.00	\$4,315.80
sewer	0.75	\$7,961.00	\$7,970.75
Total			\$10,286.55

The contributions payable are subject to annual adjustments in accordance with Council's Fees and Charges and the Consumer Price Index. The contributions paid in relation to this approval shall be the contributions applicable under Council's Fees and Charges at the time of any application for a Compliance Certificate.

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

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

(6) Waste Management Plan

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

(7) BASIX Commitments

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

In this condition:

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

(8) Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with Muswellbrook Shire Council's DCP provisions on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) all details to protect and drain the site during the construction processes;
- (b) all sediment control devices, barriers and the like;
- (c) sedimentation tanks, ponds or the like;
- (d) covering materials and methods;
- (e) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved in writing by the Certifying Authority prior to issuing of the Construction Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

(9) Site Sign

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

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

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

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

(10) Stabilised access

Stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size and a minimum of 3m in width must be provided from the road edge to the front of the building being constructed prior to the commencement of work. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

(11) Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight-fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or

- an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

(12) Water Meter

A water meter as issued and installed by Muswellbrook Water & Waste department must be connected to the town's reticulated water supply prior to any commencement.

Note: Council will only provide a single water meter and water service connection point to the development as the development does not involve a dual occupancy or the subdivision of the land.

(13) Vehicle Entry

Prior to commencing construction of the driveway/vehicle crossing/layback, within the road reserve, a permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993.

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

(14) Construction Hours

- (a) Subject to this clause, building construction is to be carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 6.00pm
 - ii. on a Saturday—8.00am to 1.00pm
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (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.

(15) Erosion and Sediment Controls

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

(16) 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.

(17) Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(18) 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.

(19) Mandatory Inspections under Section 68 of the Local Government Act 1993

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

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

(20) Residential Utility Services

Any necessary alterations to, or relocations of, utility services must be carried out at no cost to the council or the relevant public authority.

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

(21) Occupation

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

(22) Final Compliance Certificate for Water Supply and Sewerage Works

The final compliance certificate for water supply works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

(23) Connection to Sewer

The premises shall be connected to the sewer system in accordance with the Australian Standard 3500.

A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

(24) Installation of Driveways

Prior to the issue of an Occupation Certificate, a sealed vehicular crossover shall be constructed between the property boundary and the road in accordance with Council's Footpath, Kerb & Guttering Policy (F10/1) and any S138 approval.

The driveway is to continue from the property boundary to the garage in accordance with the profile on the approved plans, with the exception that the driveway is to have a minimum width of 4m at the footpath crossing. The driveway is to be fully constructed and sealed prior to the issue of an occupation certificate.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(25) Stormwater Disposal

All stormwater from the development including all hard standings and overflows from rainwater tanks is to be collected and disposed of to the kerb and gutter (via underground pipes, unless otherwise approved by Council in writing).

(26) Protection of Swale Drain

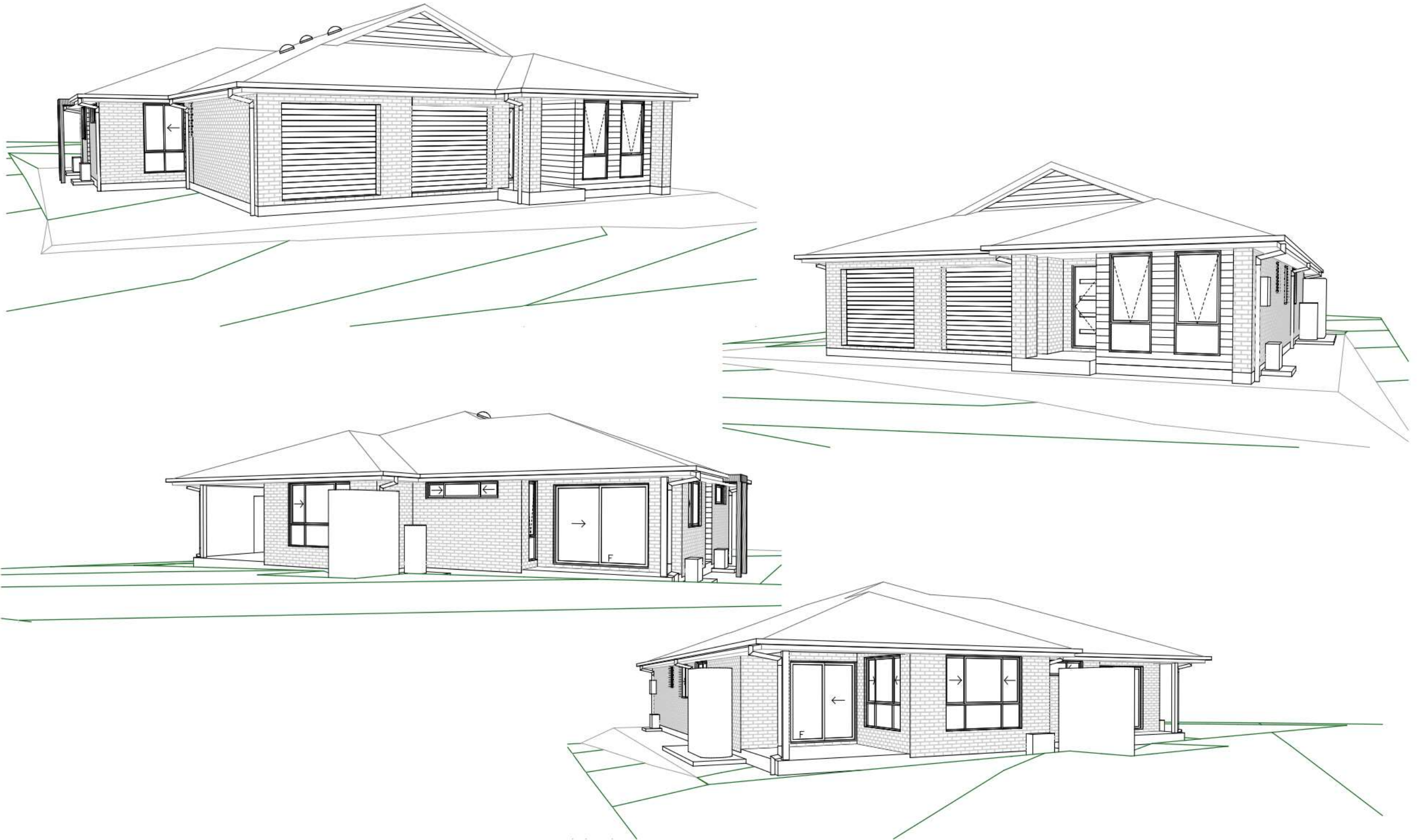
At all times care is to be taken to avoid any filling or obstruction of swale drain and related easement to drain water located along the northern property boundary.

The person acting with this consent must observe the provisions of the easement registered on the property and not do anything that may obstruct or inhibit the passage of water through the drainage easement.


(27) Restriction of Subdivision

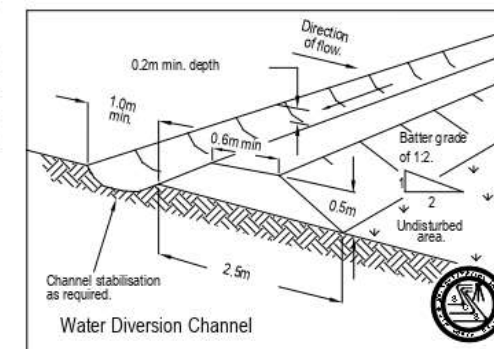
No approval is granted or implied for the subdivision or strata subdivision of the land.

This approval is for a principal and secondary dwelling and that under the provisions of the Muswellbrook LEP 2009 a secondary dwelling must be located on the same land as the associated principal dwelling. Council would not be able to grant approval to the subdivision of the buildings without a further application to adjust the land use classification of the development to a Dual Occupancy. This would require the development to be considered against the relevant LEP and DCP provisions for a dual occupancy or another relevant alternate residential land use classification.



PERSPECTIVES

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			ISSUE: DA2 JOB NO: PEND0034	DATE: 15/09/2020 PAGE SIZE: A3				



ALL EXISTING STRUCTURES & VEGETATION
WITHIN THE BUILDING PAD ARE TO BE
REMOVED PRIOR TO CONSTRUCTION.

Diagram illustrating the proposed development layout, showing the following features and their locations:

- STORMWATER
- SEWER
- SEDIMENT FENCE
- TIMBER SCREEN TO SERVICE YARD
- DRIVEWAY
- FOOTPRINT OF PROPOSED DWELLING
- CONSTRUCTION PAD (APPROXIMATE)
- CONSTRUCTION PAD BATTERS (APPROXIMATE)
- AREA OF LANDSCAPED GARDENS & TURF

DEVELOPER LEVELS
HAVE BEEN USED.

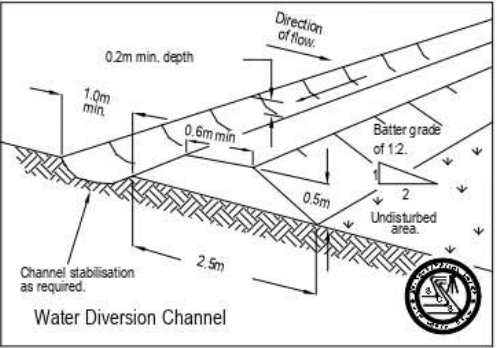
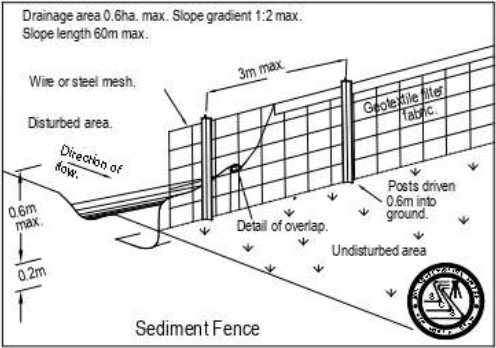


LANDSCAPING

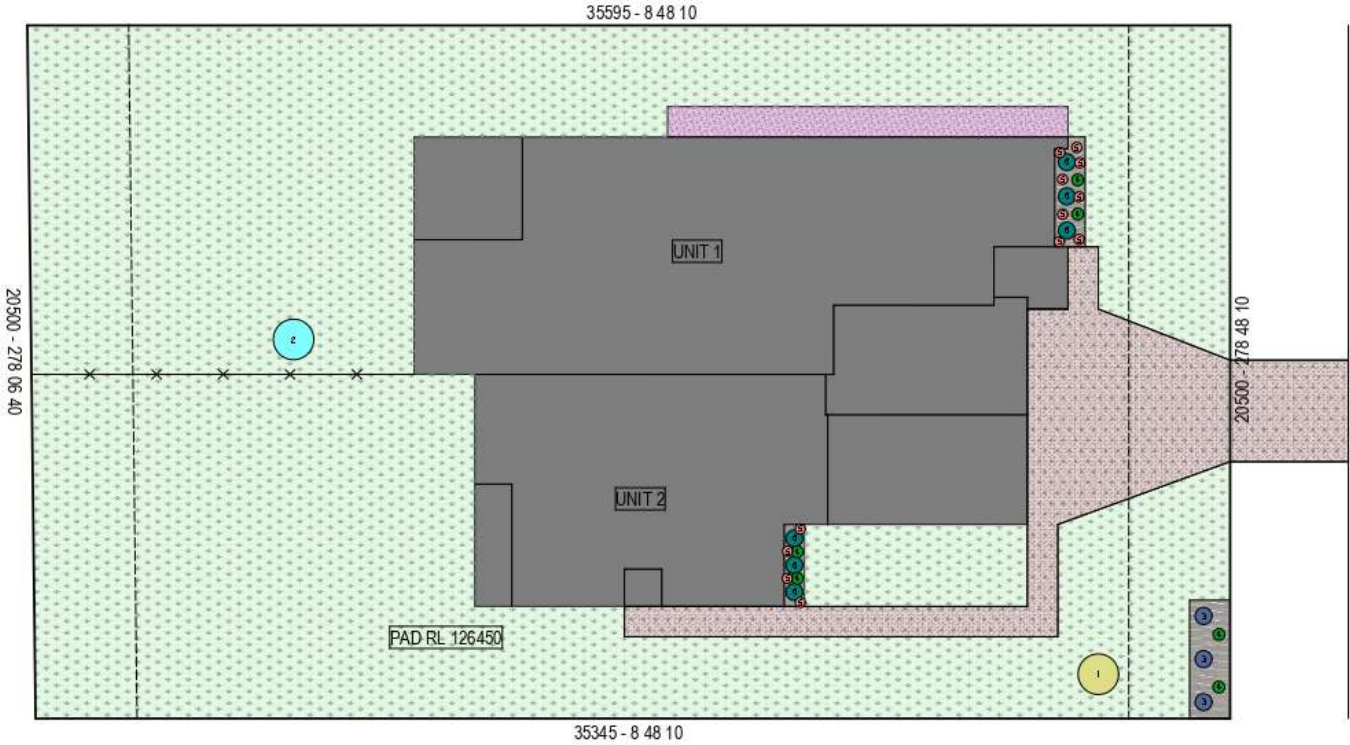
TURF - KIKUYU

PLANT SCHEDULE

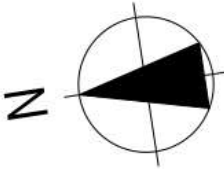
1	TREE	LARGESTROEMIA INDICA	CREPE MYRTLE
2	TREE	TRISTANIOPSIS LUSCIOUS	WATERGUM
3	SHRUB	ACMENA ALLYN MAGIC	DWARF LILY PILY
4	GROUND COVER	GREVILLEA MT TAMBORITHA	PROSTRATE GREVILLEA
5	GROUND COVER	LOROPETALUM PURPLE PIXIE	FRINGE FLOWER
6	SHRUB	WESTRINGIA ZENA	COASTAL ROSEMARY



SITE AREA: 727.1m² (100%)
SITE COVERAGE: 267.7m² (41.3%)
DRIVEWAY/PATH AREA: 77m²
GRAVEL PATH AREA: 11.6m²



PENDULA WAY




NOTES

ALL EXISTING STRUCTURES & VEGETATION
WITHIN THE BUILDING PAD ARE TO BE
REMOVED PRIOR TO CONSTRUCTION.

LEGEND

- DIVIDING FENCE - COLORBOND
- DRIVEWAY - COLOURED CONCRETE
- FOOTPRINT OF PROPOSED DWELLING
- PATHWAY - GRAVEL
- GARDEN BED - MULCHED - TIMBER SLEEPER EDGE
- TURF - KIKUYU

LANDSCAPE PLAN

 YARRUM DESIGNER HOMES	21 Golden Avenue NORTHROTHURRY NSW 2300 Ph: 042 4036 1365	All rights reserved. This plan is the property of Yarrum House & Land. Any copying/modifying of the drawing shall not be undertaken without consent from Yarrum House & Land.	CLIENT: Bellamax Investments Pty Ltd ATF S and A Murray No.1 Family Trust	DRAWN BY: AF	SCALE: 1:200	ISSUE: QUOTE1 DA1 DA2	DATE: 19/09/2020 20/09/2020 19/09/2020	AMENDMENTS: AMENDMENTS TO SITE, ADD ENTRY PERGOLA	PAGE NO: 3
			SITE ADDRESS: Lot 34 DP1182796 (No.25) Pendula Way DENMAN NSW 2328	ISSUE: DA2	DATE: 15/09/2020				
						JOB NO: PEND0034			

- LEGEND**
- BF* BAMBOO FLOORING
DIRECTION OF HATCH IS INDICATIVE ONLY.
DIRECTION OF FLOOR BOARDS WILL BE
DETERMINED ON SITE
- GAS INSTANTANEOUS HWS
GAS BAYONET POINT
GAS METER
ELECTRICITY METER
SMOKE ALARM
TOUGHENED GLASS
DOOR WITH LIFT-OFF HINGES

**NOTES REGARDING WINDOW, SLIDING DOOR AND
GARAGE DOOR SIZES**

FLOOR PLAN WILL SHOW
THIS WINDOW AS 2106 -
FIRST 2 NUMBERS ARE
THE HEIGHT, THE SECOND
2 NUMBERS ARE THE
WIDTH

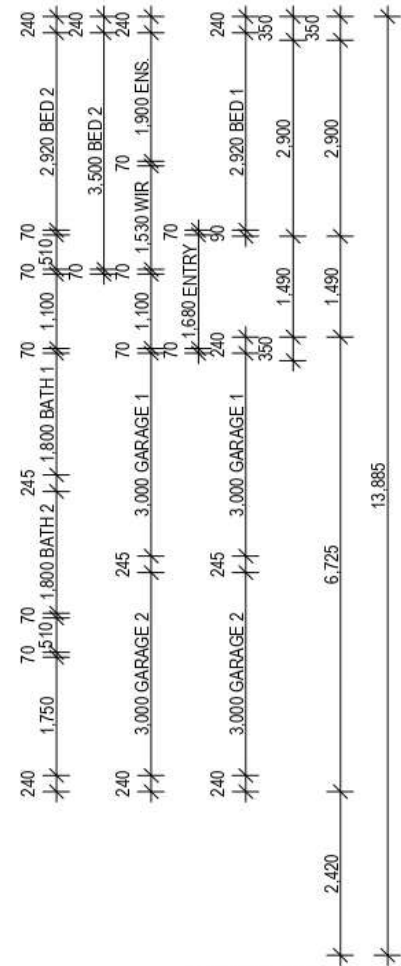
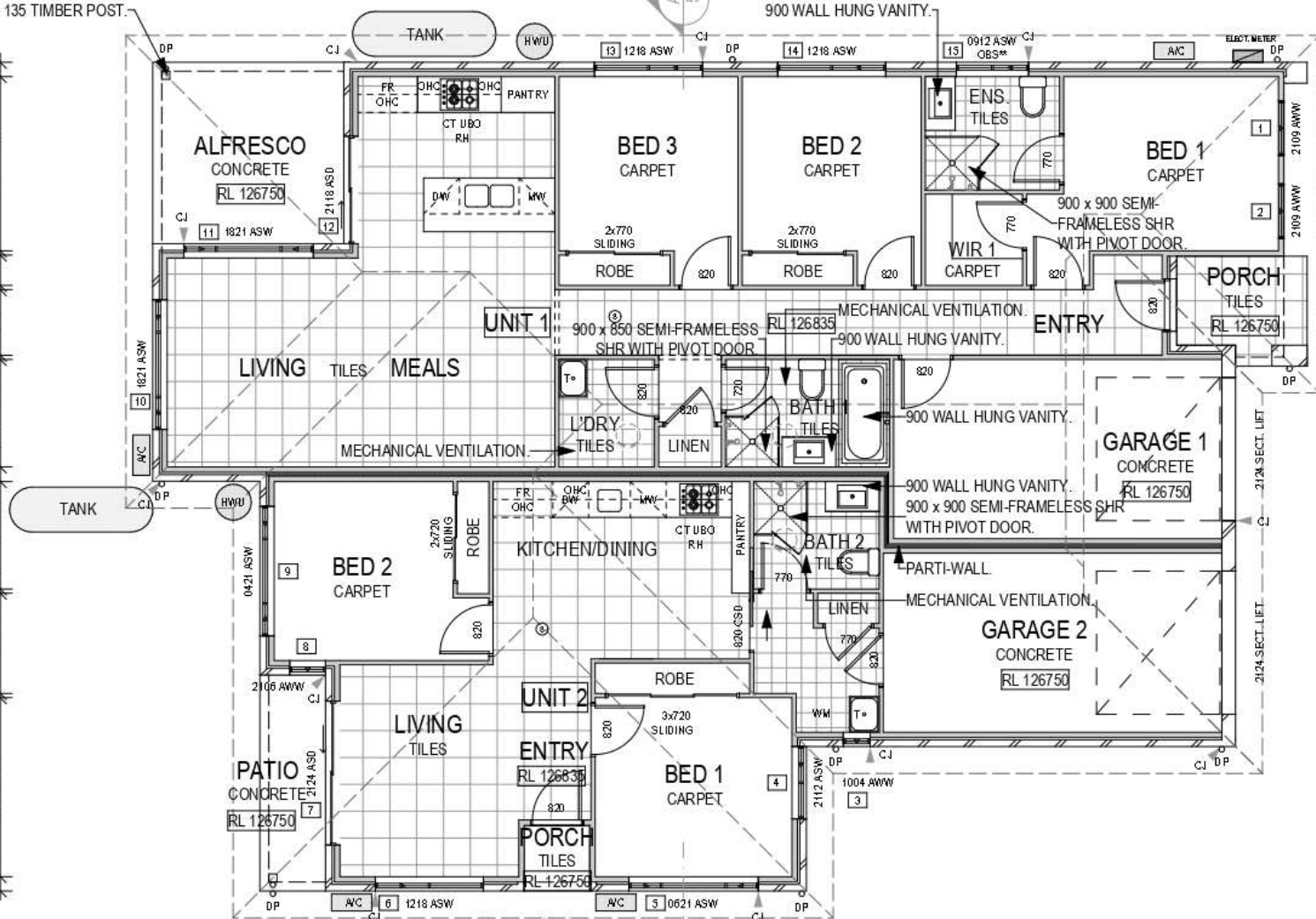
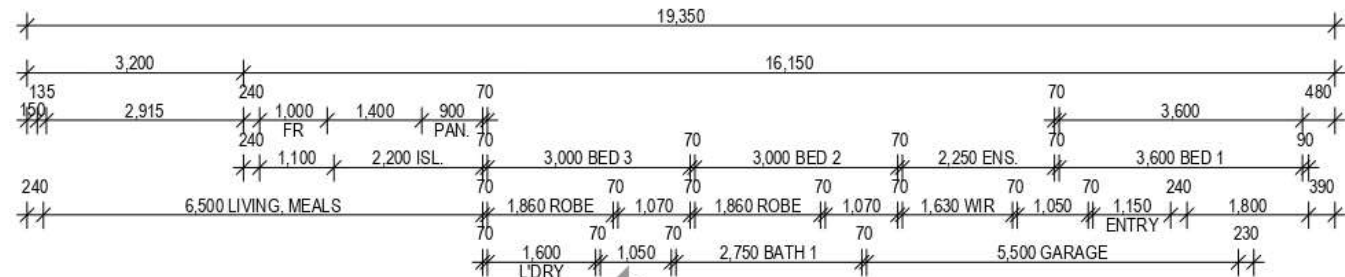
FLOOR PLAN WILL SHOW
THIS WINDOW AS 2118 -
FIRST 2 NUMBERS ARE
THE HEIGHT, THE SECOND
2 NUMBERS ARE THE
WIDTH

FLOOR PLAN WILL SHOW
THIS WINDOW AS 2118 -
FIRST 2 NUMBERS ARE
THE HEIGHT, THE SECOND
2 NUMBERS ARE THE
WIDTH

LEGEND (cont'd)...

- BF BAR FRIDGE
CJ BRICK CONTROL JOINT
CT COOKTOP
DP DOWNPIPE
DR DRYER SPACE
DW DISHWASHER UNDER
MW MICROWAVE OVEN SPACE
OHC OVERHEAD CUPBOARDS
REF REFRIGERATOR SPACE
RH RANGEHOOD OVER
T LAUNDRY TUB
UBO UNDER BENCH OVEN
WF WINE FRIDGE
WL WALK-IN-LINEN
WIR WALK-IN-ROBE
WM WASHING MACHINE SPACE


135 x 135 TIMBER POST.

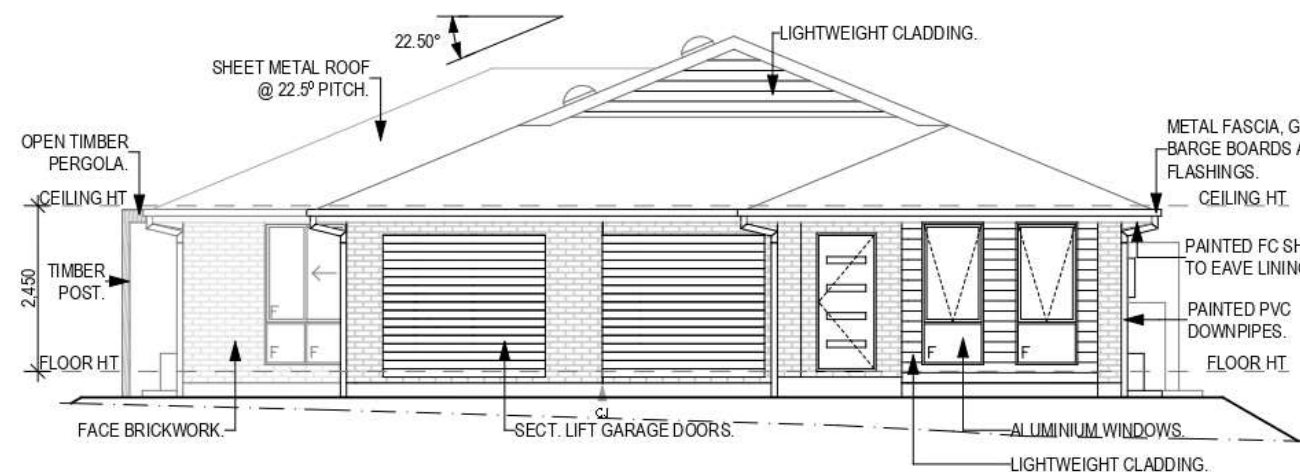


PLANNING AREAS

UNIT 1	
LIVING AREAS	101.1m ²
GARAGE AREA	16.5m ²
UNIT 1 TOTAL AREA	117.6m ²
UNIT 2	
LIVING AREAS	58.4m ²
GARAGE AREA	17.2m ²
UNIT 2 TOTAL AREA	75.6m ²

GROUND FLOOR PLAN

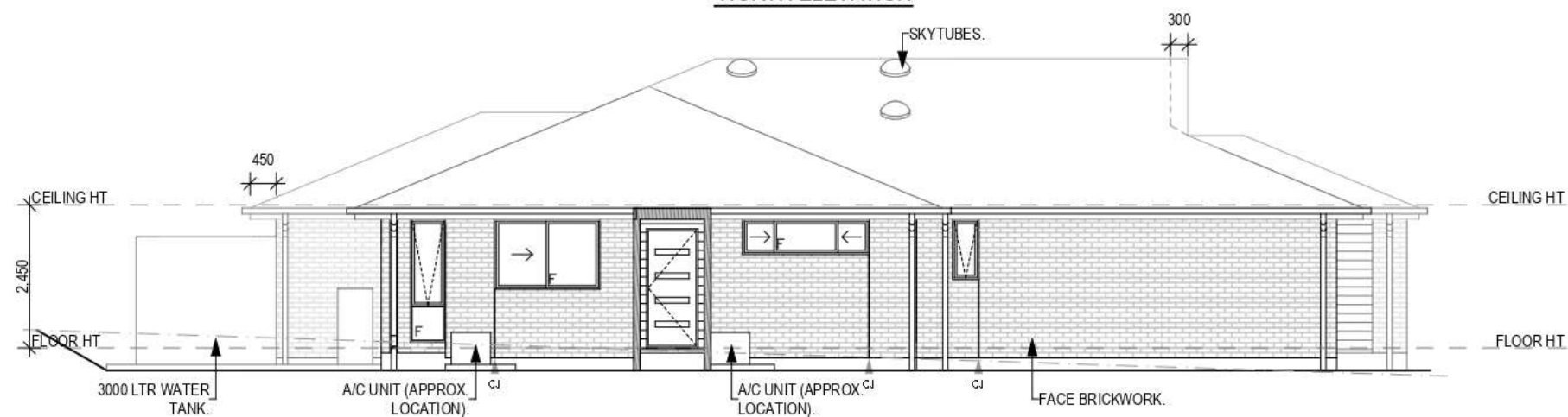
 <p>21 Gidley Avenue NORTH RICHMOND NSW 2265 PH: 02 49511345</p>	All rights reserved. This plan is the property of Yarrum House & Land. Any copying/modifying of the drawing shall not be undertaken without consent from Yarrum House & Land.	CLIENT: Bellamax Investments Pty Ltd ATF S and A Murray No.1 Family Trust	DRAWN BY: AF	SCALE: 1:100	ISSUE: QUOTE1 DA1 DA2	DATE: 19/09/2020 20/09/2020 19/09/2020	AMENDMENTS: AMENDMENTS TO SITE, ADD ENTRY PERGOLA	PAGE NO: 4
		SITE ADDRESS: Lot 34 DP1182796 (No.25) Pendula Way DENMAN NSW 2328	ISSUE: DA2	DATE: 15/09/2020				
				JOB NO: PEND0034	PAGE SIZE: A3			



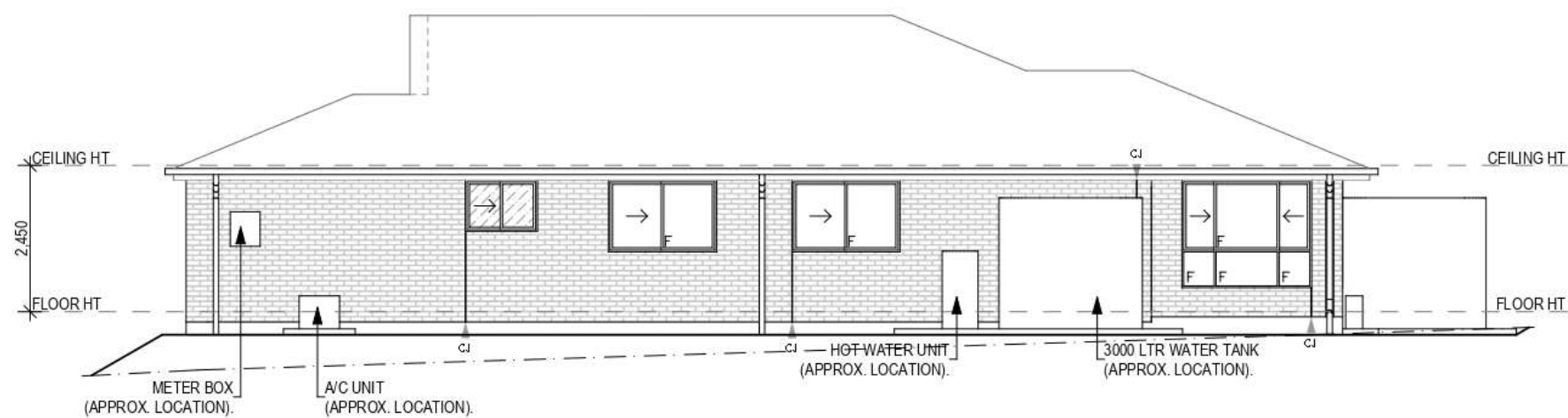
SOUTH ELEVATION



NORTH ELEVATION




WEST ELEVATION



EAST ELEVATION

ELEVATIONS

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		SITE ADDRESS: Lot 34 DP1182796 (No.25) Pendula Way DENMAN NSW 2328	ISSUE: DA2	DATE: 15/09/2020				
			JOB NO: PEND0034	PAGE SIZE: A3				

25 Pendula Way Denman			
SUMMARY OF BASIX COMMITMENTS FOR EACH UNIT			
This is a summary of the BASIX Commitments as detailed in the BASIX Certificate. Refer to the CURRENT BASIX Certificate for Complete details. For definitions refer to basix.nsw.gov.au			
WATER COMMITMENTS			
Fixtures			
3 Star Shower Heads	Yes		
4 Star Kitchen / Basin Taps	Yes	4 Star Toilet	Yes
Alternative Water			
Minimum Tank Size (L)	3000	Collected from Roof Area (m2)	All
Tank Connected To:			
All Toilets	Yes	Laundry WM Cold Tap	Yes
One Outdoor Tap	Yes		
THERMAL COMFORT COMMITMENTS - Refer to TPA Specification on plans			
ENERGY COMMITMENTS			
Hot Water	Solar (electric boosted) 21 to 25 STCs		
Cooling System	Living	1 Phase A/C Zoned	3 Star (old label)
	Bedrooms	1 Phase A/C Zoned	3 Star (old label)
Heating System	Living	1 Phase A/C Zoned	3 Star (old label)
	Bedrooms	1 Phase A/C Zoned	3 Star (old label)
Ventilation			
	1 x Bathroom	Fan ducted to exterior	Manual on/off
	Kitchen	Fan ducted to exterior	Manual on/off
	Laundry	As Drawn	
Natural Lighting			
	Window/Skylight in Kitchen	No	
	Window/Skylight in Bathrooms/Toilets	Yes to 1	
Artificial Lighting (rooms to be primarily lit by fluorescent or LED lights)			
	Number of bedrooms	All Dedicated	Yes
	Number of Living/Dining rooms	All Dedicated	Yes
	Kitchen	Yes Dedicated	Yes
	All Bathrooms/Toilets	Yes Dedicated	Yes
	Laundry	Yes Dedicated	Yes
	All Hallways	Yes Dedicated	Yes
OTHER COMMITMENTS			
Outdoor clothes line	Yes	Ventilated refrigerator space	Yes
Stove/Oven		Electric cooktop & electric oven	
Alternative Energy	n/a		

June 2020		BSA Reference: 19995	
Building Sustainability Assessments		Ph: (02) 4962 3439	
enquiries@buildingsustainability.net.au		www.buildingsustainability.net.au	
Important Note			
The following specification was used to achieve the thermal performance values indicated on the Assessor Certificate and takes precedence over any other specification.			
If different construction elements are applied then the Assessor Certificate is no longer valid.			
Thermal Performance Specifications (does not apply to garage)			
External Wall Construction		Added Insulation	
Brick Veneer & Lightweight		R1.5	
Internal Wall Construction		Added Insulation	
Plasterboard on studs		R1.5 to walls adjacent to garage	
Plasterboard + studs + shaft liner + studs + Plasterboard (party walls)		None	
Ceiling Construction		Added Insulation	
Plasterboard		R3.0 to ceilings adjacent to roof space	
Roof Construction		Added Insulation	
Metal		Foil + R1.0 blanket	
Floor Construction		Added Insulation	
Concrete (waffle pod)		As drawn	
		None	
Windows			
	Glass and frame type	U Value	SHGC Range
ALM-001-01 A	Aluminium Type A Single clear	6.70	0.51 - 0.63
ALM-002-01 A	Aluminium Type B Single clear	6.70	0.63 - 0.77
Type A windows are awning windows, bifolds, casements, tilt 'n' turn windows, entry doors, french doors			
Type B windows are double hung windows, sliding windows & doors, fixed windows, stacker doors, louvers			
Skylights			
	Glass and frame type	U Value	SHGC
U and SHGC values are according to AFRC. Alternate products may be used if the U value is lower and the SHGC is within the range specified			
External Window Shading (eaves, verandahs, pergolas, awnings etc)			
All shade elements modelled as drawn			
Ceiling Penetrations (downlights, exhaust fans, flues etc)			
No adjustment has been made for losses to insulation arising from ceiling penetrations.			

WINDOW & GLAZED DOOR SCHEDULE

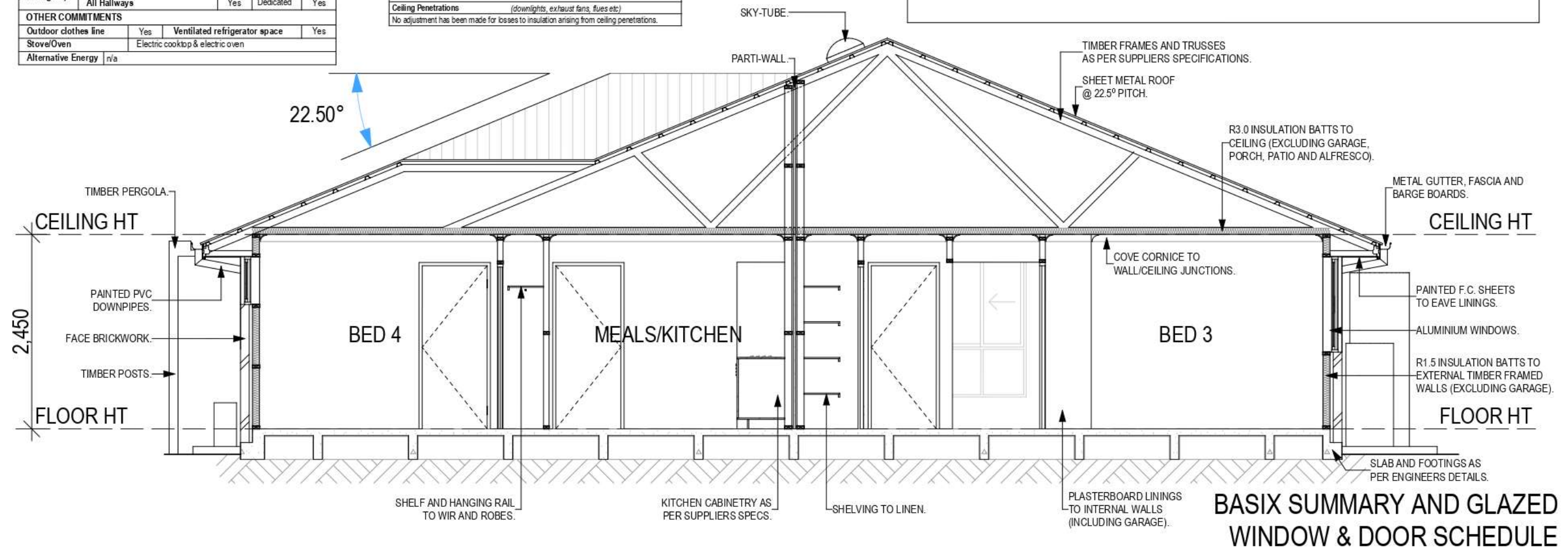
(FOR BASIX PURPOSES ONLY. REFER TO FLOOR PLAN FOR ALL WINDOWS, DOORS & THEIR TYPE)

MARK	ORIENTATION	HEIGHT	WIDTH	TYPE	FRAMING & GLAZING	SHADING
1	South	2100	900	Awning	Aluminium, Single Clear	450mm Eaves
2	South	2100	900	Awning	Aluminium, Single Clear	450mm Eaves
3	West	1000	400	Awning	Aluminium, Single Clear	450mm Eaves
4	South	2100	1200	Sliding	Aluminium, Single Clear	450mm Eaves
5	West	600	2100	Sliding	Aluminium, Single Clear	450mm Eaves
6	West	1200	1800	Sliding	Aluminium, Single Clear	450mm Eaves
7	North	2100	2400	Sliding Door	Aluminium, Single Clear	1550mm Eaves
8	West	2100	600	Awning	Aluminium, Single Clear	4070mm Eaves
9	North	400	2100	Sliding	Aluminium, Single Clear	450mm Eaves
10	North	1800	2100	Sliding	Aluminium, Single Clear	450mm Eaves
11	East	1800	2100	Sliding	Aluminium, Single Clear	3490mm Eaves
12	North	2100	1800	Sliding Door	Aluminium, Single Clear	3650mm Eaves
13	East	1200	1800	Sliding	Aluminium, Single Clear	450mm Eaves
14	East	1200	1800	Sliding	Aluminium, Single Clear	450mm Eaves
15	East	900	1200	Sliding	Aluminium, Single Clear	450mm Eaves

Window Drop Off Height

Roof pitch (tan) x eave overall overhang + 35mm for groove height = Drop off height

Roof Pitch	Tan	Eave Overhang	+ 15mm for Tile Roof + 35mm for Sheet Roof	Drop Off Height	Drop Off Height (mm)
22.5	0.4142136	x 0.60	= 0.2485281 + 0.035	= 0.2835281	284

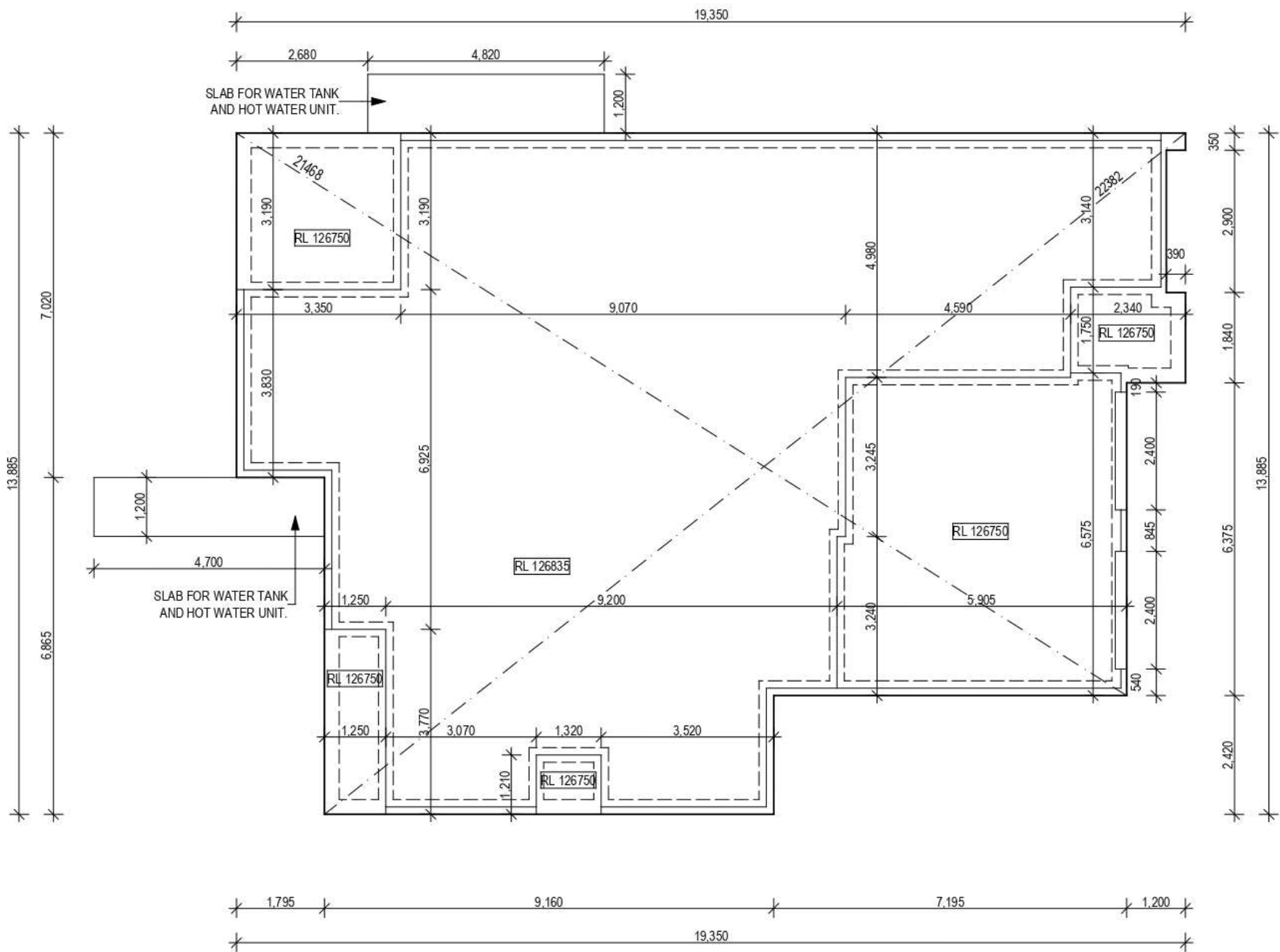


BASIX SUMMARY AND GLAZED WINDOW & DOOR SCHEDULE

	All rights reserved. This plan is the property of Yarrum House & Land. Any copying/modifying or the drawing shall not be undertaken without consent from Yarrum House & Land.	CLIENT: Bellamax Investments Pty Ltd ATF S and A Murray No.1 Family Trust SITE ADDRESS: Lot 34 DP1182796 (No.25) Pendula Way DENMAN NSW 2328	DRAWN BY: AF ISSU E: DA2 JOB NO: PEND0034	SCALE: AS SHOWN DATE: 15/09/2020 PAGE SIZE: A3	ISSUE: QUOTE1 DA2 DATE: 19/09/2020 20/09/2020 19/09/2020	AMENDMENTS: AMENDMENTS TO SITE, ADD ENTRY PERGOLA	PAGE NO: 6

SLAB AND FOOTINGS LAYOUT


PAGE 1 OF 2



NOTE: ALL SLAB AND FOOTINGS
AS PER ENGINEERS DETAILS

SLAB AND FOOTINGS LAYOUT

SLAB AND FOOTINGS LAYOUT

	<p>21 Ordline Avenue NORTH ROTHBURY NSW 2205 Ph: 02 40 361 345</p>	<p>All rights reserved. This plan is the property of Yarrum House & Land. Any copying/modifying or the drawing shall not be undertaken without consent from Yarrum House & Land.</p>	CLIENT: Bellamax Investments Pty Ltd ATF S and A Murray No.1 Family Trust	DRAWN BY: AF	SCALE: AS SHOWN	ISSUE: QUOTE1 DA1 DA2	DATE: 19/08/20 20/08/20 19/08/20	AMENDMENTS: AMENDMENTS TO SITE, ADD ENTRY PERGOLA	PAGE NO: 7
			SITE ADDRESS: Lot 34 DP1182796 (No.25) Pendula Way DENMAN NSW 2328	ISSUE: DA2	DATE: 15/09/2020				
						JOB NO: PEND0034			

21468

RL 126750

12,950

4,980

2,140

WET AREA SET-DOWN

2,250

3,760

22382

6,810

1,600

1,190

2,820

6,930

RL 126750

WET AREA SET-DOWN

1,800

WET AREA SET-DOWN

245

8,280

710

1,390

710

5,905

RL 126750

RL 126835

3,550

WET AREA SET-DOWN

740

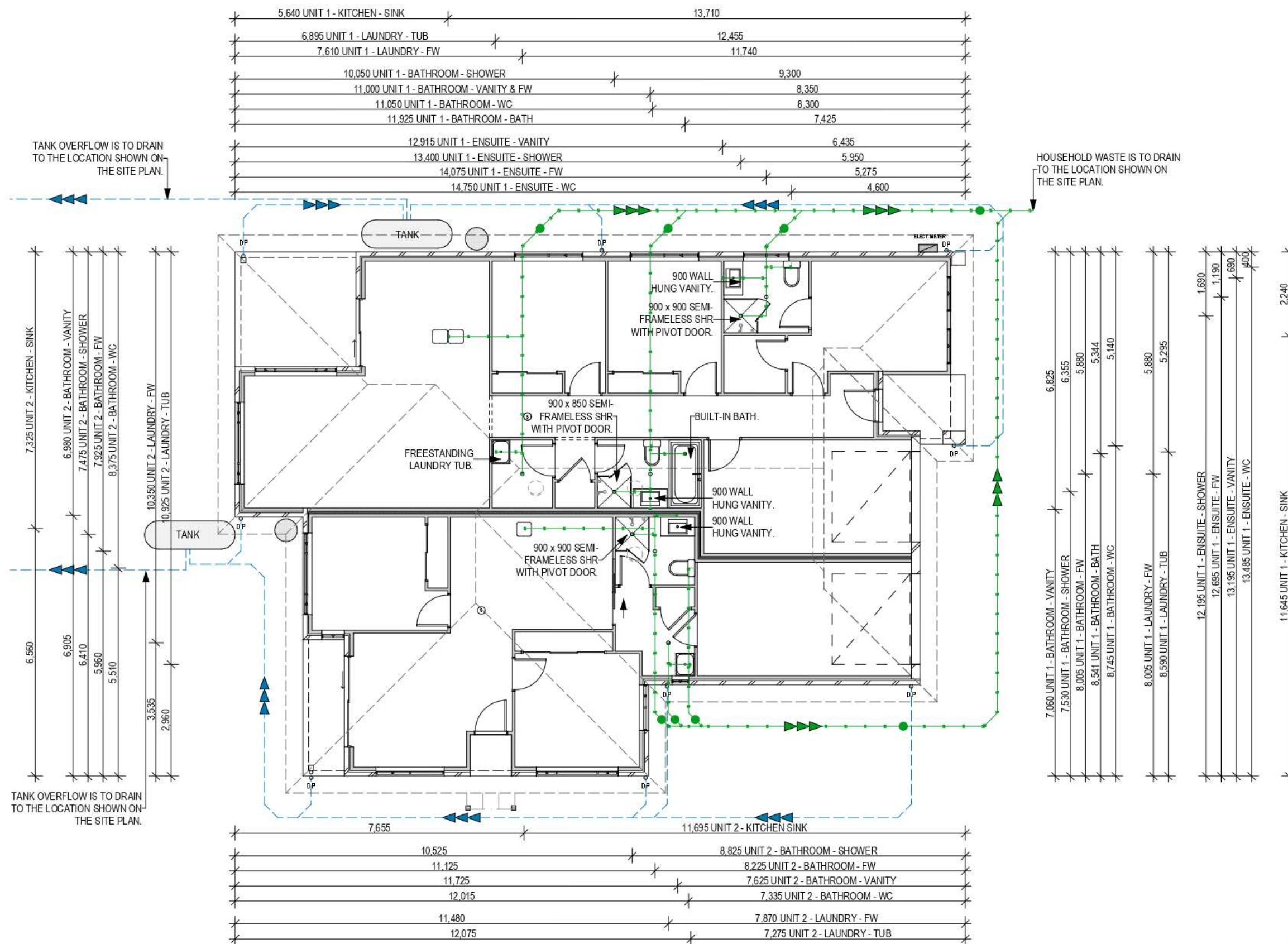
2,570

RL 126750

RL 126750

**NOTE: ALL SLAB AND FOOTINGS
AS PER ENGINEERS DETAILS**

 <p>21 Golden Avenue NORTH ROTHURRY NSW 2205 Ph: 02 9638 1186</p>	<p>All rights reserved. This plan is the property of Yarrum House & Land. Any copying/modifying of the drawing shall not be undertaken without consent from Yarrum House & Land.</p>	CLIENT: Bellamax Investments Pty Ltd ATF S and A Murray No.1 Family Trust	DRAWN BY: AF	SCALE: AS SHOWN	ISSUE: QUOTE 1 DA 1 DA 2	DATE: 19/09/2020 23/09/2020 19/09/2020	AMENDMENTS: AMENDMENTS TO SITE, ADD ENTRY PERGOLA	PAGE NO: <div style="font-size: 2em; text-align: center;">8</div>
		SITE ADDRESS: Lot 34 DP1182796 (No.25) Pendula Way DENMAN NSW 2328	ISSUE: DA2	DATE: 15/09/2020				
		JOB NO: PEND0034	PAGE SIZE: A3					



NOTES:

- All pipeline positions are indicative only and may vary on site. Plumber to use own initiative.

- ALL VENT PIPES TO BE LOCATED INTERNALLY.

- All dimensions are worked to the exterior face of external wall.

- WC dimensions are to the centre waste pipe position.

- Shower dimensions are to the centre of the waste.

- Vanity dimensions are to the centre and rear of the unit.


- Bath dimensions are to the centre of the bath.

- Laundry tub dimensions are to the centre of the tub.

- Kitchen sink dimensions are to the centre of the sink unit.

ALL 90° ANGLES ARE TO BE CONSTRUCTED OF 2 x 45° SECTIONS.

DRAINAGE DIAGRAM

	<p>21 Dufferin Avenue NORTH ROCKBURY NSW 2305 Ph: 02 69 321 1365</p>	<p>All rights reserved. This plan is the property of Yarrum House & Land. Any copying, modifying or the drawing shall not be undertaken without consent from Yarrum House & Land.</p>	CLIENT: Bellamax Investments Pty Ltd ATF S and A Murray No.1 Family Trust	DRAWN BY: AF	SCALE: AS SHOWN	ISSUE: QUOTE1 DA1 DA2	DATE: 19/09/2020 20/09/2020 19/09/2020	AMENDMENTS: AMENDMENTS TO SITE, ADD ENTRY PERGOLA	PAGE NO: 9
			SITE ADDRESS: Lot 34 DP1182796 (No.25) Pendula Way DENMAN NSW 2328	ISSUE: DA2	DATE: 15/09/2020				
						JOB NO: PEND0034	PAGE SIZE: A3		



Statement of Environmental Effects

PROPOSED SINGLE STOREY DWELLING & ATTACHED SECONDARY DWELLING

Lot 34 DP 1182796
(No. 25) Pendula Way
DENMAN

Prepared For:
Yarrum Designer Homes

SEPTEMBER 2020

ABN: 16 169 619 103 Phone: (02) 4936 4025
Address: Shop 1/187 Lang Street Kurri Kurri NSW 2327 Postal: PO Box 90 Kurri Kurri NSW 2327
Email: enquiries@completeplanningsolutions.com.au Web: www.completeplanningsolutions.com.au

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Complete Planning Solutions Reference

200179 – Yarrum Designer Homes – Denman

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QA Status

PREPARED	ISSUED
Karen Jurd B Dev Stud	September 2020

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1.0 DEVELOPMENT DETAILS & SUITABILITY

1.1 Development

The proposed development involves the construction of a single storey dwelling and attached secondary dwelling.

The secondary dwelling complements and harmonises with the principal dwelling on the site and the positive elements of the streetscape.

The secondary dwelling is compatible with the scale and bulk of desired residential development character. It ensures adequate amenity for both the secondary dwelling and principal dwelling and guarantees adequate amenity for surrounding properties.

The proposed development of a dwelling and attached secondary dwelling will provide Denman with a variety of housing stock. The proposed secondary dwelling will provide affordable housing opportunity for those wishing to reside in Denman.

Plans have been submitted to Council with the original application.

1.2 Location

Lot 34 DP 1182796 (No. 25) Pendula Way, Denman. Refer to Figure 1.



Figure 1: Locality Map – Map view of Lot 34 DP 1182796 (No. 25) Pendula Way, Denman

1.3 Site Details

The subject development site comprises of a total area of approximately 727.1m²

1.4 Zoning

Zone RU5 Village under Muswellbrook Local Environmental Plan 2009.

1.5 Applicant

Yarrum Designer Homes
C/- Complete Planning Solutions

1.6 Owner

The land is currently owned by Bellamax Investments Pty Ltd

1.7 Site Analysis

The subject site is located within a newly created residential subdivision and is currently vacant of any structure awaiting development. Land in the immediate vicinity of the site is occupied by residential housing.

The subject site is not known to be contaminated.

1.8 Site Constraints

The site has been identified as having and environmental constraints.

1.9 Local Facilities

The subject site is within close proximity to the Denman town centre, convenience stores, schools and recreation facilities. Land use within the immediate locality is of a village residential nature.

1.10 Compatibility with Local Area

Lot 34 DP 1182796 is a residential property located in Denman consisting of planned infrastructure designed to facilitate development of this type. Land in the immediate vicinity of the site is occupied by residential housing.

The proposed land is currently vacant of any structures.

1.11 Shape and Size of Allotment

The subject site is a rectangular shaped block located amongst residential developments.

The subject site comprises of a total land area of 727.1m². The subject site is considered to be appropriate for the proposed development.

1.12 Previous Uses

The subject site is currently vacant of any structures. The subject site has no previous uses.

2.0 PLANNING OBJECTIVES

2.1 Muswellbrook Local Environmental Plan 2009

Zone RU5 Village under Muswellbrook Local Environmental Plan 2009.

1 Objectives of zone

- 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.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Attached dwellings; Boarding houses; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Commercial premises; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Group homes; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; Mortuaries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Respite day care centres; Roads; Schools; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage reticulation systems; Shop top housing; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Pond-based aquaculture Restricted premises; Any other development not specified in item 2 or 3

A dwelling and secondary dwelling is permissible on the subject site with Council consent.

2.2 Muswellbrook Development Control Plan 2009

The Development Control Plan 2009 (DCP) applies to all land within the Muswellbrook Shire local government area, and is used to assist proponents of development in achieving development outcomes, consistent with the provisions of the Muswellbrook Local Environment Plan 2009 (LEP).

2.2.1 Section 6 – Residential Development

Muswellbrook Local Government Area allows for a wide range of residential development. This development ranges from single dwellings, dual occupancies and residential flat buildings. This type of development is important to create a streetscape for newly release urban areas.

This Section applies to residential development in Zones R1, R5, and RU5 only

The subject site it to occur within land zoned RU5.

2.2.2 Section 7 – Village Zones

This Section of Council's Development Control Plan has been prepared and adopted by Council to provide guidance for people seeking to undertake development within village zones.

Requirements of the MDCP 2009 have been incorporated in the design and preparation of reports for the proposed development.

Consideration of the Muswellbrook LEP2009 and the Muswellbrook Development Control Plan 2009 have been taken into consideration in the preparation of this statement.

Table 1 demonstrates the developments compliance with MDCP2009 for a single dwelling and attached secondary dwelling.

Table 1 – DCP GUIDE – Part 3.02

DCP	REQUIREMENTS	COMPLIES	COMMENTS
Section 6 – Residential Development			
6.1 Built Form			
6.1.1 Context	(i) Undertake a site analysis in accordance with Section 3 of this DCP. (ii) Design the development to respond to the issues identified in the site analysis.	Y	The proposed development responds to the site characteristics, drainage, services and existing development. The proposed development is considered appropriate for the subject site.
6.1.2 Front Setbacks	Front setback matches the alignment of the primary facades of adjoining buildings. Where different setbacks occur, use the average of the setbacks of those primary facades. (ii) The minimum building line in new residential areas (where there are no adjoining dwelling houses) are to be: Local Street – 4.5m New England Highway – 10m Corner allotment – refer to DCP	Y	The proposed front setback is approximately 4.8m.
6.1.3 Side and rear setbacks	(i) A minimum side or rear setback for all dwellings of: 0.9m for walls up to 3m in height;	Y	The proposed western (side) setback is approximately 3.315m. The porch extends into this setback but does not affect

<p>0.9m plus 0.3m for every metre of wall height over 3m and less than 7.2m.</p> <p>For that part of a wall over 7.2m in height, the minimum setback should be increased by 1m for every metre of height over 7.2m.</p> <p>(ii) Walls may be built to the side and/or rear boundaries where:</p> <p>The maximum wall height is 3m and there will be no impact on privacy, use of private open space and solar access to adjoining properties;</p> <p>Any openings comply with the fire resistance levels of the Building Code of Australia and are in filled with translucent or opaque materials.</p> <p>The wall height and length match an existing or similarly constructed wall on the adjoining site.</p> <p>Satisfactory arrangements in place for the maintenance of the wall or gutters</p> <p>(ii) Application for zero building line will only be considered where the relevant lot or lots are part of an integrated subdivision design.</p> <p>(iii) Garages, carports, sheds and other ancillary structures shall be setback at least 450mm from a side boundary to ensure they do not encroach upon adjoining lots. Council may vary this requirement where a site survey can be provided to demonstrate boundary alignments relative to constructed fencing locations.</p> <p>(iv) Separation fencing is provided between</p>		<p>with the proposed setback to the building.</p> <p>The proposed eastern (side) setback is approximately 3.3m.</p> <p>The side setbacks comply with Council's DCP requirements.</p>
---	--	--

	development land and any adjoining rail corridor.		
6.1.4 Building Height and Scale	<p>(i) Where a building is part of a uniform group of buildings of similar character locate any additions or alterations to the rear and not visible from the street or any public place.</p> <p>(ii) Where a building is to be located amongst buildings having a consistent façade repeat the size, location and proportions of window, door openings and other distinctive features such as roof form.</p> <p>(iii) Dual occupancies, multi dwelling housing and residential flat building developments must be designed and constructed in a form and scale that resembles the detached character of dwelling-houses in the surrounding neighbourhood.</p> <p>(iv) Finishes which are 'textured' rather than bland, through the use of light and shade, diversity in materials and finishes and appropriate decorative treatments.</p> <p>(v) Traditional relationship of roof mass to wall ratio, roof pitch and design, length of unbroken ridgelines, parapets, eaves and roofwater guttering detailing.</p> <p>(vi) The amount and length of unbroken roof ridge lines, unpunctuated facades, fencing and repetitive form should be minimized.</p>	Y	<p>The proposed development is for a single storey structure.</p> <p>The design of new buildings reflects and reinforces, or is complementary to, the existing character of the locality.</p> <p>The proposed development is of good design which provides continuity of character between the local building forms and new development by using a selection and / or combination of characteristic elements and massing.</p> <p>The proposed building will achieve a 2.45m building height to the ceiling. The proposed development complies with Council's maximum building height of 8.5m.</p>
6.1.5 Front Fencing and Retaining Walls	Refer to DCP for further details	N/A	A front fence or retaining walls are not proposed for this development.
6.1.6 Garages, Carports and Sheds	(i) 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.	Y	The proposed development has incorporated two (2) lock up single garage. Each Unit will have access to a lock up garage.

	<p>(ii) Garages and sheds are not located forward of the established building line.</p> <p>(iii) 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.</p>		<p>All garages are setback from the building line.</p> <p>The garages do not create a negative impact upon the streetscape.</p>
6.1.7 Dwelling Entry	<p>(i) Create an address to the street or any public access-point by incorporating the front door and/or windows of habitable rooms in the façade facing the street or public access-point.</p> <p>(ii) Provide an entry that is clearly identifiable from the street, has adequate lighting and has direct access to the street frontage – do not conceal or recess dwelling entries.</p>	Y	<p>The dwelling addresses the street and the front door is located within the façade facing the street.</p> <p>The secondary dwelling's access is from the western side of the building. It will be provided with a porch which protrudes into the eastern side boundary setback.</p> <p>This will provide a clearly identifiable entry to the secondary dwelling.</p> <p>The proposed secondary dwelling has direct access to the street frontage and casual surveillance from a bedroom.</p> <p>While the secondary dwelling does not address the street Council is requested to consider the following justification for giving consent for the proposed development:</p> <p>According to MLEP2009 & Affordable Housing SEPP (AHSEPP) the definition of a secondary dwelling means a self-contained dwelling that:</p> <ul style="list-style-type: none"> (a) is established in conjunction with another dwelling (the principal dwelling), and (b) is on the same lot of land as the principal dwelling, and (c) is located within, or is attached to, or is separate from, the principal dwelling. <p>The proposed development complies with (c) being attached to the principal dwelling:</p>

			<p>The (AHSEPP) was introduced in 2009 to increase the supply and diversity of affordable rental and social housing in NSW;</p> <p>The AHSEEP provides for the development of secondary dwelling which can be a positive way to add value and flexibility to a home;</p> <p>NSW Planning and Environment's <i>Granny Flats General Information Sheet</i> provides design options which may require the lodgement of a DA to the local council. These options show the that a granny flat can be attached at the rear of the principal dwelling. These options do not provide casual surveillance to the street;</p> <p>Unit 2 has casual surveillance from a bedroom. While casual surveillance to the street from a living room is a desirable planning outcome it is not necessary for secondary dwellings according to the intention of the SEPP;</p> <p>The land zoning allows secondary dwellings to be constructed; and</p> <p>The proposed development meets the objectives and intent of a secondary dwelling legislation.</p> <p>Should Council require, a gate could be constructed to the eastern side of the dwelling to the boundary identifying unit 2 from the street.</p>
6.1.8 Accessibility and Adaptability	<p>To ensure that new multi dwelling housing stock incorporate design features that meet a variety of housing needs.</p> <p>(i) Provide a minimum of 10% (or part thereof) of dwellings as adaptable housing designed in accordance with the provisions of AS4299.</p>	N/A	<p>The proposed development is not for multi dwelling housing</p>

	<p>(ii) The required adaptable housing units are to be designed with accessible features for people with disabilities, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standard 4299.</p> <p>(iii) Integrate the adaptable housing components, do not isolate them or use a different standard of materials and finishes - show proposed adaptable units on any development application plans submitted.</p>		
6.1.9 Reflective Materials	<p>(a) Colours and material used in new buildings reflects and reinforces the existing character of the locality.</p> <p>(b) Colours and materials used in new buildings do not result in adverse impacts to adjoining or nearby premises.</p> <p>Refer to DCP for further controls.</p>	Y	The proposed development will incorporate colours and materials which will not create a negative impact upon adjoining/nearby premises or the streetscape.
6.2 Urban Landscape			
6.2.1 Usable Open Space	<p>(i) In multi dwelling housing or residential flat buildings, provision of a minimum of 35m² of principal private open space shall be provided per dwelling which is located at or near ground level and directly accessible from the living area.</p> <p>(ii) Narrow elongated areas with any dimension less than 4m shall not be included as part of the principal private open space.</p> <p>(iii) Where the dwelling is located above ground level, a balcony is provided having</p>	Y	<p>The proposed development provide sufficient and accessible open space for the reasonable recreational needs of residents.</p> <p>The private open space meets requirement for privacy of the user and adjoining properties, safety, access, outdoor activities and landscaping.</p> <p>Each unit will be able to accommodate a private open space area of 35m².</p>

	<p>a minimum area of 8m² and a minimum dimension of 2m with direct access from the main living area of the dwelling.</p> <p>(iv) Screening is to be provided where necessary to maintain privacy.</p>		
6.2.2 Carparking	<p>(a) Adequate on-site carparking provisions for residents.</p> <p>(b) Car parking is provided on site to a standard that ensures safe and convenient manoeuvring of vehicles.</p> <p>Refer to DCP for further development controls.</p>	Y	<p>The proposed development has incorporated two (2) lock up garages. Each unit will have access to a single lock up garage.</p> <p>While under the provisions of the AHSEPP the provision of carparking is not required unit 2 will have access to a single lock up garage.</p>
6.2.3 Landscaped area	<p>Residential development must not be carried out in a R1 Residential or RU5 Village zone unless a minimum of 35% of the total site area is "landscaped area" as defined in the LEP.</p> <p>Note: (landscaped area in the LEP means a part of a residential site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area).</p> <p>(ii) Do not break landscaped area into a series of small fragmented areas that are unusable.</p> <p>(iii) Retain existing mature vegetation and trees and show what measures are to be implemented to protect this vegetation during construction.</p> <p>(iv) Landscaped area is located to the rear or northern boundary of the site</p> <p>(v) Use pervious material or stepping stones where pathway is incorporated in side setback.</p> <p>(vi) For dual occupancies, multi dwelling housing and residential flat buildings, a</p>	Y	<p>The subject site has an area of 727.1m². The site coverage of the proposed development is 31.2%. The subject site is able to meet the 35% of the total site area as "landscaped area". Refer to landscape plan for further information.</p>

	<p>landscape plan is to be submitted</p> <p>(vii) The selection of tree species indicated on the landscaping plan must be in a scale with the size of the proposed building/s. For example, buildings of 2 storeys must include trees with an achievable mature height of at least 8 metres</p>		
6.2.4 Landscaping	<p>(i) Include locally occurring native species to extend habitats for fauna and reduce water and fertilizer requirements.</p> <p>(ii) Minimise disturbance of natural ground levels, native vegetation and topography in the vicinity of identified significant trees.</p>	Y	The subject site has been cleared of any significant vegetation.
6.2.5 Dual Occupancy Housing, Multi Dwelling Housing and Secondary Dwellings	<p>Secondary dwellings occur where one of the two dwellings is far smaller than the other giving the overall building the appearance of a single dwelling. Allotments with a dwelling and a granny flat are always Torrens title, they cannot be subdivided or strata subdivided.</p> <p>Refer to DCP for further development controls for other forms of development.</p>	Y	The subject site is classed as Torrens title land.
Occupancy Rates	<p>For the purposes of establishing residential densities, occupancy rates will be as follows:</p> <p>One (1) bedroom dwelling = 1.23 persons</p> <p>Two (2) bedroom dwelling = 1.79 persons</p> <p>Three (3) bedroom dwelling = 2.52 persons</p> <p>Four (4) or more bedroom dwelling = 3.02 persons</p>	N	<p>The proposed development is for one (1) three (3) bedroom unit and one (1) two (2) bedroom unit. Using the occupancy rates for residential units as mentioned in this table the proposed density will be 4.31 people.</p> <p>The maximum density suggested for the total site area is 4.36 persons.</p> <p>The proposed development meets Council's DCP requirements.</p>
Residential density	<p>(i) The residential density of dual occupancy developments and multi dwelling housing on residentially zoned land must be no greater than 60 persons per site hectare.</p>	N/A	The proposed development is not classified as a dual occupancy.

	<p>(ii) Dual occupancy and multi dwelling housing must be located on significantly regular, rectangular or square, shaped lots and not on battle-axe lots.</p> <p>(iii) Each dwelling is to be designed so that the access way to the front door is clearly identifiable from the public street.</p> <p>(iv) Each dwelling with a street frontage is to be designed so that the front door faces the street.</p> <p>(v) Each dwelling must provide a ground level with at least one habitable room, which must have an adjacent external living area located on ground (car parking is not considered as a ground level). A ground level comprising solely car parking is not acceptable.</p> <p>(v) Each dwelling must have an external living area.</p> <p>(vi) Dual occupancy and multi dwelling housing is to be compatible with residential streetscape character.</p>		
Maximum residential density	<p>The maximum residential density of a site with an area of 750m² would be:</p> <p>60 persons per site hectare $(60 \text{ persons} / 10,000\text{m}^2) = 1 \text{ person} / 166.67\text{m}^2$ $750\text{m}^2 / 166.67\text{m}^2 = 4.5 \text{ persons}.$</p> <p>Therefore a site with an area of 750m² could accommodate one (1) two bedroom dwelling plus one (1) three bedroom dwelling (ie $1.79 + 2.52 \text{ persons} = 4.31 \text{ persons}$).</p>	Y	<p>Using the formula presented to identify maximum residential density, $727.1/166.67 = 4.36$ persons are permitted on the subject site.</p> <p>The proposed development meets Council's maximum residential density requirements.</p>
6.3 Environmental	<p>(i) Finished ground levels are no greater than 1.5 metres below or 1 metre above ground level (existing).</p>	Y	Refer to plans for further information

	<p>(ii) Locate habitable rooms (not including bathrooms, laundries and storerooms) above the ground level (existing).</p> <p>(iii) Retaining walls are no greater than 1.5 metres below or 1 metre in height above ground level (existing).</p>		
6.3.2 Solar Access	<p>(i) Complete a site analysis as referred to in Section 3 of this DCP.</p> <p>(ii) Sunlight to the principal area of ground level private open space of adjacent properties should not be reduced to less than 4 hours between 9am and 3pm on June 21. Where existing overshadowing by buildings and fences is greater than this, sunlight should not be reduced by more than 20%. Where overshadowing may occur, a shadow diagram is required to demonstrate that this control has been met.</p> <p>(iii) The following measures may be required to reduce overshadowing:</p> <p>a. The building resited or setbacks increased;</p> <p>b. Heights reduced;</p> <p>c. The roof design amended</p>	Y	Refer to plans for further information
6.3.3 Visual Privacy	<p>Visual privacy for all residents is maintained.</p> <p>Refer to DCP for further controls.</p>	Y	<p>The subject site is located within a residential area. The proposed development is compatible with the local area.</p> <p>The proposed development is not expected to create a negative impact on the surrounding area.</p>
6.3.4 Acoustic Privacy	To ensure that development does not result in adverse amenity impacts arising from noise generation.	Y	The proposed development is not expected to create and greater noise impact than any other residential development.
6.4 Site Operation			
6.4.1 Energy Conservation	(i) Complete a site analysis as referred to in Section 3 of this DCP.	Y	Refer to BASIX for further information

	<p>(ii) The requirements of any BASIX certificate issued for the proposed development are complied with.</p> <p>For minor alterations and additions which BASIX does not apply refer to DCP for additional information.</p>		
6.4.2 Stormwater Management	<p>(i) Ultimate discharge for collected stormwater runoff shall be to a street drainage system, to an inter-allotment drainage line, or by approval, to a public area.</p> <p>(j) The system shall be "gravity" drained.</p> <p>(k) Pumping of stormwater is not permitted.</p> <p>(ii) The development site shall provide an overland flow path for the major storm event (1% AEP).</p> <p>(iv) Compliance with section 25 of this DCP.</p>	Y	Refer to plans for further information.
6.4.3 Stormwater Management	Refer to Section 25 of this DCP.		
6.4.4 Security, Site Facilities and Services	<p>(i) Provide open air clothes drying facilities in a sunny location, which is adequately screened from streets and public places and receives no less than 2 hours of direct sun per day.</p> <p>(ii) For three (3) or more units, a garbage storage area is to be provided on site so as to be readily accessible from within the site and serviceable by the waste collector from the adjoining public land.</p> <p>(iii) Garbage storage areas are to be provided with a water tap for wash down purposes and drained to connect to the sewer.</p> <p>(iv) Provide a lockable mail box, for each dwelling, close to each ground floor dwelling entry, or a mail box structure located close to the major</p>	Y	Refer to plans for further details.

	<p>pedestrian entry to the site and complying with the requirements of Australia Post.</p> <p>(v) Adequate numbering system and signage is provided.</p> <p>(vi) In order to minimise the amount of externally visible antennae equipment, dwellings within a multi unit housing development should be provided with wiring for a common television reception system.</p> <p>(vii) The design and provision of public utilities, including sewerage, water, electricity, street lighting, telephone and gas services to conform to the cost effective performance measures of the relevant servicing authority.</p> <p>(viii) Adequate light is provided to all pedestrian paths, shared areas, parking areas and building entries.</p>		
Section 7 – Village Zones	Ensure that new development retains and enhances the rural village atmosphere of Denman and Sandy Hollow	Y	The new development is to occur within a newly created residential subdivision. The proposed building design is in keeping with other developments within the area.
	Preserve the local environment in terms of its visual appearance and natural quality	Y	The proposed development gives the appearance of a single dwelling
	Outline design requirements for new development in Denman and Sandy Hollow relating to style, density and form of construction that is appropriate to the local context	Y	<p>The proposed design of the development relates to the style and form which is appropriate to the local context.</p> <p>The density of the proposed development is slightly greater than Council's DCP requirements. See previous notes and request for variation above.</p>
	Ensure that new buildings are connected to reticulated sewerage or in Sandy Hollow designed and located to allow sufficient area for	Y	The proposed development is to occur within a newly created residential subdivision. The new building will be connected to reticulated sewerage.

	on-site disposal of waste water		
	Ensure that individual allotments have adequate private open space and landscaped areas.	Y	Refer to plans for further details.
7.2.3 Character Statements	Council must not grant development consent to new development in Denman that would result in an inconsistency or compromise the integrity of the character statement for Denman	Y	<p>The proposed development will not compromise the integrity of the character of Denman.</p> <p>The proposed development provides residents wishing to live in a semi-rural area a choice of affordable housing stock.</p>
	Higher density residential development only occurs in appropriate locations closer to the main street area within short walking distance, with appropriate landscaped buffers on site to ensure existing residential amenity is maintained.	Y	<p>The subject site is within walking distance of the main street area.</p> <p>The proposed development includes landscaping which will ensure the existing residential amenity is maintained.</p>
	To ensure that new residential development reflects a desired future character for the village zone	Y	The proposed dwelling and attached secondary dwelling present to the street as a single dwelling, ensuring that the character of the village zone is not negatively impacted upon.
	To ensure that new residential development appropriately responds to its context	Y	
	New residential development does not result in adverse impacts to village amenity	Y	
	New residential development complies with the provisions of Section 6 of this DCP	Y	Refer to information provided in the table above.
7.3.2 Waste Water Disposal	To ensure that new development reflects and reinforces the existing, and desired future character of the village zone	Y	The proposed development is within a newly created residential subdivision.

3.0 ENVIRONMENTAL IMPACT

3.1 Building Height

The height of the proposed development is well within the maximum height 8.5m, as per Council's DCP requirements. Refer to plans for further details.

3.2 Acid Sulphate Soils

The site has not been identified as being located within an Acid Sulphate area. An Acid Sulfate Soil Management Plan is not required in this instance.

3.3 Geotechnical Zone

The site has been not classified as being within a geotechnical zone.

3.4 Mine Subsidence

The site has not been identified as being located within a proclaimed Mine Subsidence District.

3.5 Drainage & Flooding

The site has not been identified as being located within a flood prone area.

3.6 Services

The subject site has access to all services such as town sewerage, water, electricity and telephone. These services will be supplied as required to the proposed new development.

3.7 Energy Efficiency

The proposed development has met the requirements of BASIX and obtained a BASIX report as part of the NSW Department of Planning. A BASIX Certificate has been prepared by an accredited assessor. A copy of this report accompanies this statement.

3.8 Access and Traffic

Access to the subject site is via Pendula Way. Pendula Way is a sealed, all weather access road. The proposed development is not expected to significantly increase local traffic movement with the local area.

To ensure the safety of residents and the general community the proposed development complies with Council's requirement for adequate access and manoeuvrability.

3.9 Heritage

The subject site has not been identified as having Aboriginal or European heritage significance. A heritage assessment is not required in this instance.

3.10 Flora & Fauna

The subject site is currently vacant. No Flora or Fauna will be disturbed as a result of the proposed development. Additional landscaping will be installed. Refer to plans for further information.

3.11 Bush Fire

The subject site is not located a bush fire prone area. A bushfire assessment is not required in this instance.

3.12 Retaining Walls

The proposed development does not involve the construction of retaining walls.

3.13 Coastal Zone

The proposed development is not located within a Coastal Zone.

3.14 Contaminated Land

The proposed development is not identified as being contaminated.

4.0 WASTE MANAGEMENT

Local firms will be advised of any materials which are able to be crushed or recycled. Collection of these materials will be undertaken by a suitably qualified contractor. Table 1 details proposed strategies for the management of site waste.

TABLE 1: Site Waste Management Plan

MATERIAL	PROPOSED STRATEGY IF REQUIRED
Excavation Materials	Topsoil for landscaping of site
Green Waste	To be recycled for chipping and composting
Bricks	Transported to crushing and recycling firm
Concrete	Transported to crushing and recycling firm
Timber – pine, particle board	Second Hand Building Materials Sales or Recycled at Local Waste Management Facility
Plaster Board	Landfill site
Asbestos	In the event that asbestos is identified during the demolition of any existing building structures, then the product shall be removed in accordance with: SafeWork NSW Code of Practice: How to Safely Remove Asbestos, 2016. SafeWork NSW Code of Practice: How to Manage and Control Asbestos in the workplace, 2016
Metal	Recycled at metal recyclers or sent to landfill site (depending on metal)
Other – including glass, doors, etc	Windows/doors to second hand building materials outlet. Remainder to licensed waste facility.

Construction Waste

Construction materials will be stockpiled and an industrial sized waste bin will be located on the site. This waste will either be recycled (timber, steel etc) or disposed of within an approved waste facility. See table 1 Site Waste Management Plan for further details.

General Domestic Waste

All waste material will be recycled where possible and collected by council's garbage service on a weekly basis.

Demolition

Any proposed demolition works will be carried out in accordance with AS 2601—2001, *Demolition of structures* and any relevant WorkCover guidelines.

5.0 CONCLUSION

This Statement of Environmental Effects has been prepared to address relevant planning issues for the proposed development. The proposed development is deemed to be appropriate as:

- The proposed development is consistent with Council's Planning Instruments;
- The subject site is of sufficient size to accommodate such a development;
- The subject site has access to all services of town water, electricity and telephone;
- The proposed development will not decrease the residential amenity currently enjoyed by residents of the area;
- The proposed development will occur with minimal land disturbance;
- The proposed development requires minimal vegetation removal;
- The proposed development ensures the privacy of residents of adjacent properties;
- The subject site is not subject to drainage problems.

6.0 RECOMMENDATION

It is recommended that Muswellbrook Shire Council grant Development Consent for the proposed development at Lot 34 DP 1182796 (No. 25) Pendula Way, Denman.



General Manager
Muswellbrook Shire Council
PO Box 122
Muswellbrook NSW 2333

Dear M/S Plesman

DA 2020/85 Proposed Dual Occupancy at 25 Pendula Way Denman.

The proposal represents an unacceptable development for the site & should be refused by Council.

For the proposal to proceed the developer must be required to show how off street parking can be provided on-site for the number of vehicles to be realistically generated by this development. To propose 1 garage per unit is simply insufficient given the occupancy rate for each unit.

If Unit 1 has 1 bedroom & Unit 2 has 2 bedrooms this will generate at least 5 vehicles to be accommodated on-site, noting that there is no public transport in the area. Therefore 3 additional vehicles will have to be parked on the street, nature strip or front yard.

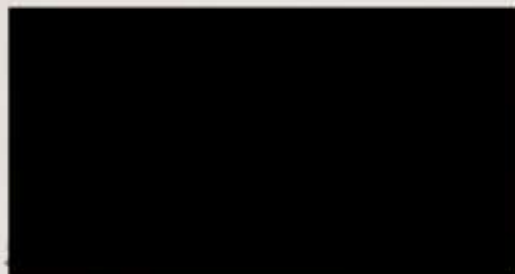
It is Council's responsibility to require the Developer to provide the relevant information on the number of vehicles the proposal will generate & how they can be accommodated on- site & accessed separately by each unit.

The existing development in the street demonstrates that there is a lack of available on-site parking being provided for the dwellings. Dual Occupancy developments will only exacerbate the problem.

Council must also consider the cumulative impact of on-street parking having regard to the proposed Dual Occupancy at 29 Pendula Way, the existing development in the street & future development of the vacant lots which will create an unacceptable streetscape & congestion.

Notwithstanding that the Dual Occupancy development may be permissible with consent, the adverse impact it will create necessitates the refusal of the application.





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Muswellbrook Shire Council
PO Box 122
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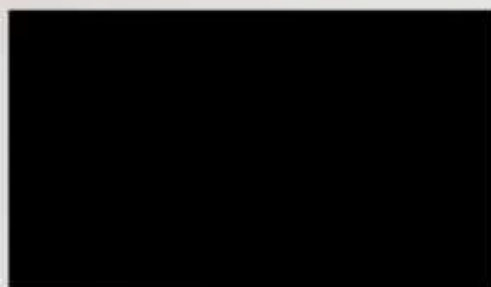
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23 October 2020

The General Manager
Muswellbrook Shire Council
Campbell's Corner
60-82 Bridge Street
MUSWELLBROOK NSW 2333

ATTENTION: Ms Tanya Jolly

Dear Tanya

**RE: PROPOSED DWELLING AND ATTACHED SECONDARY DWELLING
LOT 34 DP 1182796 (NO. 25) PENDULA WAY DENMAN
DA 2020/85**

We write in response to Council's email dated 22 October last concerning the receipt of a submission during the notification period.

We have reviewed the submission and provide the following response to the concerns of appropriate on-site parking and storage raised within the submission.

1. Carparking

- The proposed development has incorporated two (2) lock up single garages:
- Each unit will have access to a single lock up garage.
- Under the provisions of the AHSEPP the provision of carparking is not required for secondary dwellings (granny flats). However, the proposed development has incorporated a single lock up garage.
- Unit 1 has a GFA of 101.1m². Unit 2 has a GFA of 58.4m². According to Council's DCP 1 space per dwelling if the GFA of the dwelling is less than 125m². The provision of 1 car parking space for each dwelling complies with Council requirements.
- Pendula Way is located within a low traffic movement area, off street parking (if required) is not considered to be an issue and should not create a negative impact on adjoining properties.
- It is not uncommon with modern development to not incorporate sufficient access to the rear of a property for the parking of trailers, camper vans, caravans, motor bikes etc.
- Vehicle access to the rear of the property is not a planning consideration within Council's DCP.

2. Storage

- Council's DCP does not require the provision of storage areas for lawn mowers and other household items.
- Storage of these items will be determined by the residents, as is the case with all residential developments.
- The residents may install a garden shed or similar at a later stage and will apply for the appropriate development approval if required

ABN: 16 169 619 103 Phone: (02) 4936 4025
Address: Shop 1/187 Lang Street Kurri Kurri NSW 2327 Postal: PO Box 90 Kurri Kurri NSW 2327
Email: enquiries@completeplanningsolutions.com.au Web: www.completeplanningsolutions.com.au

NOTE: We acknowledge that storage was not raised as an issue for this particular development however it was raised for DA 2020/76 so we have included the justification in both letters

We thank Council for the opportunity to address the proposed development through this submission and trust that the information contained herein will received Council's careful consideration. Should there be any issue regarding this matter please do not hesitate to contact Karen Jurd on 4936 4025.

Yours sincerely

COMPLETE PLANNING SOLUTIONS PTY LTD



Karen Jurd
B Dev Stud
Director/Planning Consultant

6.2 MUSWELLBROOK COAL OLD PIT TOP REHABILITATION

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Sharon Pope - Executive Manager - Environment and Planning
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

Muswellbrook Coal Company owns an 8.6ha site on the corner of Victoria Street and Coal Road which was formerly the Colliery No.1 Pit Top and associated Power Station.

The Land is zoned a combination of R1 General Residential and RE2 Private Recreation under the Muswellbrook Local Environmental Plan 2009. The site is contaminated with asbestos from the demolition of the pit top buildings and power station. A remedial Action Plan has been developed for the site and a formal Development Application will be lodged soon.

The purpose of the report is to provide the Committee with information on the direction Muswellbrook Coal intends to take in remediating the site.

OFFICER'S RECOMMENDATION

The information contained in the report be noted.

Moved: _____ **Seconded:** _____

REPORT

In 2019, Muswellbrook Coal engaged Kleinfelder to prepare a Detailed Asbestos Investigation for the former Colliery No.1 Pit Top and associated Power Station site off Coal Road.

Soil investigations recorded three distinctive units:

- Demolition fill present across the eastern-central, central and southern areas of the site. Demolition fill tended to contain asbestos fragments, asbestos fines and fibrous asbestos.
- Coal fines fill on the north-western part of the site.
- Natural fill across the northern and north-eastern parts of the site.

It is understood that an historical mine shaft may be present close to the central-eastern site boundary. Historically, some ground subsidence has been observed in this area. A Ground Penetrating Radar survey was undertaken, but did not identify any voids at shallow depths. Nevertheless, voids at deeper depths cannot be ruled out and have been considered when planning remediation of the site.

The planned remediation aims to:

- Remediate the R1 zoned areas, and some of the RE2 zoned areas, to a standard suitable for residential occupation. A future rezoning request will be submitted with Council to rezone the fully remediated RE2 land to R1, thereby allowing the creation of additional residential lots.

- b) Dispose of some contaminants from the R1 zone in capped containment areas within the RE2 portion of the site, with clean capping material of sufficient depth to meet a standard suitable for recreation purposes.
- c) Restore drainage lines and create bioretention basins on part of the RE2 zoned land for long-term stormwater management.
- d) Re-establish suitable vegetation cover across the site.
- e) Provide walking paths for use by the public and interpretative signage to educate the public on the historical land uses that once occurred on the site. Muswellbrook Coal would like to dedicate the RE2 zoned land to Council once remediation is satisfactorily completed.

A plan showing the likely bulk earthworks is provided in Figure 1.

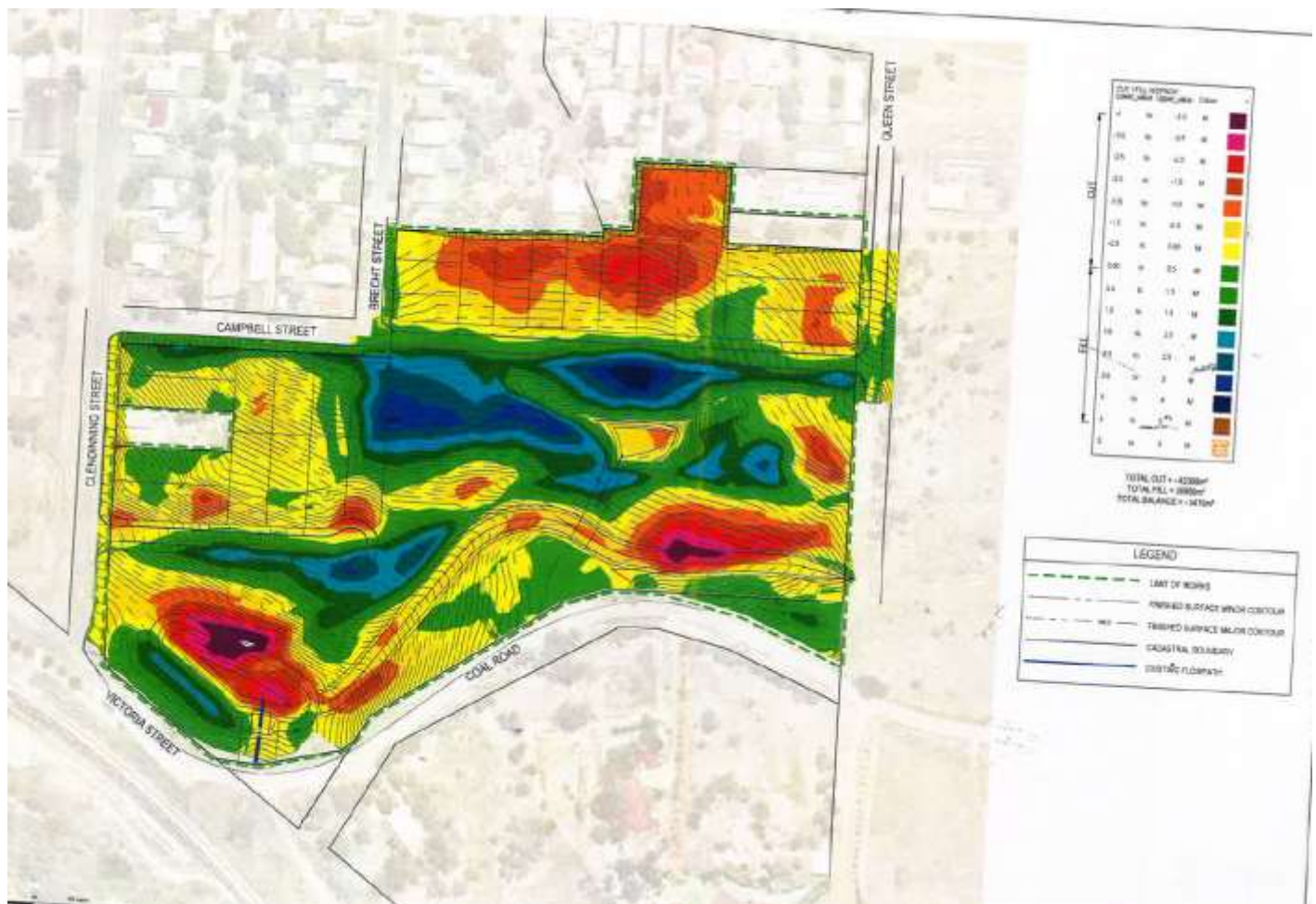


Figure 1 – bulk earthworks (red/yellow=cut, blue/green=fill)

And a plan showing the proposed future landform and uses is provided in Figure 2.



Figure 2 – Final landform and uses

6.3 DEVELOPMENT ASSESSMENT COMMITTEE REVIEW

Attachments:	A. Draft Delegations - General Manager
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Executive Manager - Environment and Planning
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>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

The purpose of the report is to provide information regarding the functions of the Development Assessment Committee, and to recommend the potential disbandment of the Committee.

OFFICER'S RECOMMENDATION

The Development Assessment Committee resolves to:

1. recommend to Council the disbandment of the Committee; and
2. should Council resolve to disband the Committee, delegations to the General Manager be adjusted in accordance with Attachment A of the report.

Moved: _____ Seconded: _____

BACKGROUND

Muswellbrook Shire Council's Development Assessment Committee was established by Council resolution at the 14 August 2018 Ordinary Council Meeting. Council's resolution in relation to the report was:

10.3 DEVELOPMENT ASSESSMENT COMMITTEE

1 RESOLVED on the motion of Crs Rush and Scholes that:

1. Council establish a Development Assessment Committee with the following functions:
 - (i) To determine development applications;
 - (ii) To monitor the progress of development applications not yet determined;
 - (iii) To recommend to Council the need to develop or amend policies in relation to planning related matters – including strategic planning.
2. Council delegate to the Development Assessment Committee 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*
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; and*
 - (iv) *in 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).*

The Delegations of the Committee and General Manager were adjusted by Council at the Ordinary Council Meeting held on 26 May 2020.

The changes to the delegations permitted development proposals compliant with policies on the management of urban waterways to be determined by staff along with other low impact development proposals.

The delegations to the Committee currently are:

1. *The determination of development applications and modifications under the Environmental Planning and Assessment Act 1979 not otherwise delegated to the General Manager except here:*
 - a) *the development application is for, or in any way related to:*
 - i. *restricted premises;*
 - ii. *food and drink premises used for, or proposed to be used for, the sale of alcohol, but not including modification or alterations that will not increase the floor area or increase the trading hours of the premises;*
 - iii. *electricity generating works;*
 - iv. *mines and extractive industries but not including businesses proposed on land zoned R1, R2, R5, B1, B2, B3, B4, B5, IN1 or IN2 that support mining and extractive industries;*
 - v. *a waste disposal facility; or*
 - vi. *subdivisions into more than ten lots; or*
 - b) *the capital investment value of the development specified in the development application exceeds \$3,000,000; or*
 - c) *Council received more than two objections during the notification process;*
2. *The determination of any development applications and modifications 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 determination of any development applications and modifications under the Environmental Planning and Assessment Act 1979 referred to the Development Assessment Committee by*

Council resolution.

CONSULTATION

General Manager

Mayor

REPORT

Given the low volume of matters that are now coming before the Committee, it is an opportune time to reconsider the benefit the Committee provides to Council and the community.

The new shed came before the Committee as a submission objecting to the proposal was received during the notification period. The shed complied with the provisions in the Development Control Plan (DCP). A minor change to the General Manager's delegations would allow development that receives less than five submissions, but is compliant with the DCP and Local Environmental Plan, to be determined by staff. Similarly, a change to the General Manager's delegations would allow modifications of a minor nature to be determined by staff.

Matters outside the General Manager's delegations would be reported to Council for determination. If Council identifies that a matter requires more consideration and investigation/discussion, Council could defer the matter for consideration by a working group of Councillors and staff and ask for the matter to be returned to Council for determination at the completion of these discussions.

There is currently a working group of Councillors and staff who meet regularly to discuss mine and power generating activities. It may be an opportune time to upgrade that working group to a Committee that considers:

- a) All State Significant development applications, modifications and compliance;
- b) All electricity generating works;
- c) waste disposal facilities.

OPTIONS

The Options for the Committee are that:

1. The Committee recommend to Council that the Committee be discontinued and the delegations to the General Manager be adjusted in accordance with Attachment A; or
 - a)
2. The Committee resolve to retain the Committee and not adjust the delegations of the General Manager.

CONCLUSION

Given the low volume of matters that are now coming before the Development Assessment Committee it is an opportune time to reconsider the need for the Committee. It is recommended that the Committee be discontinued and the delegations to the General Manager be adjusted in accordance with Attachment A;



muswellbrook shire council

DELEGATION OF AUTHORITY TO GENERAL MANAGER

SECTION 377 LOCAL GOVERNMENT ACT 1993

Muswellbrook Shire Council:

- A. recognises that certain functions are conferred on the General Manager by the provisions of the Local Government Act 1993; and
- B. delegates, pursuant to section 377 of the Local Government Act 1993, to the person holding the position of General Manager (and to the person acting in that position from time-to-time), the functions, powers, authorities and duties of the Council contained in the legislation and matters specified in Schedule 1, subject to the limitations specified in Schedule 2.

This delegation commences on **xxxxxx** and will remain in force until otherwise revised or revoked by resolution of Council in accordance with the Local Government Act 1993 (as amended).

SCHEDULE 1

- 1. The functions of the Council under:
 - (i) the Local Government Act 1993 and regulations made thereunder;
 - (ii) the Environmental Planning and Assessment Act 1979 including:
 - (a) Section 4.55(1) of the Environmental Planning and Assessment Act 1979 (modifications involving a minor error, mis-description or miscalculation); and
 - (b) Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (modifications involving minimal environmental impact). ;
 - and
 - (iii) All other legislation (including regulations, statutory rules and the like made thereunder) under which Council has powers, authorities, duties and functions, subject to section 381 of the Local Government Act 1993 (as amended).

SCHEDULE 2

- 1. Council may by resolution direct the General Manager in the exercise of any function, power, duty or authority herein delegated.
- 2. The General Manager shall exercise these delegations in accordance with and subject to:
 - (i) The provisions of the Local Government Act 1993 (as amended); and

- (ii) All policies of the Council adopted by resolution and current at the time of the exercise of these delegations.

3. Except where Council by special resolution provides otherwise, the delegation to determine matters under the Environmental Planning and Assessment Act 1979:

- (i) in which the capital investment value of the development specified in the development application exceeds ~~\$1,000,000~~ \$3,000,000 or

- (ii) which are for, or in any way related to:

- (a) restricted premises;
- (b) food and drink premises used for, or proposed to be used for, the sale of alcohol, but not including modification or alterations that will not increase the floor area or increase the trading hours of the premises;
- (c) electricity generating works;
- (d) mines and extractive industries, but not including businesses proposed on land zoned R1, R2, R5, B1, B2, B3, B4, B5, IN1 or IN2 that support mining and extractive industries;
- (e) waste disposal facility;
- (f) subdivisions into more than five lots;
- (g) works alongside or adjoining any river or urban drainage system

_____ (excluding any waterway outside the urban areas of Muswellbrook, Denman and Sandy Hollow) that anticipate non-compliance with Section 25 of Muswellbrook DCP 2009 or Council's Rivers and Drainage Channels Policy.

- (iii) which anticipate any non-compliance with any development standard in Part 4 of the Muswellbrook Local Environmental Plan 2009 (or any equivalent LEP applicable to the Muswellbrook Local Government Area);
- (iv) that despite the proposal complying with provisions in the Local Environmental Plan and Development Control Plan, the proposal received more than ~~one~~ five unique objections during the notification process; or
- (v) where the determination has been delegated to the Development Assessment Committee.

Note:

- For the avoidance of doubt and except where the context otherwise requires, terms used in this clause 3, Schedule 2 have the meanings ascribed to them in the Environmental Planning and Assessment Act 1979 and regulations and statutory instruments made thereunder (as amended) if they are defined.

END OF DELEGATION

xxxxxxx 2020

6.4 OUTSTANDING DEVELOPMENT APPLICATIONS

Attachments:	A. Outstanding Development Applications 24 November 2020
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

This Report has been prepared for the information of the Development Assessment Committee (the Committee). The Council Resolution establishing the Committee identifies the following as a function:

The attachment to this report lists all Development Applications lodged with Council that are not yet determined as of the 24 November 2020. The Attachment also includes a description of each Development Application, details of the land subject to each Development Application, the Applicants details, the value of the proposed development and the status of the development assessment.

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 24/11/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000129.001	NEW DWELLING	39 Stockyard PDE MUSWELLBROOK LOT: 502 DP: 1193162	Hunter Homes Pty Ltd	\$348,979	19/11/2020	5	DA Acknowledgement
005.2020.00000128.001	Ancillary Development - Shed	22 St James CR MUSWELLBROOK LOT: 11 DP: 239167	Mr J N Kelly	\$13,945	16/11/2020	8	Notify Adjoining Owners
005.2020.00000127.001	Ancillary Development - Shed	10 Lonhro PL MUSWELLBROOK LOT: 88 DP: 1181251	Mr J A Harrison	\$11,300	16/11/2020	8	DA Acknowledgement
005.2020.00000126.001	Office Premises	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	\$55,000	13/11/2020	11	DA Acknowledgement
005.2020.00000125.001	Ancillary Development - Shed	26 Anzac PDE MUSWELLBROOK LOT: 104 DP: 237872	Mr P J Clancy	\$19,165	9/11/2020	15	Notify Adjoining Owners
005.2020.00000124.001	Swimming Pool and Decking	21 Lou Fisher PL MUSWELLBROOK LOT: 20 DP: 1087125	Ms S A Atkinson	\$16,000	6/11/2020	18	DA Acknowledgement
005.2020.00000123.001	Hay Shed	480 Bureen rd BUREEN LOT: 90 DP: 753786	Daniel Cowley Designs	\$92,220	2/11/2020	22	Notify Adjoining Owners
005.2020.00000122.001	Dwelling House and change of Existing Dwelling to Secondary Dwelling	515 Martindale Rd MARTINDALE LOT: 101 DP: 1175783	Taylor Made Buildings Pty Ltd	\$306,785	29/10/2020	26	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 24/11/2020

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000121.001	Demolition of Shed LOT: 101 DP: 1178581	Husky Demolition Pty Ltd	\$17,500	29/10/2020	26	Notify Adjoining Owners
005.2020.00000120.001	Ancillary Development - Carport 46 Shiraz ST MUSWELLBROOK LOT: 9 DP: 260394	Kev Bailey Building PTY LTD	\$17,100	29/10/2020	26	Notify Adjoining Owners
005.2020.00000119.001	Boundary Adjustment - Consolidating Three (3) Lots into Two (2) Lots 196 Queen ST MUSWELLBROOK LOT: 9 ALT: DP: 1112082 REF: 208 Queen ST MUSWELLBROOK LOT: 10 DP: 1112082 200 Queen ST MUSWELLBROOK LOT: 11 ALT: DP: 1112082 REF:	RAP Surveying	\$5,000	26/10/2020	29	Notify Adjoining Owners
005.2020.00000117.001	Commercial Fit-out and Alterations and Change of use to Takeaway Shop 6 Maitland ST MUSWELLBROOK LOT: 2 DP: 162740	ECL Technology Group Pty Ltd	\$75,000	14/10/2020	41	Notify Adjoining Owners
005.2020.00000115.001	Residential Shed 55 Ford ST MUSWELLBROOK LOT: 81 DP: 788850	CD & GA Burgess Building Contractors	\$26,300	12/10/2020	43	Notify Adjoining Owners
005.2020.00000004.002	S4.55 (1a) Modification - Change of use to Bed and Breakfast as a Staged Development Palace ST DENMAN LOT: 228 DP: 727761 32 Palace ST DENMAN LOT: 227 DP: 727761	Mrs M Simpson	\$0	8/10/2020	47	Notify Adjoining Owners
005.2020.00000110.001	Ancillary Development - Shed Foley LA MUSWELLBROOK LOT: 112 DP: 749569	Mr B T W Scott	\$81,120	28/09/2020	57	Notify Adjoining Owners
005.2020.00000109.001	Dwelling House Denman RD MUSWELLBROOK LOT: 3 DP: 215827	The Flying Builder PTY LTD	\$735,110	25/09/2020	60	Additional Info Required

Development Assessment Committee - Outstanding DAs as at 24/11/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000107.001	Ancillary Development - Shed	18 Wilson ST MUSWELLBROOK LOT: 8 DP: 877657	Mr D V Williams	\$25,000	18/09/2020	67	Notify Adjoining Owners
005.2020.00000105.001	Ancillary Development - Shed with Attached Awning	15 Edinglassie DR MUSWELLBROOK LOT: 13 DP: 1001348	Mr H P Lovegrove	\$40,000	11/09/2020	74	DA Acknowledgement
005.2017.00000018.002	S4.55(1A) Modification - Proposed Stage 2A minor alterations to Elevations on South Eastern Corner of Club Building	Sydney ST MUSWELLBROOK ALT: B DP: 156819 REF: CARPARK 15 Sydney ST MUSWELLBROOK LOT: 2 DP: 966900 REF: CLUB 15 Sydney ST MUSWELLBROOK LOT: 1 DP: 970101 REF: CLUB Sydney ST MUSWELLBROOK LOT: 1 DP: 87825 REF: CARPARK 29 Sydney ST MUSWELLBROOK LOT: 1 DP: 69766 15 Sydney ST MUSWELLBROOK LOT: 3 DP: 112100 REF: CLUB 13 Sydney ST MUSWELLBROOK ALT: A DP: 156819 REF: CLUB 7 Sydney ST MUSWELLBROOK LOT: 1 DP: 797354	Cityscape Planning & Projects	\$0	8/09/2020	77	Notify Adjoining Owners
005.2020.00000102.001	Hotel Accommodation (Royal Hotel)	10 Ogilvie ST DENMAN LOT: 1 DP: 1068339 REF: HOTEL	Zizoom Pty Limited	\$20,000	4/09/2020	81	Additional Info Required
005.2020.00000096.001	Recreation Facility (Outdoor) - Formula Kart Track	Hebden RD HEBDEN LOT: 2 DP: 238862	Mr G Elphinstone	\$90,000	25/08/2020	91	Advertisement - Proposal

Development Assessment Committee - Outstanding DAs as at 24/11/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000089.001	Service Station (Operating Hours - 24 hours, 7 days a week)	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	98	Notify Adjoining Owners
005.2020.00000085.001	Dwelling House with Attached Secondary Dwelling	25 Pendula WAY DENMAN LOT: 34 DP: 1182796	Yarrum Designer Homes	\$455,000	11/08/2020	105	Notify Adjoining Owners
005.2020.00000082.001	Commercial Fitout (Upgrade to Kitchen), Outdoor Dining and Amendments to Car Park)	LOT: 2 DP: 1230519	Great Northern investment Group Pty Ltd	\$80,000	11/08/2020	105	Advertisement - Proposal
005.2020.00000081.001	Dwelling house	Foley LA MUSWELLBROOK LOT: 112 DP: 749569	Mr B T W Scott	\$382,145	7/08/2020	109	Notify Adjoining Owners
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	113	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	120	CC Determination
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	140	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	161	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 24/11/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000055.001	Commercial Fitout Additions and Alterations	20 Ogilvie ST DENMAN LOT: 1 DP: 770596	Building Design Direct	\$49,720	12/06/2020	165	Notify Adjoining Owners
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	187	Referrals
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	190	Notify Adjoining Owners
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	221	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	223	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	305	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	363	Notify Adjoining Owners
005.2019.00000090.001	Subdivision of One (1) Lot into Twenty (20) Lots	9 Yarrawa RD DENMAN LOT: 1 DP: 323945	Waebron Pty Ltd	\$2,828,700	30/09/2019	421	Notify Adjoining Owners

Development Assessment Committee - Outstanding DAs as at 24/11/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000054.001	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	515	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	516	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	648	Advertisement - Proposal
005.2019.00000013.001		8911 New England HWY MUSWELLBROOK LOT: 1300 DP: 1164893	Raj & Jai Construction Pty Ltd	\$5,142,236	14/02/2019	649	Notify Adjoining Owners
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	680	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	1009	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	1250	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	1275	Advertisement - Proposal

Development Assessment Committee - Outstanding DAs as at 24/11/2020

<u>Account</u>	<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
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DAs Outstanding:	45					
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7 DATE OF NEXT MEETING

14 December 2020

8 CLOSURE