



**muswellbrook  
shire council**

**Muswellbrook Shire Council**

**DEVELOPMENT ASSESSMENT  
COMMITTEE MEETING**

**BUSINESS PAPER**

**10 FEBRUARY 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, 10 FEBRUARY 2020**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

10 February, 2020

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

You are hereby requested to attend the Development Assessment Committee Meeting to be held in the COUNCILLORS ROOM, Administration Centre, Muswellbrook on **10 February, 2020** commencing at 4.00pm.

Joshua Brown  
**MANAGER - INTEGRATED PLANNING & GOVERNANCE**

# Order of Business

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**MUSWELLBROOK SHIRE COUNCIL  
DEVELOPMENT ASSESSMENT COMMITTEE MEETING**

**AGENDA**  
**MONDAY 10 FEBRUARY 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 **20 January 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 S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development) and Miss M. Meadows (PA to the Mayor).

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

Nil

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

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

The Minutes of the Development Assessment Committee held on 2 December 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

Nil

## **4 PUBLIC PARTICIPATION**

- i. **Mr Rodney Harrison, AGL - Item 6.1 – DA37/2019 - Construction of Pipes and Pump Infrastructure to Return Seepage Water From Lake Liddell Dam Wall to Lake Liddell.**
- ii. **Ms Summer Steward, AGL - Item 6.1 – DA37/2019 - Construction of Pipes and Pump Infrastructure to Return Seepage Water From Lake Liddell Dam Wall to Lake Liddell.**

## **5 BUSINESS ARISING**

Nil

## **6 BUSINESS**

### **6.1 DA 37/2019 - CONSTRUCTION OF PIPES AND PUMP INFRASTRUCTURE TO RETURN SEEPAGE WATER FROM LAKE LIDDELL DAM WALL TO LAKE LIDDELL**

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Development Assessment Committee defer consideration of DA 37/2019 to a future Development Assessment Committee Meeting where AGL Macquarie representatives can be present to discuss the lack of a full site development consent and the future of Lake Liddell.

### **6.2 AMENDMENTS TO MUSWELLBROOK DCP 2009 IN RELATION TO 9 YARRAWA RD, DENMAN AND 9027 NEW ENGLAND HWY, MUSWELLBROOK.**

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Development Assessment Committee:

- 1) Resolves to prepare an amendment to the Muswellbrook Development Control Plan 2009 to incorporate a section for the Urban Release Area identified as 9027 New England Highway, Muswellbrook, prior to any approval of a subdivision application for

the site; and

- 2) Resolves to prepare an amendment to Muswellbrook Development Control Plan 2009, to incorporate a section for the Urban Release Area identified as 9 Yarrawa Rd, Denman, following determination of a subdivision application for the site.

**6.3 DA 2019/89 - STORAGE SHED - DENMAN GOLF CLUB - DENMAN RECREATION RESERVE, TURNER STREET, DENMAN**

Cr Rush enquired about information regarding the fence that has been constructed on the internal boundary of the site.

Cr Rush indicated to the meeting that he would like to see the Denman Recreation Area Master Plan updated and finalised prior to determining this application.

Cr Rush asked if recommended conditions included landscaping satisfactory to Council and if harvesting rain water was proposed.

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The matter be deferred to the next Development Assessment Committee Meeting, following the Council Meeting on Monday 10 February 2020, where a report is expected on the Denman Recreation Area Master Plan and owners consent for lodgement of the Development Application.

**6.4 OUTSTANDING DEVELOPMENT APPLICATIONS**

Cr Rush advised the meeting that he had met with a developer regarding a site on Wilkinson Avenue. Cr Rush advised the meeting that it was an open discussion with Council staff present and that he advised the developer that a Backpackers might be a better development for the site than a Boarding House, but that a final decision rests with Council.

Cr Rush requested that Council staff, who were present at the meeting, brief the other Councillors on the matter.

RECOMMENDED on the motion of Crs Rush and Woodruff that:

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

**7 DATE OF NEXT MEETING**

10 February 2020

**8 CLOSURE**

The meeting was declared closed at 5:12 pm.

.....  
Cr M. Rush  
**Chairperson**

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

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

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

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

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

- Significant
- Less than significant

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

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

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

### **4 PUBLIC PARTICIPATION**

### **5 BUSINESS ARISING**

## 6 BUSINESS

### 6.1 DA41/2019 NINE (9) LOT INTO SIX (6) RURAL SUBDIVISION

<b>Responsible Officer:</b>	Hamish McTaggart - Co-Ordinator - Development
<b>Author:</b>	Alisa Evans - Projects Planner
<b>Community Plan Issue:</b>	<i>Support Job Growth</i>
<b>Community Plan Goal:</b>	<i>Facilitate the expansion of and establishment of new industries and business.</i>
<b>Community Plan Strategy:</b>	<i>Provide advice in relation to strategic land use planning and development control and assessment to support the work of the Economic Development and Innovation function.</i>
<b>Attachments:</b>	<ul style="list-style-type: none"> <li>A. DA 2019-41 Development Assessment Section 4.15</li> <li>B. DA 2019-41 Recommended Conditions of Consent</li> <li>C. DA 2019-41 Statement of Environmental Effects</li> <li>D. DA 2019-41 NSW Rural Fire Service General Terms of Approval</li> </ul>

#### APPLICATION DETAILS

<b>Applicant:</b>	MM Hyndes Bailey & Co
<b>Owner:</b>	Mr G C Sparre
<b>Proposal:</b>	Subdivision – Nine (9) Lots into Six (6) Lots
<b>Location:</b>	Lot 1 & 2 DP 136249, Lot 4 DP 21335, Lot 61, 62 & 63 DP 750926 Lot 1 & 2 DP 1102585 & Lot 5 DP 750926 Castlerock Road, Muswellbrook
<b>Permissibility:</b>	The proposed development is permissible as Subdivision within the RU1 Primary Production zone as it complies with Minimum Lot Size under Clause 4.1 MLEP 2009
<b>Recommendation:</b>	Approval subject to conditions

#### PURPOSE

This report has been prepared to inform the Development Assessment Committee in determining Development Application (DA) 41/2019. This Development Application has been assessed by Council officers. A copy the Section 4.15 Assessment Report is attached.

The matter is being reported to the Development Assessment Committee for determination as the development is outside of the function delegated to Council Officers by Council.

#### RECOMMENDATION

That Development Application No. 41/2019 proposing a subdivision of nine lots into six (6) lots at Lot 1 & 2 DP 136249, Lot 4 DP 21335, Lot 61, 62 & 63 DP 750926 Lot 1 & 2 DP 1102585 & Lot 5 DP 750926 Castlerock Road, Muswellbrook be approved subject the conditions in Attachment B to the report.

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

### DESCRIPTION OF THE PROPOSED DEVELOPMENT

The application proposes the consolidation and re-subdivision nine (9) lots into six (6) lots.

The lots proposed for subdivision are located in the Castlerock Road locality and are formally identified as Lots 1 & 2 DP 136249, Lot 4 DP 21335, Lot 61, 62 & 63 DP 750926 Lot 1 & 2 DP 1102585 & Lot 5 DP 750926.

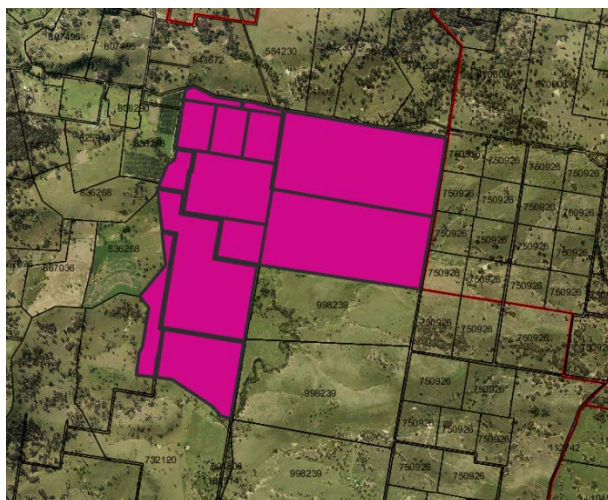
Under the Muswellbrook Local Environmental Plan (LEP) 2012 the land is zoned RU1 Primary Production and has a minimum lot size of 80ha. Each of the proposed lots will achieve the minimum lot size requirement.

The entirety of the nine (9) lots subject to this application are not currently benefited by dwelling entitlements. Council Officers have identified that (3) of the existing nine (9) lots are either benefited by a dwelling entitlement or comprise an existing dwelling, while each of the proposed lots will meet the minimum lot size and either be benefited by a dwelling entitlement or comprise an existing dwelling. Therefore, the proposed development will increase the total number of dwelling entitlements in the locality by three (3).

The land is bushfire prone and the proposed development has been lodged as an integrated development application and referred to the NSW Rural Fire Service for concurrence.

The table and images below provide an overview of the proposed and existing lots and the areas of each of the new lots proposed.

Proposed Lot	Proposed Area
Lot 101	81.6ha
Lot 102	136.4ha
Lot 103 (contains existing dwelling house)	81.7ha
Lot 104	83.7ha
Lot 105	85.7ha
Lot 106	86.6ha



Current Lot Layout



Proposed Lot Layout

**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. The conclusion of staff is that the proposed development application would comply with relevant requirements of the *Muswellbrook LEP 2009* and therefore Council can approve the proposed development.

Key findings of the section 4.15 assessment include:

- The proposed development involves a form of integrated development which requires concurrence from the NSW Rural Fire Service (RFS). The proposed development was referred to the NSW RFS who raised no objection to the proposed development and issued General Terms of Approval to Council in an email dated 22 July 2019. This correspondence is attached for Council's information, while recommended conditions of consent have been included as recommended conditions of consent as required by the *Environmental Planning and Assessment Act 1979*.
- The proposed development has been considered against the relevant provisions of the Muswellbrook LEP 2009 that relate to development applications involving the subdivision of land. In particular Clause 4.1 of the Muswellbrook LEP 2009 limits the ability for land to be subdivided where the resultant lots will not comply with the minimum lot size ascribed to the land. The minimum lot size for the land subject to this development application is 80ha and all six (6) of the proposed lots comply with this minimum lot size requirement and other relevant LEP provisions.
- Each of the lots resulting from the subdivision will be benefited by a dwelling entitlement or will comprise an existing dwelling. Three of the nine (9) existing lots are benefited by dwelling entitlements. Thereby, the proposed development will increase the number of dwelling entitlements in the locality by three (3).
- The proposed development was referred to Council's Community Infrastructure Department to consider the likely impact of the proposed development on Council's road network. Council's Community Infrastructure Department provided a response to this referral and final comments on road/vehicle access related issues in an email dated 15 January 2020. These comments raise no objection to the proposed development from a traffic impact perspective and recommend the inclusion of conditions of consent regarding the construction of vehicle accesses to each of the proposed lots and the carrying out of improvement works to the Castlerock Road table drain for along the road frontage of the subject site.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no provisions which would prevent Council from granting development consent to the proposed development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- It was considered that the proposed development was unlikely to have any significant adverse environmental impacts that would substantiate a decision to refuse the development application.

**COMMUNITY CONSULTATION**

The proposed development was notified and advertised between the 22 May 2019 until 6 June 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

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

**OPTIONS**

The Development Assessment Committee may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development unconditionally or subject to alternative conditions of consent, or
- C) Refuse modification to 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 41/2019 has been reported to the Development Assessment Committee for determination as the recommendation is for the approval for a subdivision between 6 to 10 lots.

The application to modify the development consent has been assessed by Council Officers in accordance with the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment report has been included as Attachment A, and recommended that the Development Assessment Committee grant development consent to the proposed development in accordance with the conditions of consent outlined in Attachment B.



## DEVELOPMENT ASSESSMENT REPORT

<b>ADDRESS:</b>	LOT: 1 DP: 136249, LOT: 2 DP: 136249, LOT: 4 DP: 21335, LOT: 61 DP: 750926, LOT: 62 DP: 750926, LOT: 63 DP: 750926, LOT: 1 DP: 1102585, LOT: 2 DP: 1102585, LOT: 5 DP: 750926 Castlerock Road MUSWELLBROOK, Ellis Parish COUNTY BRISBANE			
<b>APPLICATION No:</b>	41/2019			
<b>PROPOSAL:</b>	Subdivision - Nine (9) Lots into Six (6) Lots			
<b>PLANS REF:</b>	Drawings no.	Drawn by	Date	Received
	Job Reference 219103 2 of 2	MM Hyndes Bailey & Co.	15/01/2019	9/05/2019
<b>OWNER:</b>	Mr G C Sparre			
<b>APPLICANT:</b>	Mm Hyndes Bailey & Co Po Box 26 MUSWELLBROOK NSW 2333			
<b>AUTHOR:</b>	Ms A J Evans			
<b>DATE LODGED:</b>	09-05-2019			
<b>AMENDED:</b>	NO AMENDMENTS			
<b>ADD. INFO REC'D:</b>	NO ADDITIONAL			
<b>DATE OF REPORT:</b>	30 January 2020			

### SUMMARY

**ISSUES:** Drainage and Access from Castlerock Road

**SUBMISSIONS:** zero (0)

**RECOMMENDATION:** Approval subject to conditions

## 1.0 SITE AND LOCALITY DESCRIPTION

This development application relates to nine (9) lots in the Castlerock Road locality. The lot and deposited plan information for the subject land is referenced in the title page of this report.

The nine (9) lots subject to this application are all zoned RU1 Primary Production under the Muswellbrook Local Environmental Plan (LEP) 2009 and subject to a minimum lot size of 80 hectares. A dwelling house is located on one (1) of the subject lots, being Lot 4 DP 21335.

The land includes undulating slopes with watercourses and several dams. The land is clear of significant vegetation and it appears that the site has primarily been used for agricultural grazing.

The land is bushfire prone with access for the land being from Castlerock Road.

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

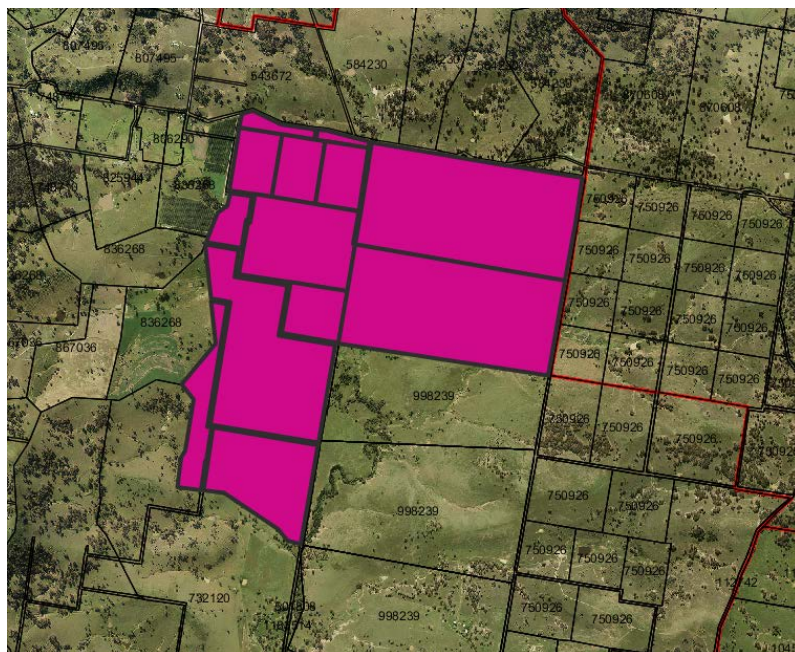


Figure 1: Existing Lots.

## 2.0 DESCRIPTION OF PROPOSAL

The application is for the consolidation and re-subdivision of nine (9) lots into six (6) lots. The table below lists the proposed lots and their total area, while the accompanying image illustrates the proposed lot layout.

Proposed Lot	Proposed Area
Lot 101	81.6ha
Lot 102	136.4ha
Lot 103 (contains existing dwelling house)	81.7ha
Lot 104	83.7ha
Lot 105	85.7ha
Lot 106	86.6ha

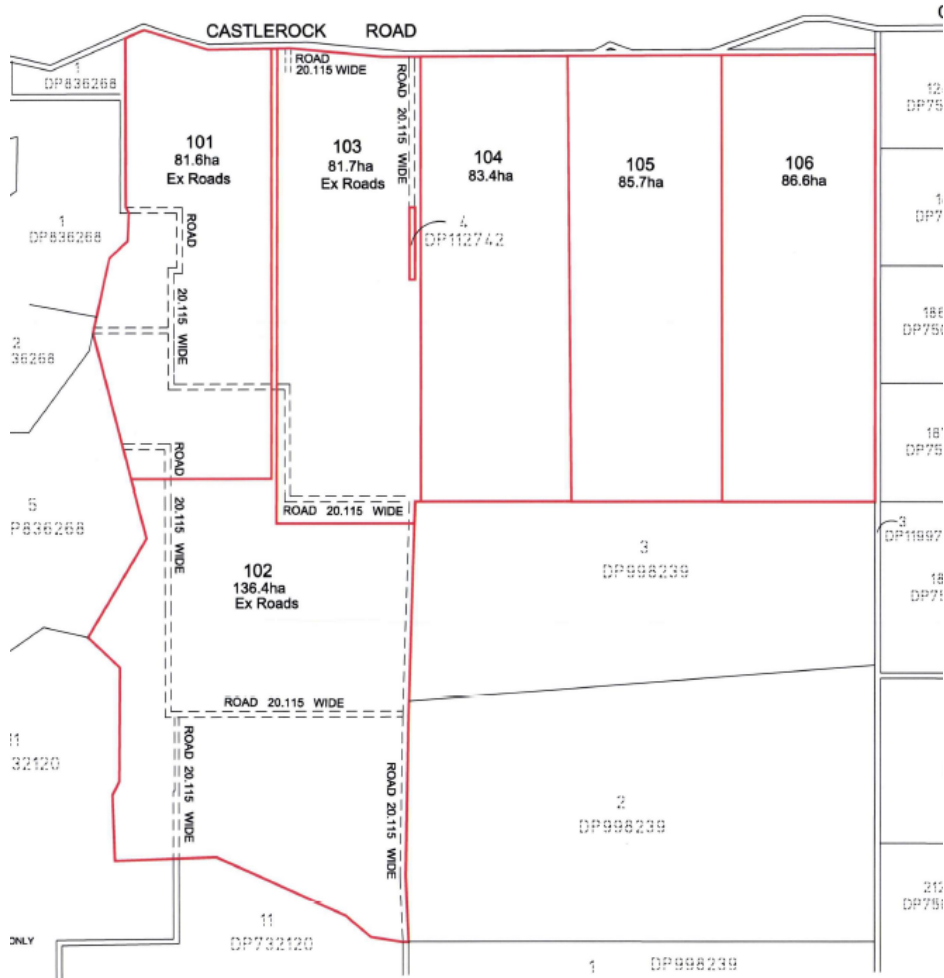


Figure 2: Proposed Lot layout

### 3.0 SPECIALIST COMMENTS

#### 5.1 Internal Referrals

The application was referred to Council's Community and Infrastructure on the 29 May 2019 a response to this referral was received on the 15 January 2020, with some preliminary commentary provided 28 November 2019. The final response to this referral did not object to the proposed development and recommended conditions of consent related to the construction of vehicle accesses and improvements to the Castlerock Road table drain along the length of the development site.

Below is an extract of Community Infrastructures recommended conditions of consent:

- A. *Provide all-weather individual rural property access to each proposed lot fronting Castlerock Road as per the MSC standard Drawing (Rural Property Access, SD No:0041/1). This driveway should be suitable for a two-wheel drive vehicle, with adequate sight distance at any proposed accessway. The access gate setback should be a minimum 15m from the edge of the road shoulder, and sealed between the road and the lot boundary. The road shall be sawcut 300mm and reinstated with good connection for the width of the connecting sealed driveway access.*
- B. *A table drain with min 0.5m base width, min 0.6m depth, min 1% longitudinal grade and max 1:3 batter to be provided on the upstream side of Castlerock Road for the full frontage of the proposed lot boundaries. Diverted stormwater flows to discharge via a concrete spreader followed by nom. 200mm dia rocks*

*for energy dissipation towards the existing culverts crossing under Castlerock Road. Appropriate grass seeding to stabilise the table drain is required with Council advice at time of construction, with acknowledgement of the current drought conditions.*

*C. Any of the abovementioned works in the roadway areas would be completed in conjunction with the application for an S138 certificate.*

Community and Infrastructure recommended conditions are reasonable and are included in the recommended conditions of consent.

### **3.1 External Referrals**

#### **3.1.1 NSW Rural Fire Service**

The subject site is bushfire prone. Under Clause 100B of the Rural Fire Act 1997 the subdivision is integrated development.

In accordance with the provisions of the Environmental Planning and Assessment Act 1979 related to integrated development applications the proposed development was referred to the NSW Rural Fire Service (RFS) as an approval body for the development. The referral was issued on the 29 May 2019 and NSW RFS issued General Terms of Approval (GTA's) to the proposed development in correspondence dated 19 July 2019.

The conditions put forward by the NSW RFS as GTA's have been incorporated into the recommended conditions of consent in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 that related to the assessment of integrated development applications.

### **4.0 ASSESSMENT**

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

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

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

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

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

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

The development site is zoned RU1 Primary Production pursuant to MLEP 2009. The proposed development involves the subdivision of land. The subdivision of land is permissible with development consent under the provisions of Clause 2.6 of the Muswellbrook LEP 2009. The proposed development remains subject to additional minimum lot size and other provisions contained in this environmental planning instrument.

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

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect the agricultural potential of rural land not identified for alternative land use, and to*

*minimise the cost to the community of providing, extending and maintaining public amenities and services.*

- *To maintain the rural landscape character of the land in the long term.*
- *To ensure that development for the purpose of extractive industries, underground mines (other than surface works associated with underground mines) or open cut mines (other than open cut mines from the surface of the flood plain), will not—*

*(a) destroy or impair the agricultural production potential of the land or, in the case of underground mining, unreasonably restrict or otherwise affect any other development on the surface, or*

*(b) detrimentally affect in any way the quantity, flow and quality of water in either subterranean or surface water systems, or*

*(c) visually intrude into its surroundings, except by way of suitable screening.*

- *To protect or conserve (or both)—*

*(a) soil stability by controlling development in accordance with land capability, and*

*(b) trees and other vegetation, and*

*(c) water resources, water quality and wetland areas, and their catchments and buffer areas, and*

*(d) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits.*

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

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

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and land use table</i>	The land subject to this development application is zoned RU1 Primary Production. The provisions of the land use zone objectives in relation to the proposed development have been considered under the Land Use zone objectives heading above.
<i>2.6 Subdivision—consent requirements</i>	<p>The provisions of this clause are as follows:</p> <ol style="list-style-type: none"> <li>(1) <i>Land to which this Plan applies may be subdivided, but only with development consent.</i></li> <li>(2) <i>Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.</i></li> </ol> <p>The ability for the development to be carried out under the provisions of the LEP remains subject to the development complying with additional provisions imposed by the instrument. <b>The proposed development is permissible under this clause</b></p>
<i>Part 3 Exempt and complying development</i>	NA
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	<p>MLEP 2009 specifies a minimum lot size of 80ha in relation to the land. The proposed lots do comply with the minimum lot size with the smallest lot proposed being proposed Lot 101 at 81.6ha.</p> <p>Therefore the application can be approved as it is in accordance with the required development standards with the provisions of Clause 4.1 of MLEP 2009. <b>Complies</b></p>

4.2 Rural subdivision	This clause relates to the creation of agricultural lots less than the minimum lot size on which no dwelling house may be constructed. The proposed development does not involve the creation of any such lots, therefore the provisions of this clause do not have any relationship to the assessment of this development application. <b>Not applicable</b>
Part 5 Miscellaneous provisions	
Part 6 Urban release areas	
Part 7 Additional local provisions	

## **2. State Environmental Planning Policy**

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

The land subject to this development application has been used for extensive agriculture and rural living.

The proposed development would not involve a significant intensification of the use of the site or a change of use to the land to enable intensive residential living. Given the site history and

Council Officers are unaware of any activities which have carried out on the site likely to have caused the contamination of the land. No visual evidence of any contamination was observed by Council Officers during an inspection of the site.

It is therefore considered that the subject site is unlikely to be affected by contamination requiring remediation in accordance with the SEPP. The proposed development may therefore proceed without the need to further consider the provisions of this SEPP.

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

The land subject to this development application is predominantly cleared and used for grazing. The proposed development would not disturb or cause for the removal of any koala feed trees. It is likely that future dwellings could be located on the site without a requirement for extensive clearing of native vegetation. However, impacts of any future development of the proposed lots on vegetation and koala habitats would be a relevant consideration for any future applications.

However, based on the available information Council Officers are satisfied that the sites native vegetation coverage would not cause the site to be identified as a core koala habitat and further consideration of the SEPP provisions is not required.

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

There are no draft EPIs relevant to the subject Application.

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

#### **Section 3 – Site Analysis**

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

#### **Section 4 – Notification**

**Item 6.1 - Attachment A DA 2019-41 Development Assessment Section 4.15**

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 22 May 2019 to 6 June 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received during the notification period.

**Section 5 - Subdivision**

	<i>Comments</i>
<i>5.2.2 Principal Certifying Authority</i>	
<b>5.2.3 Certification of Works</b>	
<i>Certificate</i>	Not required. S138 will be conditioned for drainage works and accesses within the road reserve.
<i>Subdivision Certificate</i>	Conditioned
<i>Differences between final plan of survey and approved plan</i>	Noted
<b>5.3 General Requirements For Subdivision</b>	
<i>5.3.2 Special Considerations</i>	Land is bushfire prone and is integrated development under Clause 100B Rural Fire Act 1997 for subdivision. General Terms of Approval have been issued and included in the recommended conditions of consent.
<i>5.3.3 Adoption of AUS-SPEC</i>	CC stage requirement.
<i>5.3.4 Buffers</i>	Adequate land buffers are in place. Existing dwelling and closest boundary are unchanged.
<b>5.4 Rural / Rural Residential Subdivision</b>	
<i>5.4.1 Lot Size and Shape</i>	All lots proposed are over 80ha (minimum lot size). One proposed is battle axed with an access handle to Castlerock road.
<i>5.4.2 Roads and Access</i>	All lots access from Castle Rock road. All terrain accesses will be installed prior to sub certificate release.
<i>5.4.3 Crown Roads</i>	NA
<i>5.4.4 Soil and Water Management</i>	Drainage will remain unchanged.
<i>5.4.5 Effluent Disposal</i>	Existing dwelling will be required to demonstrate that existing OSSM is within the proposed lots.
<i>5.4.6 Flora and Fauna</i>	No flora and fauna impacted by subdivision. Minimum physical works and works within road reserve.
<i>5.4.7 Visual Amenity</i>	NA
<i>5.4.8 Heritage</i>	NA
<i>5.4.9 Utility Services</i>	Services are located in the locality. Will be at the owners expense to provided services to the lots. Existing services will require to be maintained in the whole of the allotment or relevant easements applied over to ensure use/maintenance.
<i>5.4.10 Hazards</i>	NA

**Section 8 – Rural and Environmental Zone development**

As there is not changes to the use of the rural land no further assessment required under this chapter as it considered approve were relevant.

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

Documentation require upon Subdivision Certificate release ensuring existing system is located solely with the boundaries of Proposed Lot 103.

**Section 94 Contributions Plan 2001**

A developer contribution of \$21,720.00 will apply to the proposed development should the Application be approved as per the table below.

Section 94 contributions have been applied to the proposed development at a rate that relates to the number of additional dwelling entitlements that will result from the proposed subdivision.

CONTRIBUTION	AMOUNT (\$)
Rural Roads	3 x \$3,031.50
Bushfire Protection	3 x \$2,948.00
Open Space & Community Facilities	3 x \$1,260.50
<b>TOTAL CONTRIBUTION</b>	<b>\$ 21,720.00</b>

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

Aboriginal Heritage

AHIMS search was undertaken. No aboriginal place have been declared in or near the site (Lot 5 DP 750926) within 1000 metre buffer. 10 sites are recorded in or near the location. As the subject land is vast and no major works are to be undertaken to facilitate the subdivision it is unlikely any items would be disturbed.

However future development of the sites may be disturbed and works should be carried using the Due Diligence Code of Practice.

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

Vehicle Access

Each of the proposed lots will be accessed via Castlerock Road. The proposed development has been considered by Council's Community Infrastructure Department who are satisfied with the proposed vehicle access arrangements.

Other likely environmental impacts

Potential environmental impacts in a range of areas have been considered through the assessment of the development application and are commented on under other headings of this report. Council Officers are satisfied that the proposed development is unlikely to result in significant adverse environmental impacts that would substantiate a decision to refuse the development application.

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



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

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

No submissions were received during the notification period:

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

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

**6 CONCLUSION**

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been placed on public exhibition for a minimum of fourteen days with no submissions being received.

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

Signed by:

Alisa Evans  
Project Planner

Date:

4 February 2020

**DETAILS OF CONDITIONS:**

**IDENTIFICATION OF APPROVED PLANS**

**1. Development in Accordance with Plans**

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
Job Reference 219103 2 of 2	.	MM Hyndes Bailey & Co	15/01/2019	09/05/2019

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT OF ANY WORKS**

**4. Section 138 Approval**

Prior to the commencement of any works in the Castlerock Road reserve the person acting with this consent must obtain approval from Council's Community Infrastructure Department for the carrying out of the relevant works under Section 138 of the Roads Act 1993.

It will be necessary for any application for a Section 138 application to be accompanied by the relevant plans, information and construction documentation required by Council's Community Infrastructure Department.

**CONDITIONS THAT MUST BE COMPLIED WITH DURING THE CARRYING OUT OF WORKS**

**6. Work to cease if aboriginal archaeological deposit found during course of construction**

Prior to, or during any subdivision works, identification of any potential archaeological deposit likely to contain Aboriginal artefacts, shall cause works to cease. Application shall be made by a suitably qualified Archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics. A copy of such a permit, shall be submitted to Council.

**VEHICLE ACCESS AND WORKS WITHIN THE CASTLEROCK ROAD RESERVE TO BE COMPLETED PRIOR TO THE ISSUE OF A CONSTRUCTIONS CERTIFICATE**

**3. Rural Property Access**

Prior to the issue of a Subdivision Certificate each proposed Lot is to provide all-weather individual rural property access to each proposed lot fronting Castlerock Road as per the MSC standard Drawing (Rural Property Access, SD No:0041/1).

This driveway should be suitable for a two-wheel drive vehicle, with adequate sight distance at any proposed accessway. The access gate setback should be a minimum 15m from the edge of the road shoulder, and sealed between the road and the lot boundary. The road shall be sawcut 300mm and reinstated with good connection for the width of the connecting sealed driveway access.

The construction of these vehicle accesses is to be completed in accordance with the above and to the satisfaction of Council's Community Infrastructure Department.

#### 5. **Tabledrain Works**

Prior to the issue of a Subdivision Certificate a tabledrain with min 0.5m base width, min 0.6m depth, min 1% longitudinal grade and max 1:3 batter to be provided on the upstream side of Castlerock Road for the full frontage of the proposed lot boundaries. Diverted stormwater flows to discharge via a concrete spreader followed by nom. 200mm dia rocks for energy dissipation towards the existing culverts crossing under Castlerock Road. Appropriate grass seeding to stabilise the table drain is required with Council advice at time of construction, with acknowledgement of the current drought conditions.

The construction of the tabledrain is to be completed in accordance with the above and to the satisfaction of Council's Community Infrastructure Department.

<b>CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE</b>
--

#### 8. **Services within Lots – Subdivision**

Prior to the issue of a Subdivision Certificate notification of arrangements to connect services and utilities to each LOT shall be provided to the Certifying Authority with the Subdivision certificate:-

- (a) telecommunication services
- (b) electrical reticulation

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

#### 9. **House Numbering Access**

Prior to any Subdivision Certificate, the person acting upon this consent must apply to Muswellbrook Shire Council and receive written confirmation of the allocated Rural Road Addresses for each Lots access. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of

AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

**10. Section 7.11 Contributions**

A contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council section 7.11 contribution plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

<b>A</b>	<b>B (\$)</b>
Rural Roads	3 x \$3,031.50
Bushfire Protection	3 x \$2,948.00
Open Space & Community Facilities	3 x \$1,260.50
<b>TOTAL CONTRIBUTION</b>	<b>\$ 21,720.00</b>

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

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

A copy of the Muswellbrook Shire Council section 7.11 contribution plan can be viewed at the office of Council 157 Maitland Street, Muswellbrook.

**11. Location of services**

Prior to the issue of a Subdivision Certificate the applicant shall provide Council with documentation from a registered Surveyor certifying that:

- a) The setback of all existing buildings from the newly created lot boundaries meets the minimum setback requirements of the Building Code of Australia;
- b) All services required to support each lot are contained within the boundary of the relevant lot or an appropriate easement to be registered on the title of the land. Any such easements must be clearly identified on the plan of subdivision submitted to Council with any Subdivision Certificate application and the terms of the easement set out in an accompanying Section 88B instrument;
- c) Identify the location and type of the existing on-site sewerage management system (ONSMS) and confirm that this system and the related disposal area is located entirely within the boundary of the lot on which the existing dwelling is to be contained (proposed Lot 103) and that the ONSMS location achieves the minimum buffer distances outlined within “Environmental Health Protection Guidelines – On-site Sewage Management for Single Households”.

**12. Legal Access Requirements for Lot 4 DP 112742**

It is necessary for legal and practical access to be provided to Lot 4 DP 112742 which will be isolated from Castlerock Road by the lots created by this subdivision. To ensure the logical management of land and the provision of minimum access requirements the plan of subdivision submitted with any Subdivision Certificate application must demonstrate that legal access will be provided by one of the following:

- a) A right of way is to be provided over either proposed Lot 103 or Lot 104 in favour of Lot 4 DP 112742 to provide legal and practical access.
- b) Lot 4 DP 1127742 is to be consolidated into one of the newly created lots resulting from the subdivision.

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

**RURAL FIRE SERVICE GENERAL TERMS OF APPROVAL**

**1. Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- i. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling on proposed Lot 103, to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

**2. Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- i. Water services for the existing dwelling on proposed Lot 103 shall comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006':
- ii. In recognition that no reticulated water supply exists, a 20000 litre water supply shall be provided for fire fighting purposes.
- iii. If an above ground tank is to be installed it shall be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.
- iv. If an underground tanks is to be installed it shall have an access hole of 200mm to allow tankers to refill direct from the tank.
- v. A 65mm metal Storz outlet with a gate or ball valve shall be provided.
- vi. The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.
- vii. All associated fittings to the tank shall be noncombustible.

- viii. A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump. •
- ix. An 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
  - a) Markers must be fixed in a suitable location so as to be highly visible; and
  - b) Markers should be positioned adjacent to the most appropriate access for the static water supply.

### 3. Access

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

- i. Property access for proposed Lot 102 shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006', except for the provision of a secondary access.

### 4. Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

- i. The existing dwelling on proposed Lot 103 shall be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

#### REASON FOR IMPOSITION OF CONDITIONS:

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

- (a) To encourage:
  - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
  - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
  - (iii) The protection, provision, and co-ordination of communication and utility services;
  - (iv) The provision of land for public purposes;
  - (v) The provision and co-ordination of community services and facilities;
  - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
  - (vii) Ecologically Sustainable Development; and

- (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

**ADVICE:**

- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application. Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.
- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
  - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
  - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
  - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

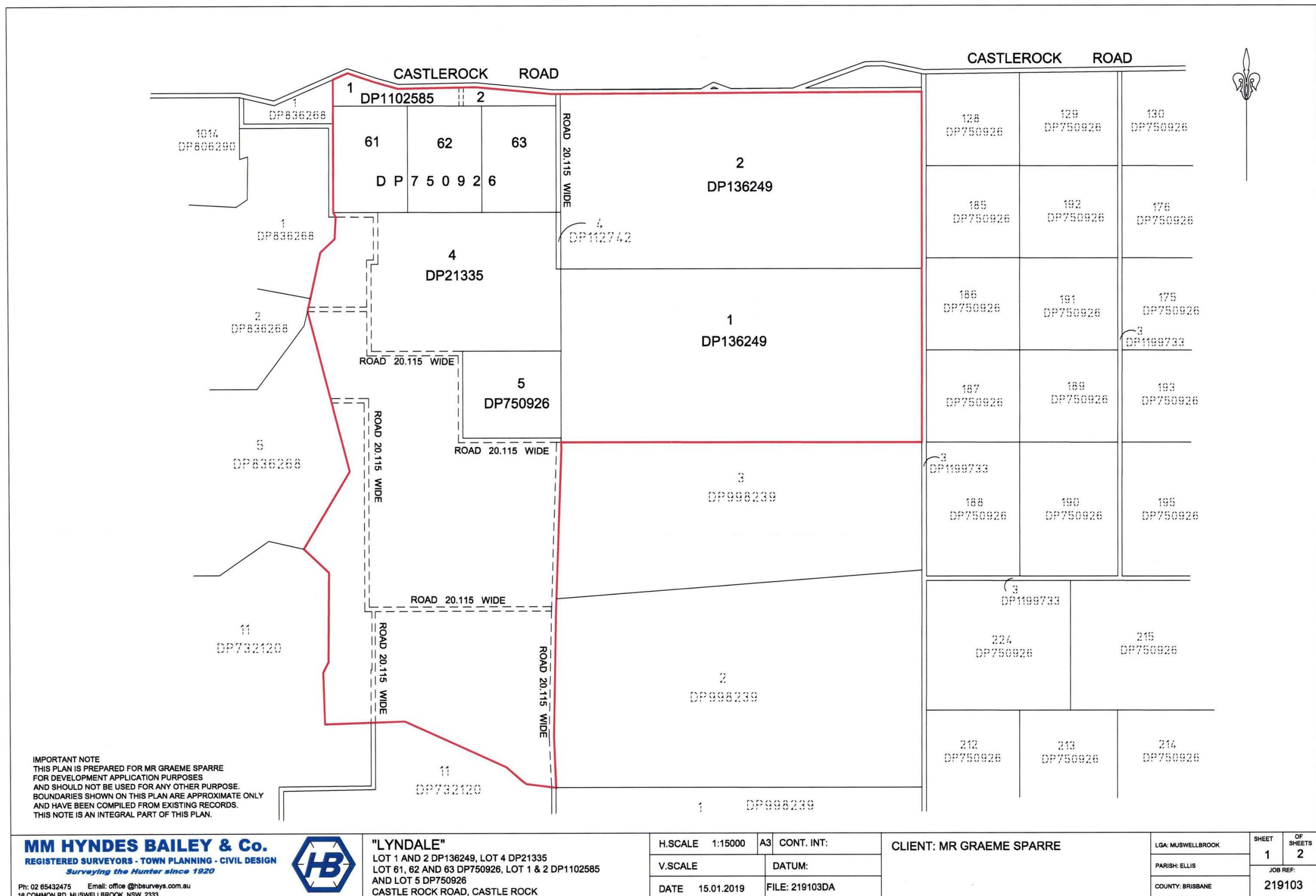
**RIGHT OF APPEAL:**

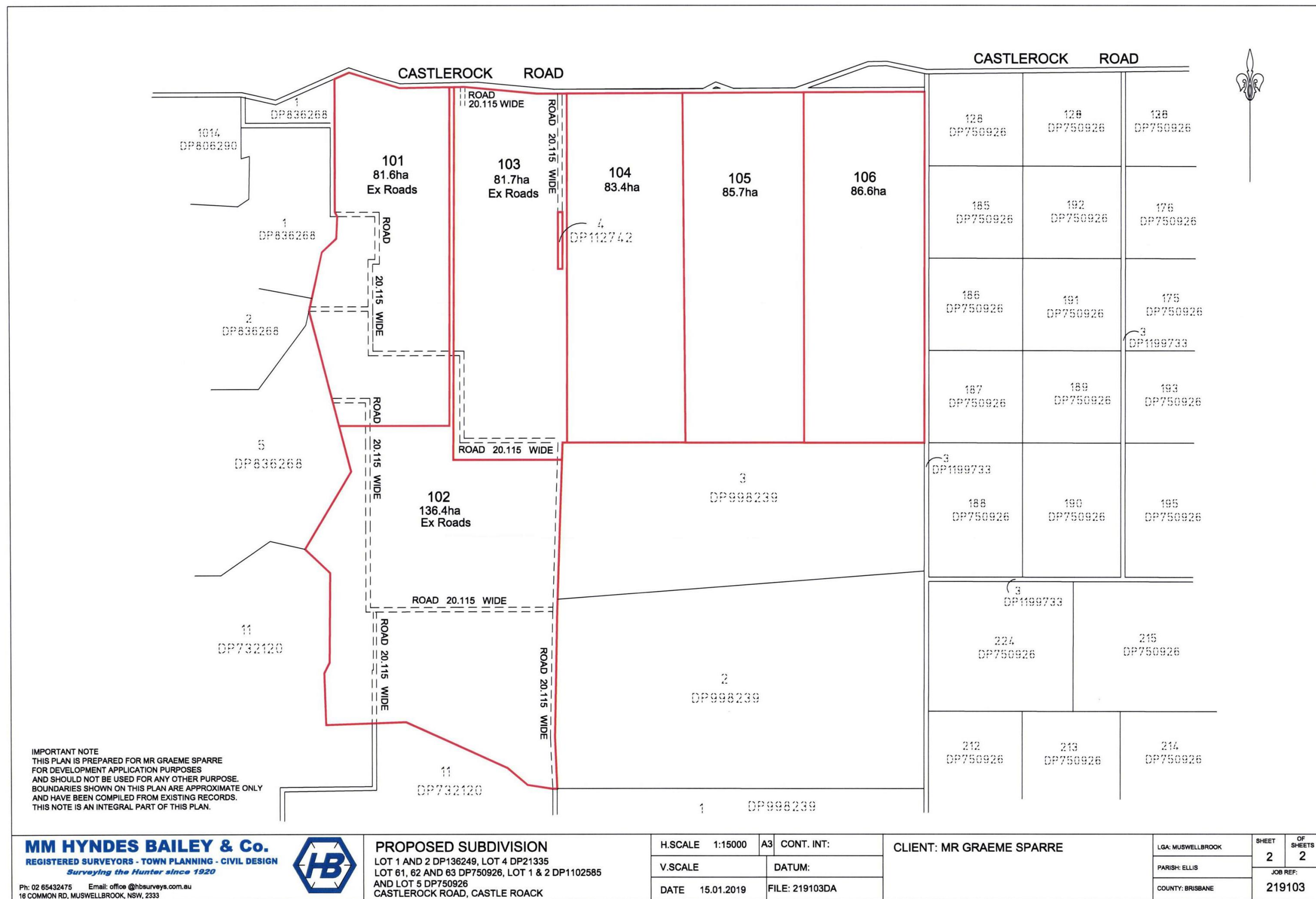
Sections 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 provide that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the

applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979 give you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.







All communications to be addressed to:

Headquarters  
4 Murray Rose Ave  
Sydney Olympic Park NSW 2127

Telephone: 1300 NSW RFS  
e-mail: records@rfs.nsw.gov.au

Headquarters  
Locked Bag 17  
Granville NSW 2142

Facsimile: 8741 5433



The General Manager  
Muswellbrook Shire Council  
PO Box 122  
MUSWELLBROOK NSW 2333

Your Ref: DA 41/2019  
Our Ref: D19/1862  
DA19060418993 MA

**ATTENTION:** Alisa Evans

19 July 2019

Dear Alisa

**Integrated Development Application - 1//136249, 2//136249, 4//21335, 61//750926, 62//750926, 1//1102585 & 2//1102585 - Castlerock Road, Muswellbrook 2333**

I refer to your correspondence dated 29 May 2019 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

#### **Asset Protection Zones**

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity, the land surrounding the existing dwelling on proposed Lot 103, to a distance of 20 metres, shall be maintained as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

#### **Water and Utilities**

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:



2. Water services for the existing dwelling on proposed Lot 103 shall comply with the following requirements of section 4.1.3 of 'Planning for Bush Fire Protection 2006':
  - In recognition that no reticulated water supply exists, a 20000 litre water supply shall be provided for fire fighting purposes.
  - If an above ground tank is to be installed it shall be manufactured of concrete or metal and raised tanks are to have their stands protected. Plastic tanks shall not be used.
  - If an underground tanks is to be installed it shall have an access hole of 200mm to allow tankers to refill direct from the tank.
  - A 65mm metal Storz outlet with a gate or ball valve shall be provided.
  - The gate or ball valve, pipes and tank penetration are adequate for full 50mm inner diameter water flow through the Storz fitting and are metal.
  - All associated fittings to the tank shall be noncombustible.
  - A minimum 5hp or 3kW petrol or diesel powered pump shall be made available to the water supply. A 19mm (internal diameter) fire hose and reel shall be connected to the pump.
  - An 'SWS' marker shall be obtained from the local NSW Rural Fire Service and positioned for ease of identification by brigade personnel and other users of the SWS. In this regard:
    - a) Markers must be fixed in a suitable location so as to be highly visible; and
    - b) Markers should be positioned adjacent to the most appropriate access for the static water supply.

#### **Access**

The intent of measures for property access is to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation. To achieve this, the following conditions shall apply:

3. Property access for proposed Lot 102 shall comply with section 4.1.3 (2) of 'Planning for Bush Fire Protection 2006', except for the provision of a secondary access.

#### **Design and Construction**

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

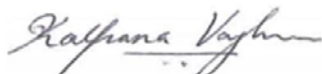
4. The existing dwelling on proposed Lot 103 shall be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen mesh with a maximum aperture of 2mm. Where applicable, this includes any sub floor areas, openable windows, vents, weepholes and eaves. External doors are to be fitted with draft excluders.

#### **General Advice – consent authority to note**

Any future development application lodged for land in this subdivision will be subject to the requirements of 'Planning for Bush Fire Protection 2006' or any subsequent version.

Should you wish to discuss this matter please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely



Kalpana Varghese

**Team Leader Development Assessment and Planning**

For general information on bush fire protection please visit [www.rfs.nsw.gov.au](http://www.rfs.nsw.gov.au)

## 6.2 DA 37/2019 - CONSTRUCTION OF PIPES AND PUMP INFRASTRUCTURE TO RETURN SEEPAGE WATER FROM LAKE LIDDELL DAM WALL TO LAKE LIDDELL

<b>Attachments:</b>	<ul style="list-style-type: none"> <li>A. DA 37/2019 Section 4.15 Assessment</li> <li>B. DA 37/2019 Recommended Conditions of Consent</li> <li>C. DA 37/2019 NSW NRAR Referral Response</li> <li>D. DA 37/2019 NSW EPA Referral Response</li> <li>E. DA 37/2019 Proposed Plans</li> <li>F. DA 37/2019 Statement of Environmental Effects - Under Separate Cover</li> <li>G. 2014 Letter to Council from NSW Treasurer and Minister for Industry</li> </ul>
<b>Responsible Officer:</b>	Sharon Pope - Assistant Director - Environment & Community Services
<b>Author:</b>	Hamish McTaggart - Co-Ordinator - Development
<b>Community Plan Issue:</b>	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
<b>Community Plan Goal:</b>	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
<b>Community Plan Strategy:</b>	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

### PURPOSE

This report relates to the determination of a development application for pump and pipeline infrastructure to return seepage water to Liddell Dam.

The proposed development was reported to Council's 17 December Ordinary Council Meeting for determination where it was deferred to the Development Assessment Committee for Determination. The application was subsequently reported to DAC on 20 January 2020 where the application was deferred.

This report has been prepared to inform the Committee in its determination of the related development application.

### OFFICER'S RECOMMENDATION

The Development Assessment Committee grant consent to DA 37/2019, involving the Construction of Pipes and Pump Infrastructure to Return Seepage Water from the Lake Liddell Dam Wall to Lake Liddell (Lot 14 DP 119430, and Lot 102 DP 1053098), subject to the recommended conditions of consent contained in Attachment B.

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

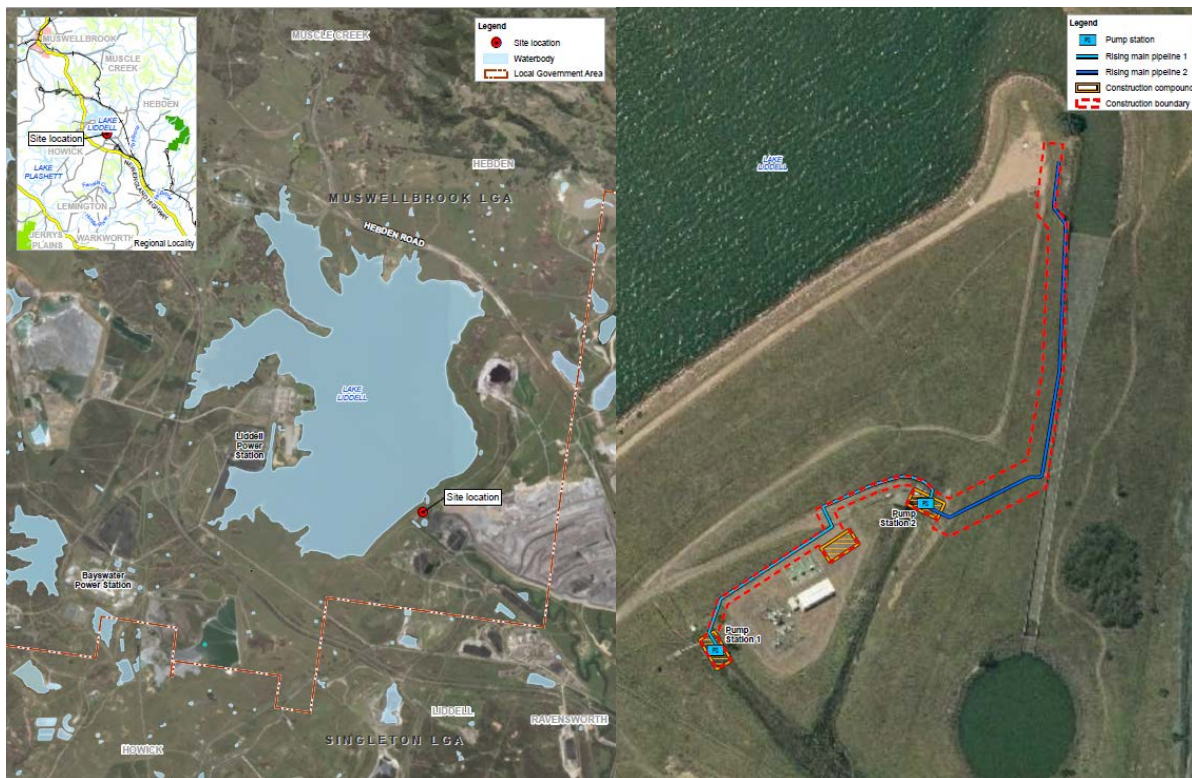
## DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves a portion of land within the Bayswater and Liddell Power Stations operational area. The subject site comprises a portion of land containing part of Lake Liddell and Bayswater Creek. The formal identification of the land is Lot 14 DP 119430 and Lot 102 DP 1053098.

The subject land is zoned SP2 Infrastructure under the Muswellbrook Local Environmental Plan (LEP) 2009. The purpose of the proposed development is to return discharges of small volumes of water from the Lake Liddell Dam wall, which discharges to Bayswater Creek. There are currently 4 known points of seepage.

To control this seepage the applicant has proposed the construction of 2 pumping stations marked as PS-1 and PS-2 on the plan below, a V drain channel to direct seepage water into a seepage pit, and a 150mm pipe to convey seepage water from the seepage pit into a packaged pumping station wet well for PS1. Seepage water will be pumped from PS-1 to PS-2. From the PS-2 wet well seepage water will be pumped into Lake Liddell.

The images below identify the location of the proposed development in relation to Lake Liddell and the pump infrastructure proposed.



## 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 NSW Natural Resource Access Regulator has advised that the proposal is exempt from a Controlled Activity Approval under the Water Management Act 2000 and that no further consideration or approval was required from this public authority.
- The NSW Environmental Protection Authority has raised no objection to the proposed development and recommended Council consider imposing a number of recommended conditions if the proposed development is approved.

- The proposed development was referred to Singleton Shire Council due to its proximity to that Local Government Area. A response to this referral was received which raised no objection in relation to the proposed development.
- A condition of consent has been recommended in relation to the decommissioning and remediation of the proposed development at the end of its useful life. No condition has been recommended to restrict the operational timeframe of the proposed development. The proposed development may continue to have utility as a measure to control water seepage from Lake Liddell Dam beyond the operational life of Liddell and Bayswater Power Stations.
- The proposed development is in accordance with relevant provisions of the Muswellbrook LEP 2009.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no provisions which would prevent Council from granting development consent to the proposed development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- The proposed development was not considered to have any significant environmental impacts.

At the 17 December 2019 Councillor briefing prior to the Council meeting, Councillors expressed interest in the future decommissioning and remediation of Lake Liddell. Council Officers have made some enquiries in relation to this issue and located a letter to Council from NSW Treasurer and Minister for Industry in relation to this issue which is attached for Council's information. The letter advises that the NSW Government is satisfied that the NSW Environmental Protection Authority has the authority and power necessary to compel the site operator to properly manage the site following any decommissioning. A copy of this correspondence is attached.

A question was also asked about the status of Lake Liddell and any consultation completed by Council with NSW Dam Safety Committee in relation to the development application. Council Officers have reviewed the prescribed dams listed by the Dam Safety Act 1978 and noted that the Liddell Water Supply is listed as a prescribed dam by that legislation. The NSW Dam authority is the relevant public authority for the monitoring dam safety requirements under this Act. The provisions of the Dam Safety Act 1978 or the Environmental Planning and Assessment Act 1979 do not require referral of this development application to NSW Dam Safety. As such the proposed development has not been referred to this public authority. The development application was referred to the NSW Resource Access Regulator under the Water Management Act 2000 who raised no objection to the proposal. Should the Committee be interested in the referral of the application to NSW Dam Safety they may resolve for this referral to be undertaken prior to the determination of the development application.

Following the 17 December Council Meeting, AGL provided the following further information:

- **The expected operational lifespan of Lake Liddell** – *Lake Liddell will continue to be used for Bayswater Power Station. Bayswater's current planned retirement is 2035.*
- **AGL's intentions in relation to Lake Liddell at the time it is no longer required in relation to the operation of Liddell and Bayswater Power Stations** – *As indicated above, Lake Liddell will remain in use for the operation of Bayswater Power Station. AGL Macquarie will continue to assess options for reuse of the Lake in the lead up to the planned retirement of Bayswater. Should no alternate use for Lake Liddell arise, it will most likely be decommissioned subject to the relevant planning approvals.*
- **Any existing requirements or intentions to decommission and/or remediate Lake Liddell at the end of its operational life** – *As indicated above should no alternate use for Lake Liddell arise, it will most likely be decommissioned subject to the relevant planning approvals. The development approval process will identify any remediation*



requirements. Lake Liddell is also covered by the Bayswater Environment Protection License (**EPL**). To relinquish the EPL, AGL Macquarie will need to complete and meet all decommissioning and rehabilitation requirements to the satisfaction of the EPA.

- **Copies of any closure plans or remediation strategies prepared in relation to the closure of Lake Liddell** – No closure plans or remediation plans have been developed at this stage. It is expected that these will be developed closer to the retirement date of Bayswater Power Station.
- **A copy of the Liddell Power Station approval and/or an approval for the construction of the Lake Liddell** – Liddell Power Station including Lake Liddell was constructed prior to the NSW Environmental Planning and Assessment Act 1979 coming into effect and continues to operate under continuing use rights. AGL Macquarie is about to commence the planning process for the demolition and rehabilitation of the Liddell Power Station including reuse/repurposing options of the immediate site.

## COMMUNITY CONSULTATION

The proposed development was advertised under the provisions of the Muswellbrook Development Control Plan. No submissions were received.

## 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 alternative conditions of consent; or
- C) Refuse development consent to the proposed development and nominate reasons for refusal.

## LEGAL IMPLICATIONS

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

## CONCLUSION

DA 37/2019 is being reported to the Development Assessment Committee for determination as it is outside the function delegated to the General Manager and the Development Assessment Committee.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. Council Staff recommend that the Development Assessment Committee grant development consent to DA 37/2019 subject to conditions of consent outlined in Attachment B.

## DEVELOPMENT ASSESSMENT REPORT

<b>ADDRESS:</b>	LOT: 14 DP: 1193430, LOT: 102 DP: 1053098 New England Highway MUSWELLBROOK
<b>APPLICATION No:</b>	37/2019
<b>PROPOSAL:</b>	Construction of Pipes and Pump Infrastructure to Return Seepage Water from Lake Liddell Dam Wall to Lake Liddell
<b>OWNER:</b>	AGL Macquarie Pty Ltd
<b>APPLICANT:</b>	AGL Macquarie Pty Ltd Private Mail Bag 2 MUSWELLBROOK NSW 2333
<b>AUTHOR:</b>	Mr H A McTaggart
<b>DATE LODGED:</b>	16/04/2019
<b>AMENDED:</b>	
<b>ADD. INFO REC'D:</b>	
<b>DATE OF REPORT:</b>	4 Decmber 2019

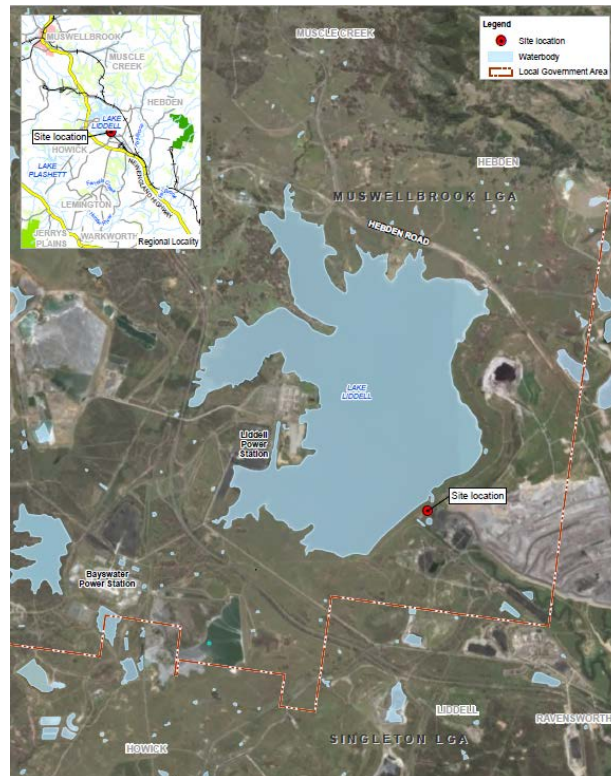
## 1.0 SITE AND LOCALITY DESCRIPTION

The proposed development relates to the Liddell and Bayswater Power Stations situated between Muswellbrook and Singleton. The subject site is within 1km of the boundary between the Singleton and Muswellbrook Local Government Areas.

The power stations, and their operational area, are located on a land holding that comprises a number of lots and a total area of approximately 9,900ha. The proposed development relates to two parcels of land identified as Lot 14 DP 1193430 and Lot 102 DP 1053098. These lots comprise a portion of Lake Liddell, an area of land adjacent its south eastern bank, and Bayswater Creek.

The subject land is zoned SP2 Infrastructure under the Muswellbrook Local Environmental Plan (LEP) 2009.

The image below is an excerpt from the Statement of Environmental Effects submitted for the proposed development which identifies the subject site.



## 2.0 DESCRIPTION OF PROPOSAL

The purpose of the proposed development is to control and return discharges of small volumes of water from Lake Liddell into Bayswater Creek. There are currently 4 known points seepage sources.

To control this seepage the applicant has proposed the construction of 2 pumping stations, marked as PS-1 and SPS-2 on the plan below, a V drain channel to direct seepage water into a proposed seepage pit and a 150mm pipe to convey seepage water from the seepage pit into a pumping station wet well (PS1). Seepage water will be pumped from PS-1 to PS-2 and from PS-2 wet into Lake Liddell.

The image below illustrates the location and layout of pumps, pipework and related infrastructure proposed.



### **3.0 BACKGROUND**

The site has a number of contemporary development approvals. The original approval for the Liddell Power Station has not been located. Given the first generator at Liddell Power Station is quoted as having been completed in 1971, approval was likely to have been granted in the late 1960s. Lake Liddell is an artificial waterbody constructed to support the Liddell Power Station (i.e. as part of the cooling system), and it is anticipated that the Lake was approved as part of the original Power Station approval.

### **4.0 SPECIALIST COMMENTS**

#### **4.1 Internal Referrals**

The proposed development was referred to the following Council Officers and Departments for review and comment.

##### **4.1.1 Building Surveyor**

Council's Building Surveyor advised that the proposal would involve building works and a Construction Certificate could be lodged with Council or a Private Certifier for consideration.

##### **4.1.2 Environmental Health Officer**

Council's Environmental Health Officer raised no objection to the proposed development.

## **4.2 External Referrals**

The proposed development was referred to the following external Government Agencies for review and comment.

### **4.2.1 NSW Environmental Protection Authority**

The proposed development is not a type of development that requires referral to the NSW Environmental Protection Authority (EPA) under the provisions of any state legislation. The proposed development was referred to the NSW EPA for their information and comment, given the proposals relationship with the Bayswater and Liddell Power Stations which hold Environmental Protection Licenses with the NSW EPA. A response to this referral was received on the 27 May 2019. This response raised no objection with the proposed development and recommended a number of conditions of consent for Council to considering imposing if it grants approval to the proposed development. These recommended conditions have been reviewed and incorporated into the recommended Notice of Determination.

### **4.2.2 NSW Natural Resource Access Regulator**

The proposed development was referred to the NSW Natural Resource Access Regulator (NRAR) on the 6 May 2019 as development involving works on waterfront land. On the 23 September 2019 the NSW NRAR advised that the development proposed qualified as a type of development exempt from a controlled activity permit under the Water Management Act 2000 and that no further consideration or approval was required from NSW NRAR.

### **4.2.3 Singleton Shire Council**

Given the proximity of the proposed development and the location of the works adjacent the Singleton Local Government Area the proposed development was referred to Singleton Shire Council for their information and/or comment.

Correspondence was received from Singleton Council dated 20 May 2019 advising that Singleton Shire Council had not objection or further comment to add in relation to the proposed development.

## **5. Section 4.15 Matters for Consideration**

### **5.1 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:

#### **5.1.1 Muswellbrook Local Environmental Plan (LEP) 2009**

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

The development site is zoned SP2 Infrastructure pursuant to the Muswellbrook LEP 2009. The purpose identified on the land use zoning map is 'power station'.

This land use zone restricts development other than development that is ordinarily incidental or ancillary to development for the purpose expressed for the zone on the land use zoning map. The development relates to the 'power station' activity, as the Lake Liddell stores water for the cooling of the Liddell and Bayswater Power Stations.

### Objectives of the Zone

Clause 2.3(2) of the Muswellbrook LEP 2009 requires the consent authority to consider the relevant land use zone objectives when determining a development application. The land use zone objectives for the SP2 Infrastructure zone are as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To recognise existing railway land and to enable future development for railway and associated purposes.
- To prohibit advertising hoardings on railway land.
- To recognise major roads and to enable future development and expansion of major road networks and associated purposes.
- To recognise existing land and to enable future development for utility undertakings and associated purposes.

The proposed development would be compatible with the above land use zone objectives as it would support the continued use of the land for the infrastructure purpose referenced by the land use zone map.

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

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	<p>clause 2.3 (2) of the Muswellbrook LEP 2012 requires the following:</p> <p><i>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p> <p>The proposed development is considered to be compatible with the relevant land use objectives and thereby can be supported under the provisions of this Clause. <b>Complies</b></p>
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	<p>The land subject to this development application is not identified as biodiversity on the Muswellbrook LEP 2009 terrestrial biodiversity map. Accordingly, the provisions of this clause do not require further consideration. <b>Not relevant</b></p>
<i>7.6 Earthworks</i>	<p>This clause requires a consent authority</p>

	<p>to consider the following matters prior to granting consent to a development application involving earthworks.</p> <ul style="list-style-type: none"> <li>a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></li> <li>b) <i>the effect of the proposed development on the likely future use or redevelopment of the land,</i></li> <li>c) <i>the quality of the fill or of the soil to be excavated, or both,</i></li> <li>d) <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></li> <li>e) <i>the source of any fill material or the destination of any excavated material,</i></li> <li>f) <i>the likelihood of disturbing relics,</i></li> <li>g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></li> </ul> <p>Council Officers are satisfied that the earthworks proposed would comply with the provisions of this Clause where they are carried out in accordance with recommended conditions of consent.</p> <p><b>Complies</b></p>
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#### 5.1.2 State Environmental Planning Policy No. 55 – Remediation of Land

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

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

The land is a component of the Bayswater and Liddell Power Station land holding. The coal fired power stations have the potential to result in adverse environmental outcomes including the contamination of land. However, the proposed development does not seek to change the use of the site, and supports the ongoing operation of the power station, with Power Station staff and contractors, and regulatory authorities, who would be given a site induction, the only people who would visit the site.

#### 5.1.3 State Environmental Planning Policy No. 44 Koala Habitat

This development application relates to a cleared area of land and would not involve the removal of any koala feed trees. Accordingly, Council Officers are satisfied that the proposed development would be in accordance with the SEPP and would not impact a potential koala habitat.

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

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

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 24 April 2019 to 24 May 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received by Council.

Section 20 – Erosion and Sediment Control

This section of the DCP relates to the management of earthworks associated with a development application. A sediment control plan has been prepared in relation to the proposed development. Where the proposed development is carried out in accordance with this erosion and sediment control plan and general Council requirements Council Officers are satisfied that the proposed development would be in accordance with this Section of the DCP.

Section 24 – Waste Management

This section of the DCP requires development applications to be accompanied by a Waste Minimisation Management Plan. The proposed development has not been accompanied by a specific waste minimisation management plan. However, given the scope of the proposed material, and the materials to be used, Council Officers are satisfied that the proposed development is unlikely to generate significant waste streams. To ensure that the proposed development adheres to the objectives of this section of the DCP a standard condition of consent has been recommended to require the development to be carried out in accordance with the waste minimisation management principles expressed in this section of the DCP.

Section 94 Contributions Plan 2001

The Section 94 Contribution Plan does not include any provisions which relate to this development application.

Section 94A Contributions Plan 2009

The capital investment value of the proposed development would be \$250,000.

A Section 7.12 (formerly 94A) contribution would be applicable to the proposed development at a rate of 1% the total capital investment value. This contribution would equate to a total of \$2,500 and would be payable prior to the issue of a Construction Certificate.

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

There are no planning agreements relevant to the subject Application.



**6.5 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.

**6.6 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.

**6.7 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.

**6.8 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.

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

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

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

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

**7 CONCLUSION**

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

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

Signed by:



Hamish McTaggart  
Development – Co-ordinator  
4 December 2019

# **DA 37/2019 RECOMMENDED CONDITIONS OF CONSENT:**

## **IDENTIFICATION OF APPROVED PLANS**

### **(1) Development in Accordance with Plans**

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
BW83800	1	AGL	2/01/2019	16/04/2019
BW83801	1	AGL	2/01/2019	16/04/2019
BW83802	1	AGL	2/01/2019	16/04/2019
BW83803	1	AGL	2/01/2019	16/04/2019
BW83804	1	AGL	2/01/2019	16/04/2019
BW83805	1	AGL	2/01/2019	16/04/2019
BW83806	1	AGL	2/01/2019	16/04/2019
BW83807	1	AGL	2/01/2019	16/04/2019
BW83808	1	AGL	2/01/2019	16/04/2019
BW83820	0	AGL	29/11/2019	16/04/2019

### **(2) Development in Accordance with Documentation**

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

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

Title	Written by	Date
Statement of Environmental Effects	GHD	February 2019

Should there be any inconsistency between this approval and any Development Consent previously issued in relation to this site, this Development Consent and its conditions of consent shall prevail over the extent of any inconsistency.

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

**(3) Building Code of Australia**

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

**CONDITIONS TO BE ADDRESSED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

**(4) Construction Certificate Requirement**

No building works, within the meaning of the Environmental Planning and Assessment Act 1979 shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

**(5) Section 7.12 Contributions**

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$2,500 shall be paid to Muswellbrook Shire Council.

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

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT**

**(6) 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.

**(7) Damage to Public Infrastructure**

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

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

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

**(8) Site Waste Minimisation**

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

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

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

**(9) Occupation**

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

**CONDITIONS OF CONSENT RECOMMENDED BY THE NSW ENVIRONMENTAL PROTECTION AUTHORITY AND IMPOSED BY COUNCIL**

**(10) Water Quality**

The development must comply with Section 120 of the *Protection of the Environment Operations Act 1997*. (POEO Act) which prohibits the pollution of waters.

**(11) Water Quality**

Prior to the commencement of any construction or other surface disturbance the applicant must install and maintain suitable sediment and erosion controls onsite, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction – Volume 2A Installation of Services* (DECC 2008).

**(12) Water Quality**

The proponent must install a secondary containment system so that any leakages or spillage from the pipes or pump stations are captured and retained for a period matching the inspection regime timing. Clean water catchments to these containments systems must be minimised.

**(13) Waste Management**

Any waste materials exposed or created in association with the constructions works, and proposed to be disposed of to an offsite location, must be classified in accordance with the EPA's Waste Classification Guidelines.

**(14) Chemicals Including Emerging Chemicals**

Chemicals, fuels and oils used on-site must be kept in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's Storing and Handling of Liquids: Environment Protection - Participants Manual (Department of Environment and Climate change, 2007).

<b>REQUIREMENTS RELATED TO THE NATURAL RESOURCE ACCESS REGULATOR</b>
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**(15) Development in accordance with the NSW Natural Resource Regulator Advice**

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then the Natural Resources Access Regulator (NRAR) should be notified.

<b>CONDITIONS TO BE COMPLIED WITH AT ALL TIMES</b>
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**(16) Decommissioning Requirement**

Should the proposed development become redundant at a future stage and/or require replacement with more sophisticated infrastructure, the approved development is to be decommissioned and all pumping stations, pipework, improvements and related structures removed from the site and the site rehabilitated with grass and native vegetation.



## Natural Resources Access Regulator

Natural Resources Access Regulator  
Locked Bag 5123,  
Parramatta NSW 2124  
T 1800 633 362  
[www.industry.nsw.gov.au/nrar](http://www.industry.nsw.gov.au/nrar)

Our ref: IDAS1115120  
Your ref: DA37/2019

23/09/2019

General Manager  
Muswellbrook Shire Council  
PO Box 122  
MUSWELLBROOK NSW  
2333

Attention: Hamish McTaggart

Dear Sir/Madam

Re: Exempt Referral Matters under the WM Act 2000

Dev Ref: DA37/2019

Description: The construction of a pipeline and a pump for the collection and return of seepage water from Lake Liddell. The application relates to the Lake Liddell Power Station  
Location: Byaswater Power Station (Lake Liddell) New England Highway MUSWELLBROOK NSW 2333

The Natural Resources Access Regulator (NRAR) has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), General Terms of Approval and/or a Controlled Activity Approval is not required, and no further assessment by this agency is necessary.

The reason for this decision is shown in Table 1 or Table 2.

Table 1: Exemptions that can apply to any person

Controlled activity approval exemption	Regulation Reference
<input type="checkbox"/> Not on Water front land	Not applicable
<input type="checkbox"/> Enabling take of water under domestic and stock right	Clause 42, Clause 21 of Schedule 4
<input type="checkbox"/> Construction or use of harvestable rights dam	Clause 42, Clause 22 of Schedule 4
<input checked="" type="checkbox"/> Excavation for purpose of using water supply work	Clause 42, Clause 20 of Schedule 4



## Natural Resources Access Regulator

Controlled activity approval exemption	Regulation Reference
<input type="checkbox"/> Works under former 1912 Act	Clause 42, Clause 24 of Schedule 4
<input type="checkbox"/> Development relating to dwellings	Clause 42, Clause 29 of Schedule 4
<input type="checkbox"/> Development in urban or industrial areas adjoining certain lakes and estuaries	Clause 42, Clause 36 of Schedule 4
<input type="checkbox"/> Development at Rouse Hill Regional Centre	Clause 42, Clause 26 of Schedule 4
<input type="checkbox"/> Development on waterfront land at Oran Park or Turner Road	Clause 42
<input type="checkbox"/> Maintenance of existing lawful works	Clause 42, Clause 33 of Schedule 4
<input type="checkbox"/> Repair and restoration work after storms	Clause 42, Clause 34 of Schedule 4, Clause 33 of Schedule 4
<input type="checkbox"/> Compliance with enforcement action	Clause 42, Clause 35 of Schedule 4
<input type="checkbox"/> Emergency safety measures	Clause 42, Clause 30 of Schedule 4
<input type="checkbox"/> Construction of fencing, crossings or tracks	Clause 42, Clause 23 of Schedule 4, Clause 3(1)
<input type="checkbox"/> Removal of vegetation	Clause 42, Clause 25 of Schedule 4
<input type="checkbox"/> Pontoons, jetties and moorings	Clause 42, Clause 32 of Schedule 4
<input type="checkbox"/> Waterfront land where the river is concrete lined or in pipe	Clause 42, Clause 28 of Schedule 4

Table 2: Exemption that is applied to public authorities, state owned bodies or network operators

Further Exemptions	Regulation Reference
<input type="checkbox"/> <i>Public authority</i> as defined in the <i>Water Management Act 2000</i> . Public authorities include NSW public service agencies and local councils but not Landcom or the Superannuation Administration Corporation <sup>1</sup>	Clause 41

<sup>1</sup> This exemption applies to any kind of controlled activity.



## Natural Resources Access Regulator

Further Exemptions	Regulation Reference
<input type="checkbox"/> State-owned bodies wholly owned by the state or a government agency, and have a public purpose. <sup>2</sup>	Clause 42 Clause 37 of Schedule 4
<input type="checkbox"/> Network operators licensed or authorised under the <i>Water Industry Competition Act 2006</i> , the <i>Gas Supply Act 1996</i> or the <i>Electricity Supply Act 1995</i> , or pipeline licensees under the <i>Pipelines Act 1967</i> . <sup>2</sup>	Clause 43

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then the Natural Resources Access Regulator (NRAR) should be notified.

Further information on controlled activity approvals under the WM Act can be obtained from NRAR's website: [www.water.nsw.gov.au](http://www.water.nsw.gov.au), go to Water Licensing > Approvals > Controlled activities.

Please direct any questions to Natural Resources Access Regulator by email to [nrar.servicedesk@industry.nsw.gov.au](mailto:nrar.servicedesk@industry.nsw.gov.au)

Yours Sincerely

**Alison Collaros**  
**Manager Licensing & Approvals**  
**Water Regulatory Operations**  
**Natural Resources Access Regulator**

<sup>2</sup> This exemption only applies if the activity does not cause any change in the course of the river, and the applicant has considered the environmental impact of the activity and is satisfied that the activity is not likely to significantly affect the environment.





Natural Resources  
Access Regulator

## General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1115120

Issue date of GTA: 23 September 2019

Type of Approval: Controlled Activity

Description: The construction of a pipeline and a pump for the collection and return of seepage water from Lake Liddell. The application relates to the Lake Liddell Power Station

Location of work/activity: Byaswater Power Station (Lake Liddell) New England Highway MUSWELLBROOK NSW 2333

DA Number: DA37/2019

LGA: Muswellbrook Shire Council

Water Sharing Plan Area: Hunter Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
------------------	---------

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124  
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au

Template Ref: WLS 004A, Version 1,0 – May 2016

Page 1

**SCHEDULE 1**

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA37/2019 as provided by Council:

- 20WA210985



DOC19/377181-4; EF14/500

The General Manager  
Muswellbrook Shire Council  
PO BOX 122  
MUSWELLBROOK NSW 2333

Attention: Mr Hamish McTaggart

By email: [hamish.mctaggart@muswellbrook.nsw.gov.au](mailto:hamish.mctaggart@muswellbrook.nsw.gov.au)

27 May 2019

Dear Mr McTaggart

**Development Application DA 37- 2019 - AGL Macquarie – Lake Liddell Seepage Return Upgrade Project – Comments from the Environment Protection Authority (EPA)**

I refer to your letter to the Environment Protection Authority (EPA) received 6 May 2019, providing opportunity to comment on a development application for the construction of a pipeline and a pump for the collection and return of seepage water from Lake Liddell – DA 37-2019.

The EPA understands the proposal involves AGL Macquarie Pty Limited (AGL Macquarie) installing two new pump stations and two new associated above ground pipelines at Lake Liddell to capture seepage discharging into Bayswater Creek and return it to the lake (the proposal).

The EPA also understands that Lake Liddell supplies cooling water for the Bayswater Power Station and Liddell Power Station, which is located on the western side of the lake and operates four coal fired units. Both of these power stations hold Environment Protection Licences relating to the generation of electrical power from coal.

Water monitoring conducted in 2017-18 indicated that seepage from Lake Liddell was percolating through the dam wall on the eastern side and discharging into Bayswater Creek (AECOM 2018). Due to the quality of the seepage water, as a requirement of the Environment Protection Licence (EPL) 779, AGL Macquarie is required to undertake measures to redirect seepage water back to Lake Liddell and the associated water cycle system rather than allow it to continue to discharge into Bayswater Creek.

If Muswellbrook Shire Council grants development consent, the EPA recommends that the following conditions should be incorporated into the consent:

**Water Quality**

- The development must comply with Section 120 of the *Protection of the Environment Operations Act 1997*. (POEO Act) which prohibits the pollution of waters
- Prior to the commencement of any construction or other surface disturbance the applicant must install and maintain suitable sediment and erosion controls onsite, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction – Volume 2A Installation of Services* (DECC 2008).

Phone 131 555  
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[www.epa.nsw.gov.au](http://www.epa.nsw.gov.au)

- The proponent must install a secondary containment system so that any leakages or spillage from the pipes or pump stations are captured and retained for a period matching the inspection regime timing. Clean water catchments to these containments systems must be minimised.

**Waste Management**

- Any waste materials exposed or created in association with the constructions works, and proposed to be disposed of to an offsite location, must be classified in accordance with the EPA's Waste Classification Guidelines.

**Chemicals including emerging chemicals**

- Chemicals, fuels and oils used on-site must be kept in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's Storing and Handling of Liquids: Environment Protection - Participants Manual (Department of Environment and Climate change, 2007).

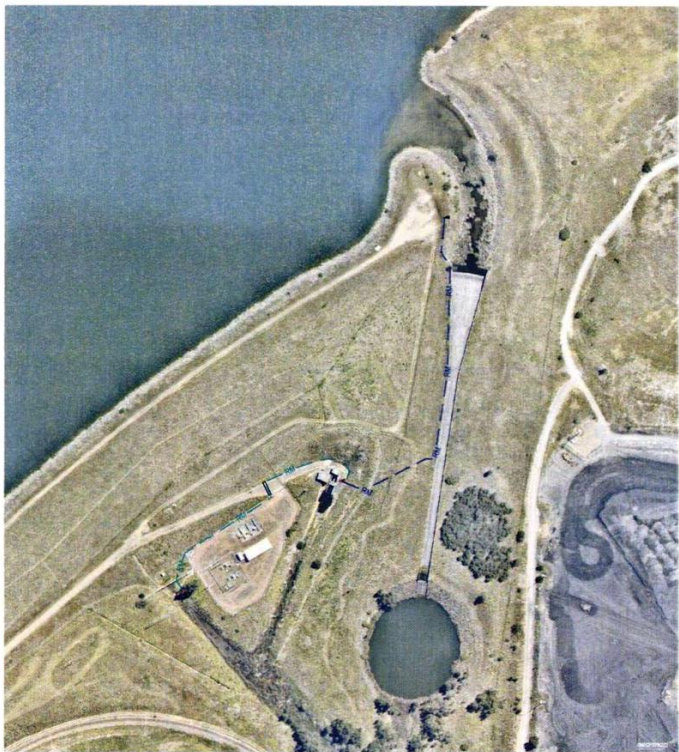
If you require any further information regarding this matter, please contact Genevieve Lorang on (02) 4908 6869.

Yours Sincerely



**MITCHELL BENNETT**  
Head Strategic Operations Unit - Hunter  
**Environment Protection Authority**

# AGL MACQUARIE LAKE LIDDELL SEEPAGE RETURN



LOCALITY PLAN

NOT TO SCALE

DRAWING INDEX	
DRG No.	DRAWING TITLE
BW838000	COVER SHEET, LOCALITY PLAN AND DRAWING INDEX
BW838001	GENERAL ARRANGEMENT PLAN
BW838002	RISING MAIN 1 PLAN
BW838003	RISING MAIN 2 PLAN
BW838004	PIPING ARRANGEMENT PLAN AND SECTION - PUMP STATION PS-1
BW838005	PIPING ARRANGEMENT PLAN AND SECTION - PUMP STATION PS-2
BW838006	LAKE LIDDELL DISCHARGE AND PUMP CONTROL MOUNTING DETAILS
BW838007	TYPICAL ROAD CROSSING DETAIL AND ABOVE GROUND INSTALLATION
BW838008	LAKE LIDDELL DISCHARGE VALVE CHAMBER PUMP OUT

**nearmap**  
NEARMAP IMAGERY  
(DATE EXTRACTED: 15/06/2018,  
IMAGE DATE: 02/11/2016)

AMENDMENTS	
REV	DATE
1	27.01.2019



REFERENCE DRAWINGS	
DESIGN	JK
CHKD	-
ENG	AM
PASSED	CL
Gad DO NOT AMEND MANUALLY	
KKS CODING	
ORIGINAL DRAWING APPROVED BY	
C.LIEBETRAU 25.11.2018	
FOR CONSTRUCTION	
DRAWING STATUS	
SCALE	NTS

AGL MACQUARIE			
LAKE LIDDELL SEEPAGE RETURN			
COVER SHEET, LOCALITY PLAN AND DRAWING INDEX			
A1	BW838000	1	
PREFIX	NUMBER	SHEET	AMDT

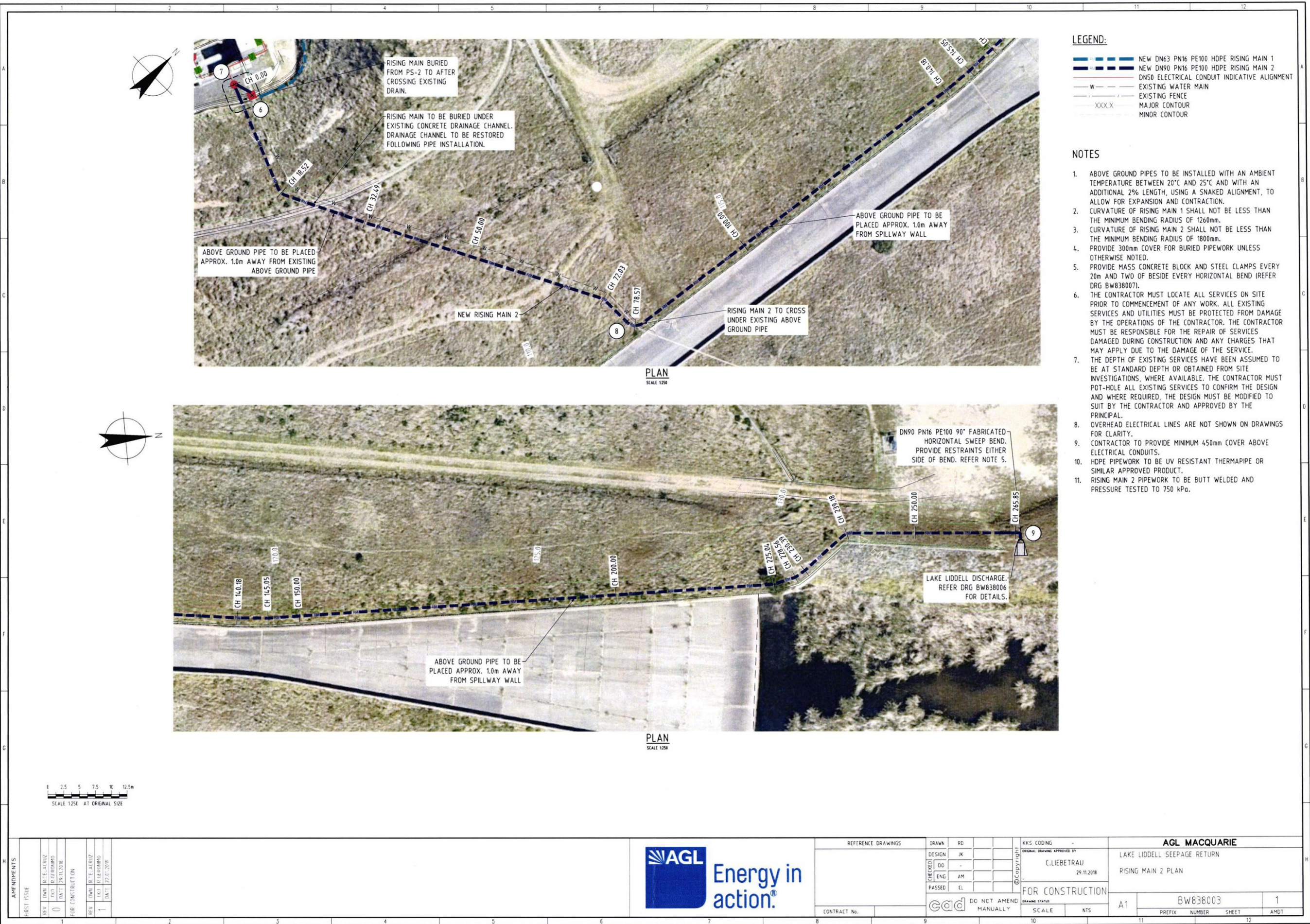




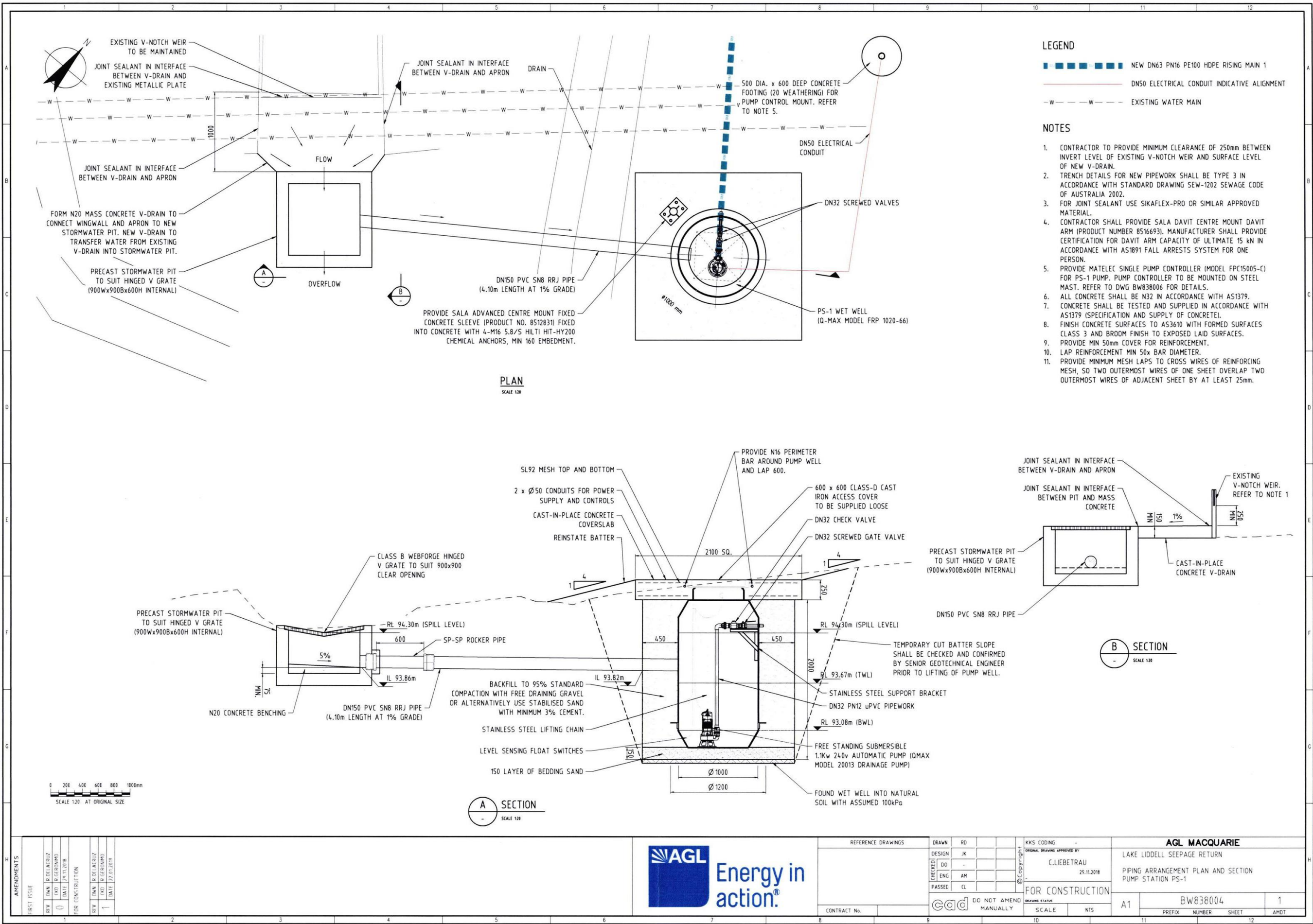




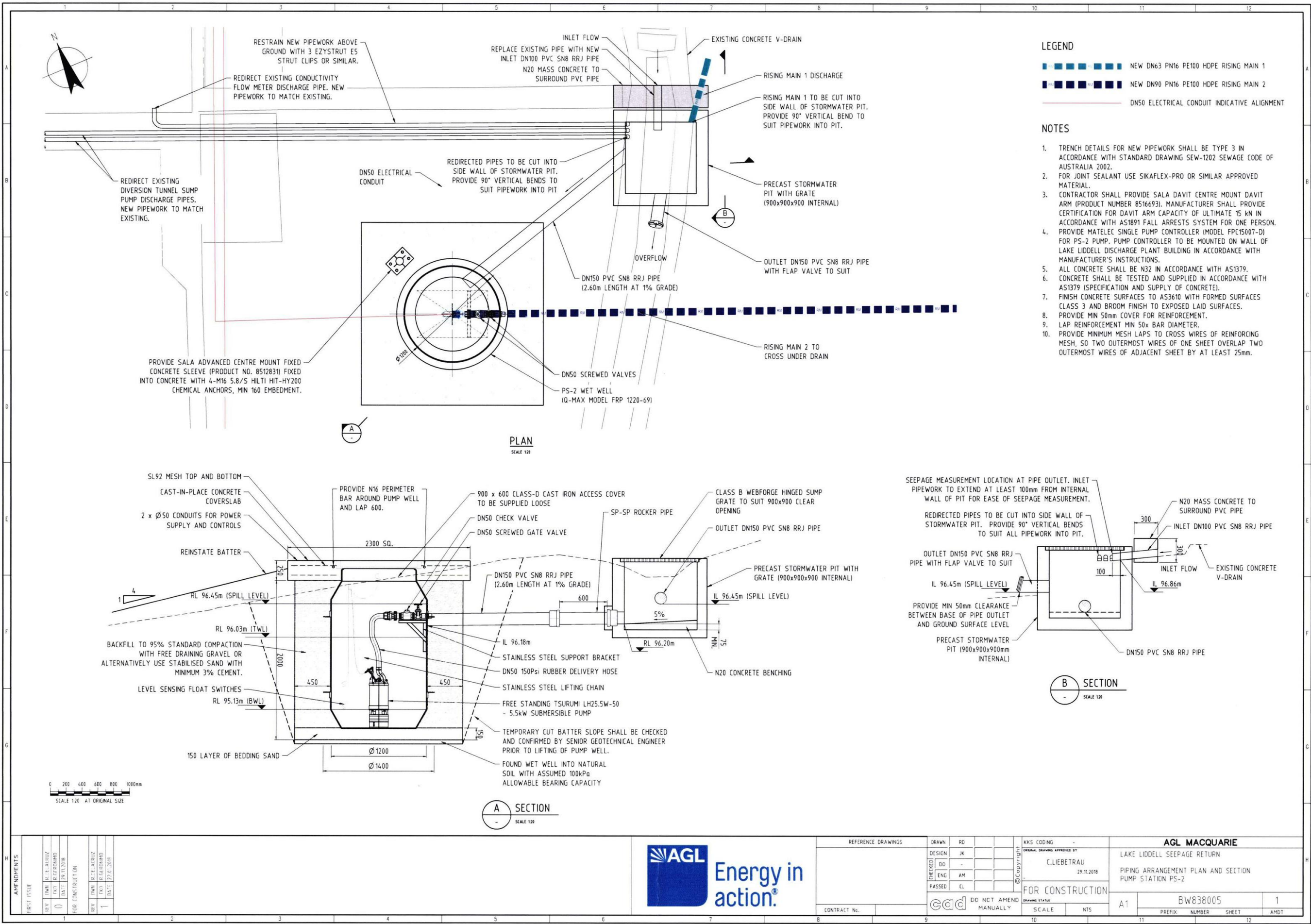


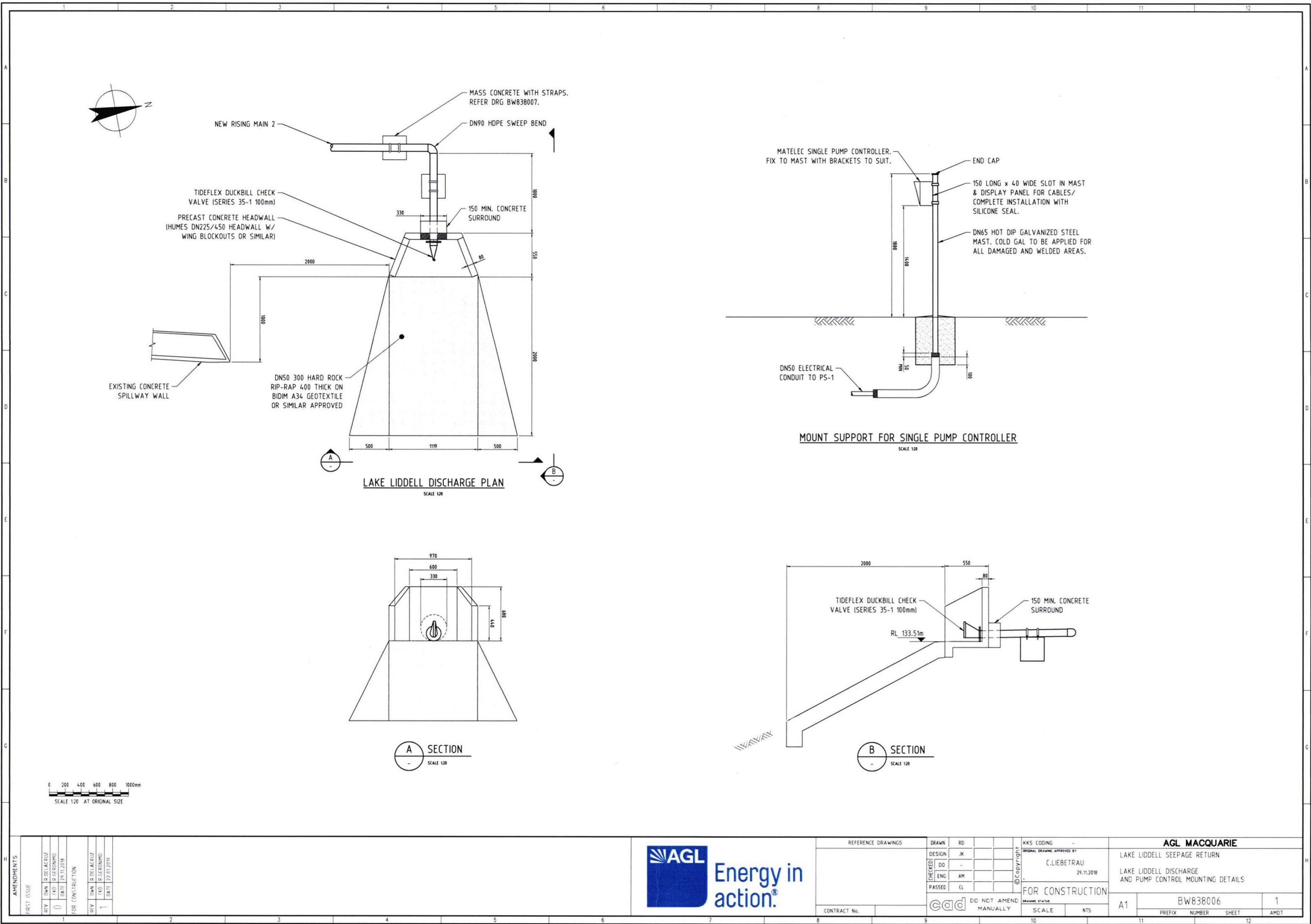




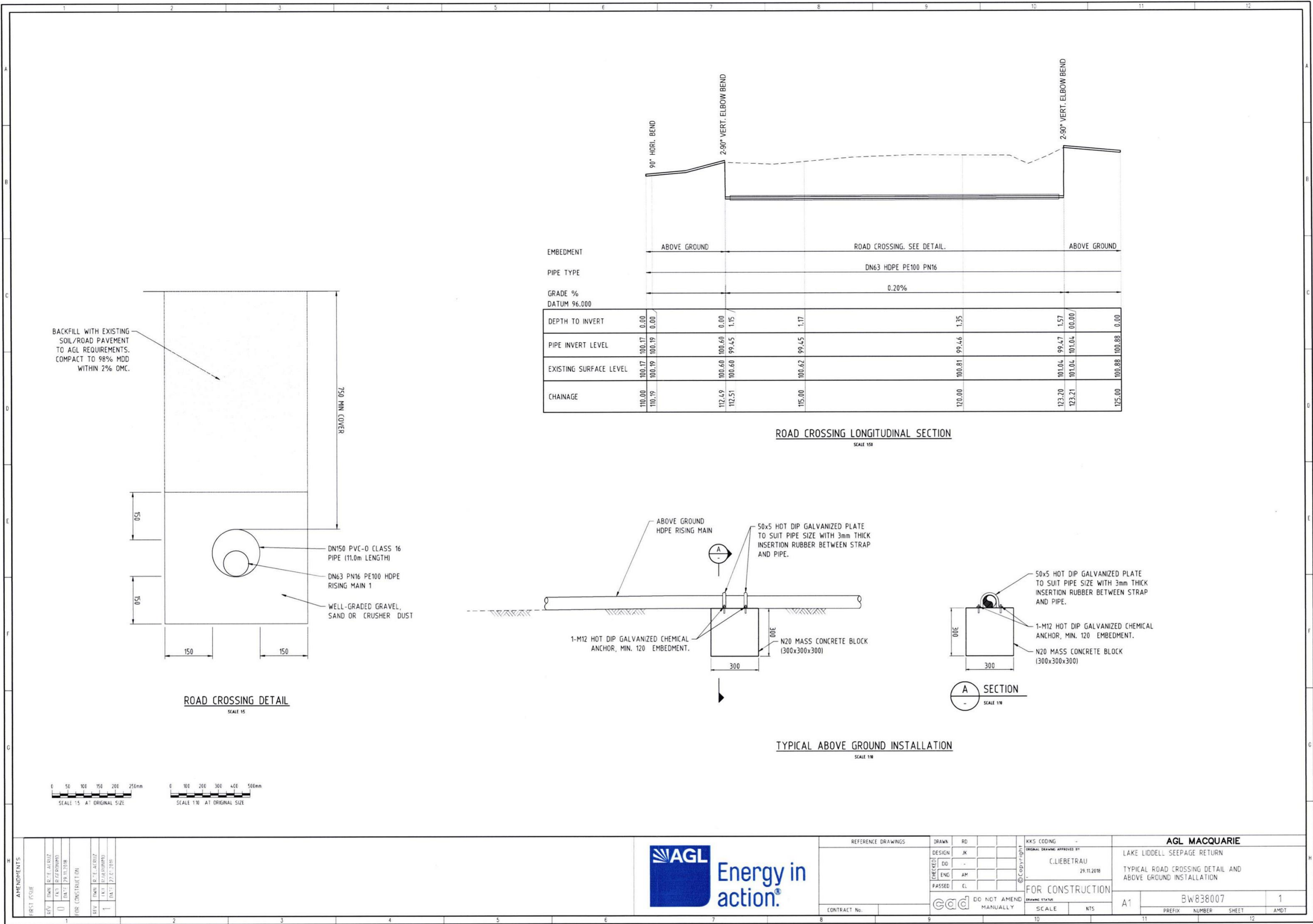


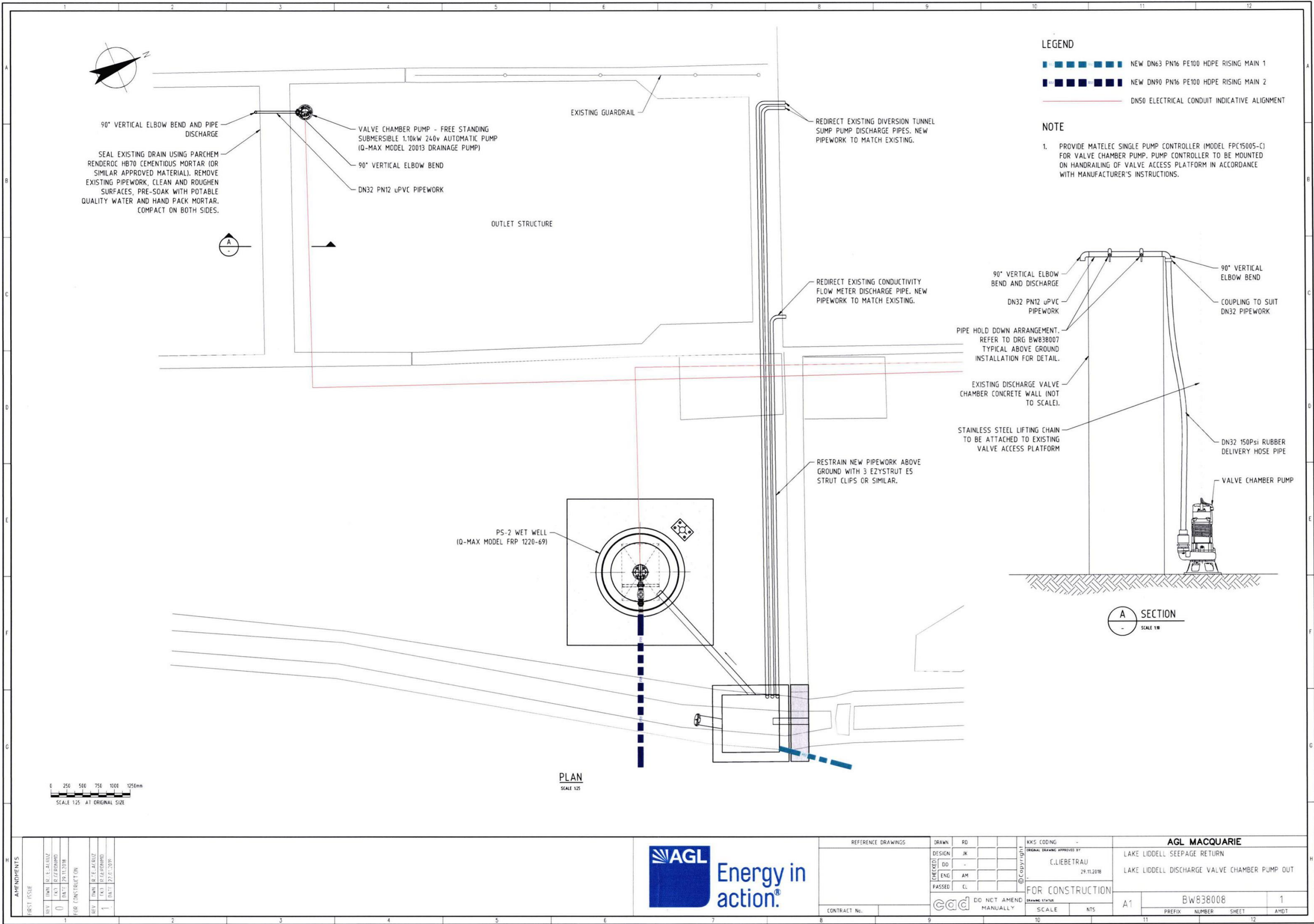






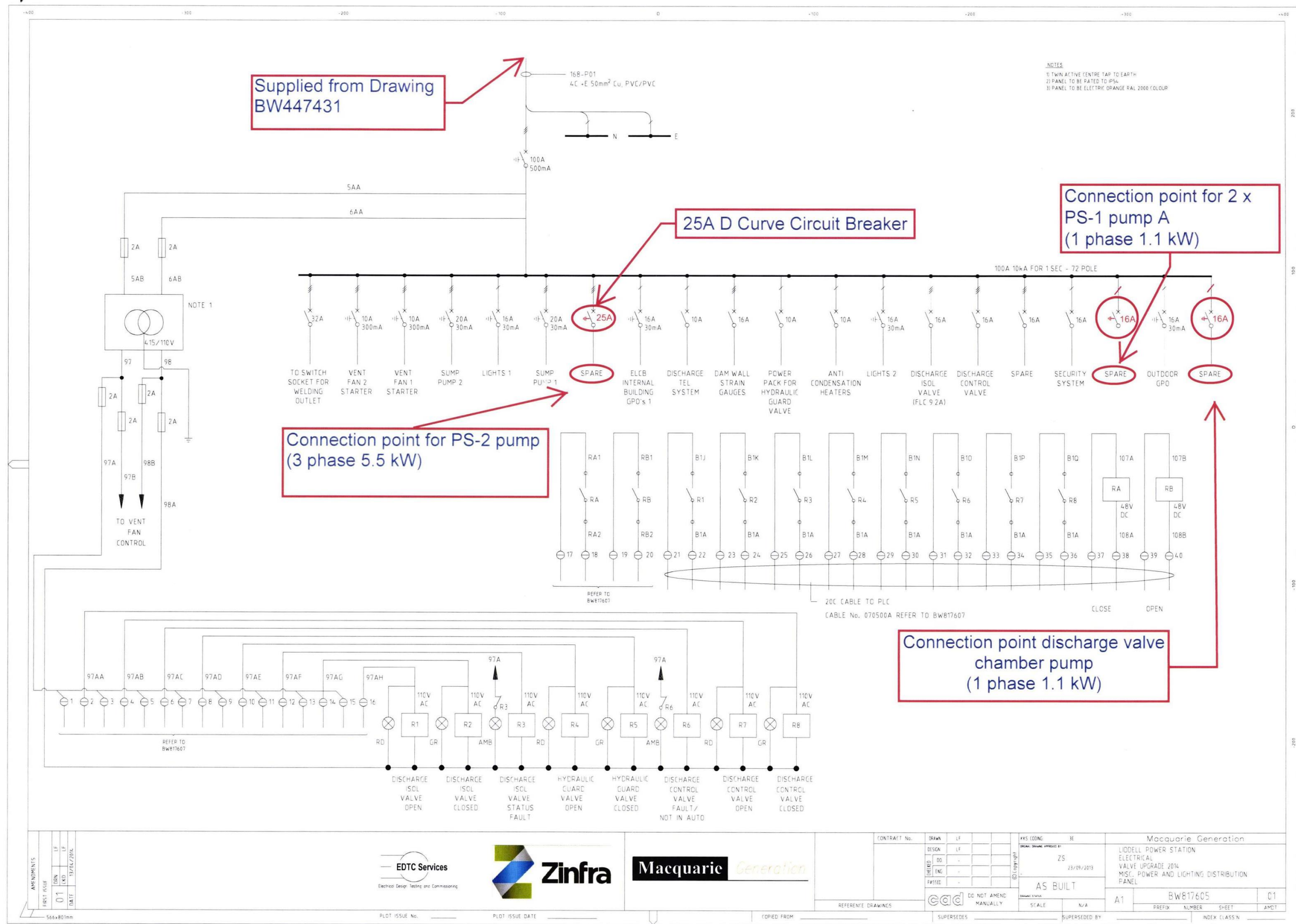




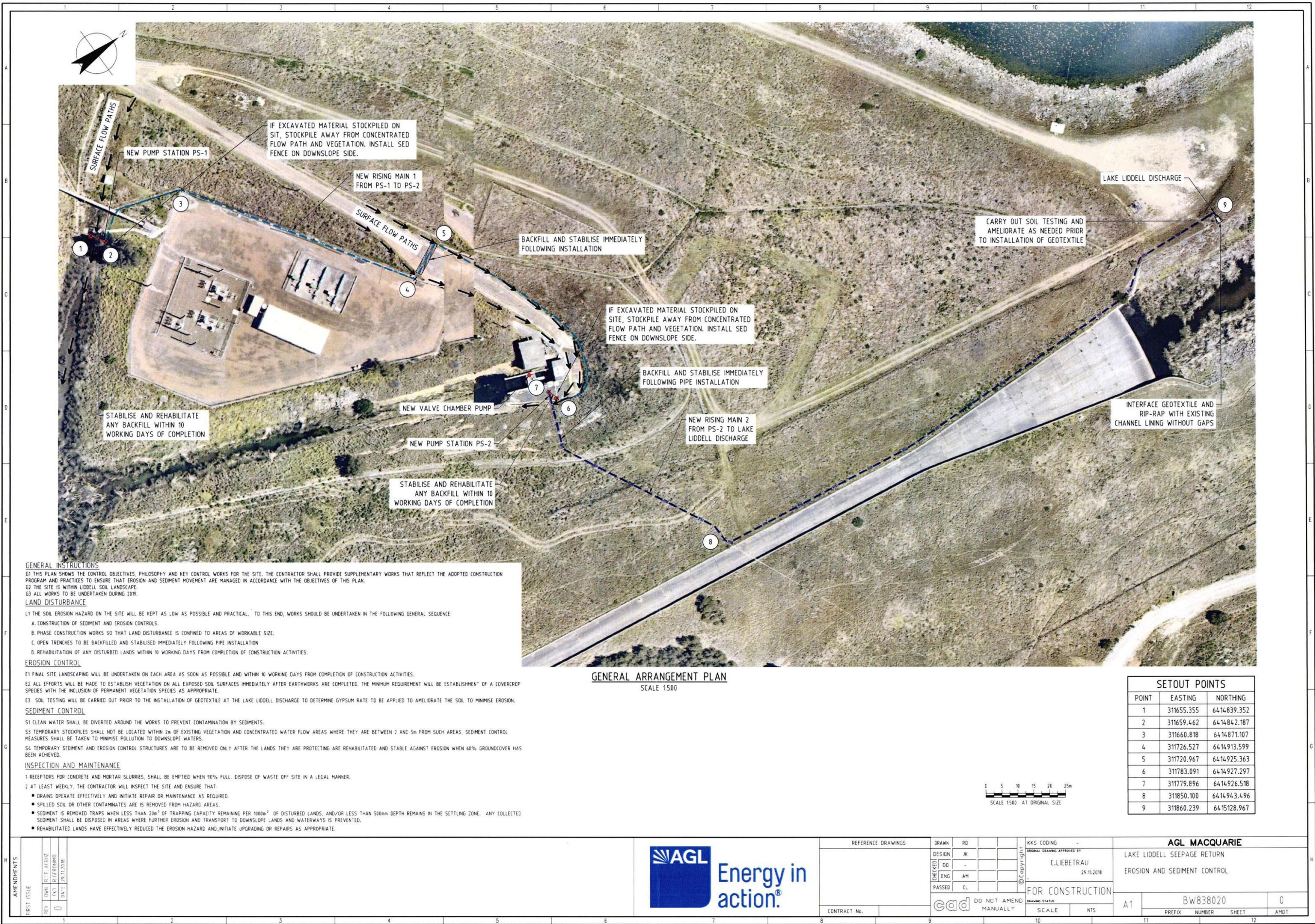
















**Treasurer  
Minister for  
Industrial Relations**

Reference: EA 329751

Cr. Martin Rush  
Mayor  
Muswellbrook Shire Council  
PO Box 122  
MUSWELLBROOK NSW 2333

Dear Mayor

I note that on 27 June 2014 you expressed concerns on ABC News radio regarding the adequacy of existing consent conditions and proposed a need to update planning consent conditions for Macquarie Generation power stations before they are sold.

I share your concerns that Bayswater and Liddell power station sites are properly managed should any shut down occur. The Transaction team has explored this issue and is satisfied that appropriate regulatory arrangements are available.

The Environmental Protection Authority (EPA) has extensive powers to compel owners to properly manage their sites, and to ensure appropriate long term management of any environmental contamination.

Specifically, the EPA will have to approve the surrendering of the power station's environmental protection licences at decommissioning. In addition the EPA has extensive powers to compel owners to manage long term environmental contamination under the *Contaminated Land Management Act 1997*. If it deems that there are significant contamination issues that have not been sufficiently addressed at decommissioning, it can issue orders for further remediation of the site.

If any future development (including demolition) is to be carried out at Bayswater (or Liddell), such development is likely to require development consent from Council, having regard to the planning instruments and laws applicable at that time. By way of example, Delta Electricity is currently seeking development consent for demolition of Munmorah station. The purchaser of Bayswater and Liddell would similarly be required to comply with the planning requirements at the time it begins to plan for decommissioning of either power station.

Therefore revised development consent conditions are not being contemplated at this time.

Yours sincerely



9/7/14  
THE HON ANDREW CONSTANCE MP

Level 36 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000  
Phone: (61 2) 9228 5274 Fax: (61 2) 9228 3942 Email: [office@treasurer.nsw.gov.au](mailto:office@treasurer.nsw.gov.au)

**6.3 OUTSTANDING DEVELOPMENT APPLICATIONS**

<b>Attachments:</b>	<b>A. Outstanding Development Applications 30 January 2020</b>
<b>Responsible Officer:</b>	<b>Sharon Pope - Assistant Director - Environment &amp; Community Services</b>
<b>Author:</b>	<b>Michelle Reichert - Administration Officer</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Facilitate the inspection of all development sites subject to Development Application / Construction Certificate in accordance with statutory requirements.</i></b>

**PURPOSE****OFFICER'S RECOMMENDATION**

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

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

**STATUTORY IMPLICATIONS**

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

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

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

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

## Development Assessment Committee - Outstanding DAs as at 30/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000007.001	Additions and Alterations to existing Hotel	184 Bridge ST MUSWELLBROOK LOT: 3 DP: 37789 REF: HOTEL	Mr P Ryan	\$110,000	24/01/2020	6	Notify Adjoining Owners
005.2020.00000006.001	Carport	26 George ST MUSWELLBROOK ALT: B DP: 371230	Mrs S Gillespie	\$1,900	24/01/2020	6	Notify Adjoining Owners
005.2020.00000005.001	Change of Use from a Restaurant to a Community Facility	29 Sydney ST MUSWELLBROOK LOT: 1 DP: 69766	Sunnyfield	\$0	20/01/2020	10	Notify Adjoining Owners
005.2020.00000004.001	Old Denman Courthouse change of use to Bed and Breakfast, Carpark and addition of accessible bathroom.	Palace ST DENMAN LOT: 228 DP: 727761 32 Palace ST DENMAN LOT: 227 DP: 727761	Mr I P Simpson	\$46,585	16/01/2020	14	Notify Adjoining Owners
005.2020.00000003.001	Demolition and Replacement of Rural Workers Dwelling	Widden Valley RD DENMAN LOT: 48 DP: 755441	The Flying Builder PTY LTD	\$313,233	10/01/2020	20	Notify Adjoining Owners
005.2020.00000002.001	Residential Shed and Carport	31 Weemala PL MUSWELLBROOK LOT: 307 DP: 1087265	Mr G J Irwin	\$16,600	6/01/2020	24	Notify Adjoining Owners
005.2020.00000001.001	Residential Garage and Carport	18 Grimes CL DENMAN LOT: 21 DP: 45633	Mr I G McLeod	\$25,000	6/01/2020	24	Notify Adjoining Owners
005.2019.00000109.001	Change of use from Tattoo Shop to Thai Massage Spa, Internal Fitout and Shop Front Signage	26 Bridge ST MUSWELLBROOK LOT: 7 DP: 1124521	ArkExpress Design Pty Ltd	\$50,000	10/12/2019	51	Notify Adjoining Owners

## Development Assessment Committee - Outstanding DAs as at 30/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000108.001	SWIMMING POOL	71 King ST MUSWELLBROOK ALT: B DP: 363641 71 King ST MUSWELLBROOK ALT: C DP: 363641	Mr M R Burch	\$32,500	9/12/2019	52	CC Application Received
005.2019.00000107.001	Ancillary Development - Shed and Rainwater Tank	35 Cabernet ST MUSWELLBROOK LOT: 281 DP: 263863	Great Value Garages	\$15,600	3/12/2019	58	Notify Adjoining Owners
005.2019.00000105.001	Demolition of Existing Shed and Replace with New Storage Shed	2 Wilson ST MUSWELLBROOK LOT: 14 SEC: 2 DP: 15467	Mr P R Miller	\$27,300	29/11/2019	62	Notify Adjoining Owners
005.2019.00000104.001	Industrial Development - Installation of Demountable Office Building	Thomas Mitchell DR MUSWELLBROOK LOT: 25 DP: 260504	Mrs N S Englebrecht	\$75,000	27/11/2019	64	DA Acknowledgement
005.2019.00000102.001	Electricity Generating Works (Solar Farm)	1333 Merriwa RD DENMAN LOT: 12 DP: 1042612	Vernon Trust C/- Andrew King	\$6,114,757	19/11/2019	72	Refer to RFS - Head Office
005.2019.00000100.001	Ancillary Development - Carport and Shed	17 Ruth White AVE MUSWELLBROOK LOT: 17 DP: 229323	Ms K A Cameron	\$22,619	14/11/2019	77	Additional Info Required
005.2019.00000101.001	Replacement of Swimming Pool	20 Cabernet ST MUSWELLBROOK LOT: 266 DP: 263863	Mr S Gallimore	\$24,525	12/11/2019	79	Notify Adjoining Owners
005.2019.00000099.001	Secondary Dwelling Appurtenant to Principle Dwelling	159 Martindale RD DENMAN LOT: 22 DP: 739528	Miss P G Wilks	\$210,000	8/11/2019	83	Notify Adjoining Owners

## Development Assessment Committee - Outstanding DAs as at 30/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000093.001	Change of use to Retail Outlet, Alterations to front of building and Signage	19 Bridge ST MUSWELLBROOK LOT: 60 DP: 847718	Casson Planning and Development Services	\$20,000	24/10/2019	98	Notify Adjoining Owners
005.2015.00000025.003	S4.55 (2) Modification - modification of the design and layout of an approved child care centre	38 Woollybutt WY MUSWELLBROOK LOT: 2 DP: 1090457	Beaini Projects Pty Ltd	\$0	17/10/2019	105	Notify Adjoining Owners
005.2019.00000091.001	Demolition of Existing Identification Sign and Erection of New Identification Sign	310 Richmond Grove RD SANDY HOLLOW LOT: 124 DP: 833250	Castlepeake Consulting Pty Ltd	\$12,000	8/10/2019	114	DA Acknowledgement
005.2019.00000090.001	Subdivision of One (1) Lot into Twenty (20) Lots	9 Yarrowa RD DENMAN LOT: 1 DP: 323945	Waebron Pty Ltd	\$2,828,700	30/09/2019	122	Additional Info Required
005.2019.00000089.001	Storage Shed	Turner ST DENMAN PRT: 231 DP: 729996 REF: FIELD	Denman Golf Club	\$37,220	26/09/2019	126	Advertisement - Proposal
005.2019.00000087.001	Replacement Dwelling	Bureen RD DENMAN LOT: 413 DP: 1251003	Casson Planning and Development Services	\$200,000	20/09/2019	132	Notify Adjoining Owners
005.2019.00000069.001	Ancillary Development - Carport	26 Queen ST MUSWELLBROOK LOT: 12 DP: 514181	Mr D B Smith	\$18,900	16/08/2019	167	Additional Info Required
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	216	Additional Info Required

## Development Assessment Committee - Outstanding DAs as at 30/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000053.001	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	217	Notify Adjoining Owners
005.2019.00000041.001	Subdivision - Nine (9) Lots into Six (6) Lots	Castlerock RD MUSWELLBROOK LOT: 1 DP: 136249 Castlerock RD MUSWELLBROOK LOT: 2 DP: 136249 Castlerock RD MUSWELLBROOK LOT: 5 DP: 750926 Castlerock RD MUSWELLBROOK LOT: 61 DP: 750926 Castlerock RD MUSWELLBROOK LOT: 62 DP: 750926 Castlerock RD MUSWELLBROOK LOT: 63 DP: 750926 Ellis PH COUNTY BRISBANE LOT: 4 DP: 21335 Castlerock RD MUSWELLBROOK LOT: 2 DP: 1102585 Castlerock RD MUSWELLBROOK LOT: 1 DP: 1102585	Mm Hyndes Bailey & Co	\$10,000	9/05/2019	266	Notify Adjoining Owners
005.2019.00000037.001	Construction of Pipes and Pump Infrastructure to Return Seepage Water from Lake Liddell Dam Wall to Lake Liddell	New England HWY MUSWELLBROOK LOT: 102 DP: 1053098 New England HWY MUSWELLBROOK LOT: 14 DP: 1193430	AGL Macquarie Pty Ltd	\$250,000	16/04/2019	289	Advertisement - Proposal
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	349	Additional Info Required

## Development Assessment Committee - Outstanding DAs as at 30/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000013.001		8911 New England HWY MUSWELLBROOK LOT: 1300 DP: 1164893	Raj & Jai Construction Pty Ltd	\$5,142,236	14/02/2019	350	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	381	Notify Adjoining Owners
005.2018.00000117.001	Commercial Alterations and Additions (Expansion of Bottle Shop)	36 Sydney ST MUSWELLBROOK LOT: 1 DP: 80963	Mr N Sakno	\$500,000	21/12/2018	405	Additional Info Required

## Development Assessment Committee - Outstanding DAs as at 30/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2018.00000054.001	Demolition of a Commercial Building and the Construction of a Two (2)	142 Bridge ST MUSWELLBROOK	Muswellbrook Shire Council	\$3,556,300	15/06/2018	594	Additional Info Required
		LOT: 1 DP: 11221					
		140 Bridge ST MUSWELLBROOK					
		LOT: 2 DP: 11221					
		126 Bridge ST MUSWELLBROOK					
		LOT: 7 DP: 71755 REF: LIBRARY					
		126 Bridge ST MUSWELLBROOK					
		PT: 8 ALT: A SEC: 6 DP: 758740 REF: LIBRARY					
		Bridge ST MUSWELLBROOK					
		Lot: 400 DP:816923					
		Bridge ST MUSWELLBROOK					
		Lot: 562 DP:747012					
		30 Brook ST MUSWELLBROOK					
		LOT: 1 DP: 219503					
		30 Brook ST MUSWELLBROOK					
		LOT: 6 DP: 219503					
		30 Brook ST MUSWELLBROOK					
		LOT: 1 DP: 76058					
		83 Hill ST MUSWELLBROOK					
		LOT: 5 DP: 11221 REF: TERTIARY ED*					
		85 Hill ST MUSWELLBROOK					
		LOT: 4 DP: 11221					
		87 Hill ST MUSWELLBROOK					
		LOT: 3 DP: 11221					
		Bridge ST MUSWELLBROOK					
		PT: 8 ALT: B SEC: 6 DP: 758740 REF: WEIDMAN					
		83 Hill ST MUSWELLBROOK					
		LOT: 5 DP: 11221 REF: CARPARK					
005.2017.00000058.002	S96 (1A) Modification - Modify Condition 8	Jordan ST DENMAN	Ms M J Melville	\$0	19/02/2018	710	Advertisement - Proposal
		LOT: 1 DP: 151236					



## Development Assessment Committee - Outstanding DAs as at 30/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2017.00000060.001	Change of Use - Building Materials Recycling Depot	7 Glen Munro RD MUSWELLBROOK LOT: 5 DP: 1018378	Mr L McWhirter	\$0	23/06/2017	951	Additional Info Required
005.2000.00000212.006	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	2449 Denman RD MUSWELLBROOK LOT: 12 DP: 1027580 Denman PH COUNTY BRISBANE LOT: 1 DP: 221400	Cardno (NSW/ACT) Pty Ltd	\$0	29/05/2017	976	Advertisement - Proposal
005.2016.00000032.001	Placement of Fill	110 Merriwa RD DENMAN LOT: 402 DP: 1175263 Merriwa RD DENMAN LOT: 403 DP: 1175263	Casson Planning and Development Services	\$5,000	12/04/2016	1388	Additional Info Required
DAs Outstanding:		36					

**7 DATE OF NEXT MEETING**

24 February 2020

**8 CLOSURE**