



**muswellbrook  
shire council**

**Muswellbrook Shire Council**

**DEVELOPMENT ASSESSMENT  
COMMITTEE MEETING**

**BUSINESS PAPER**

**20 JANUARY 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, 20 JANUARY 2020**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

17 January, 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 **20 January, 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 20 JANUARY 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 **25 December 2019**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

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

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

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

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

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

- Significant
- Less than significant

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

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

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

### **4 PUBLIC PARTICIPATION**

### **5 BUSINESS ARISING**

## 6 BUSINESS

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

Attachments:	<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>
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

#### PURPOSE

This report 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.

At this meeting Council resolved to delegate the determination of the Development Application to the Development Assessment Committee. 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: \_\_\_\_\_

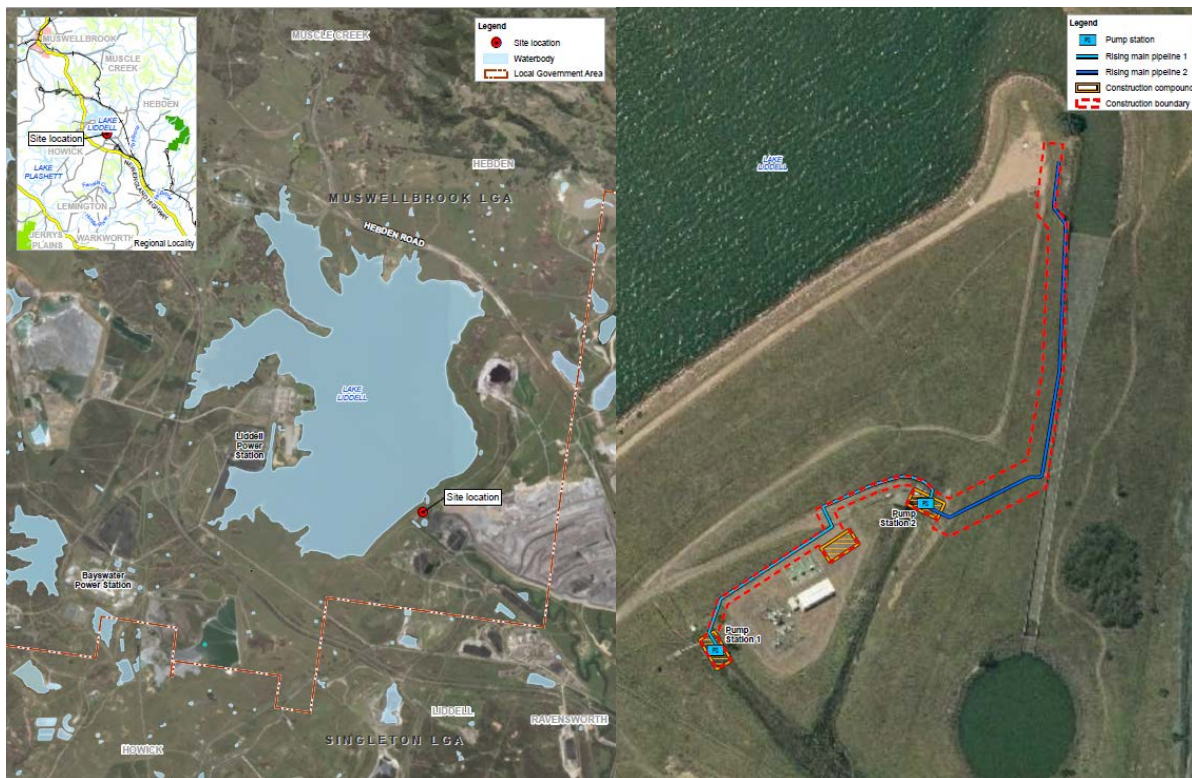
## DESCRIPTION OF THE PROPOSED DEVELOPMENT

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

Council Officers have completed an assessment of the proposed development against the relevant provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. This assessment concludes that the proposed development would be in accordance with the relevant provisions of Section 4.15 and recommends the approval of the development application subject to the conditions contained in Attachment B.

Council may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development subject to amended 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



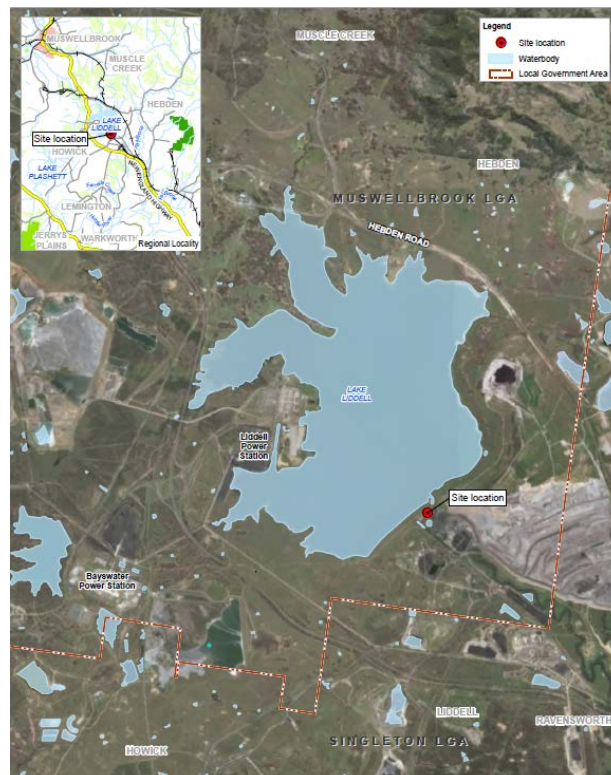
## 1.0 SITE AND LOCALITY DESCRIPTION

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
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**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  
Phone 02 4908 6800

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

PO Box 488G  
Newcastle  
NSW 2300 Australia

117 Bull Street  
Newcastle West  
NSW 2302 Australia

[info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au)  
[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).

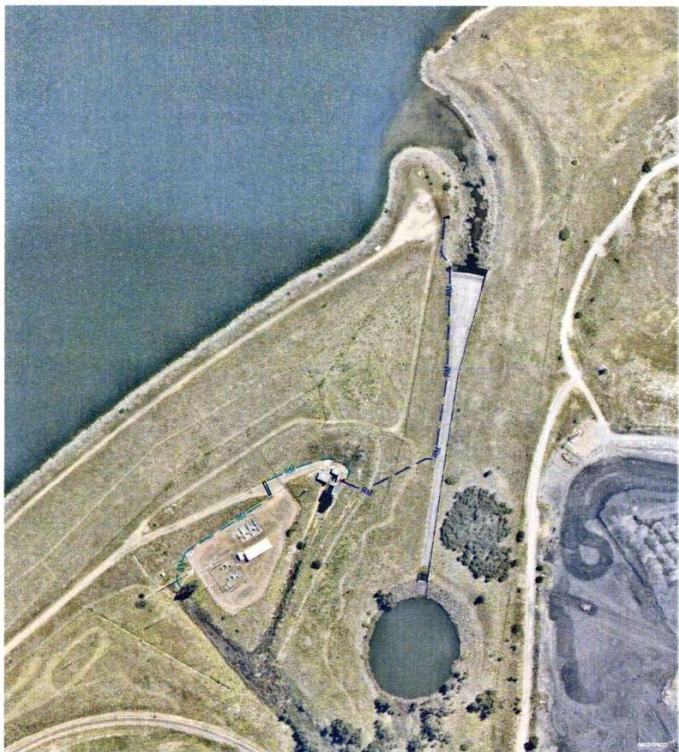
If you require any further information regarding this matter, please contact Genevieve Lorang on (02) 4908 6869.

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)

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REFERENCE DRAWINGS	
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FOR CONSTRUCTION
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CONTRACT No.	
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AGL MACQUARIE			
LAKE LIDDELL SEEPAGE RETURN			
COVER SHEET, LOCALITY PLAN AND DRAWING INDEX			
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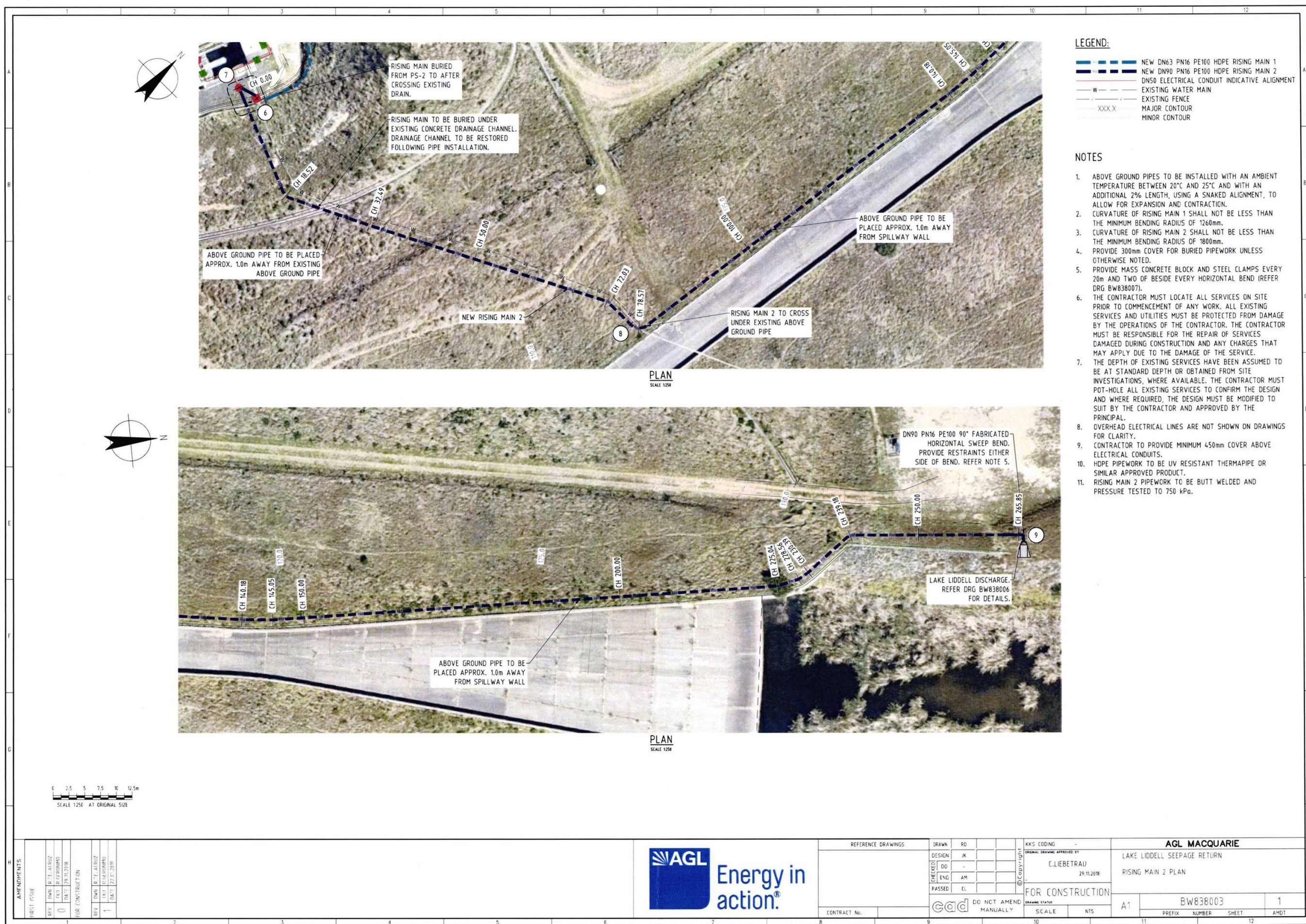




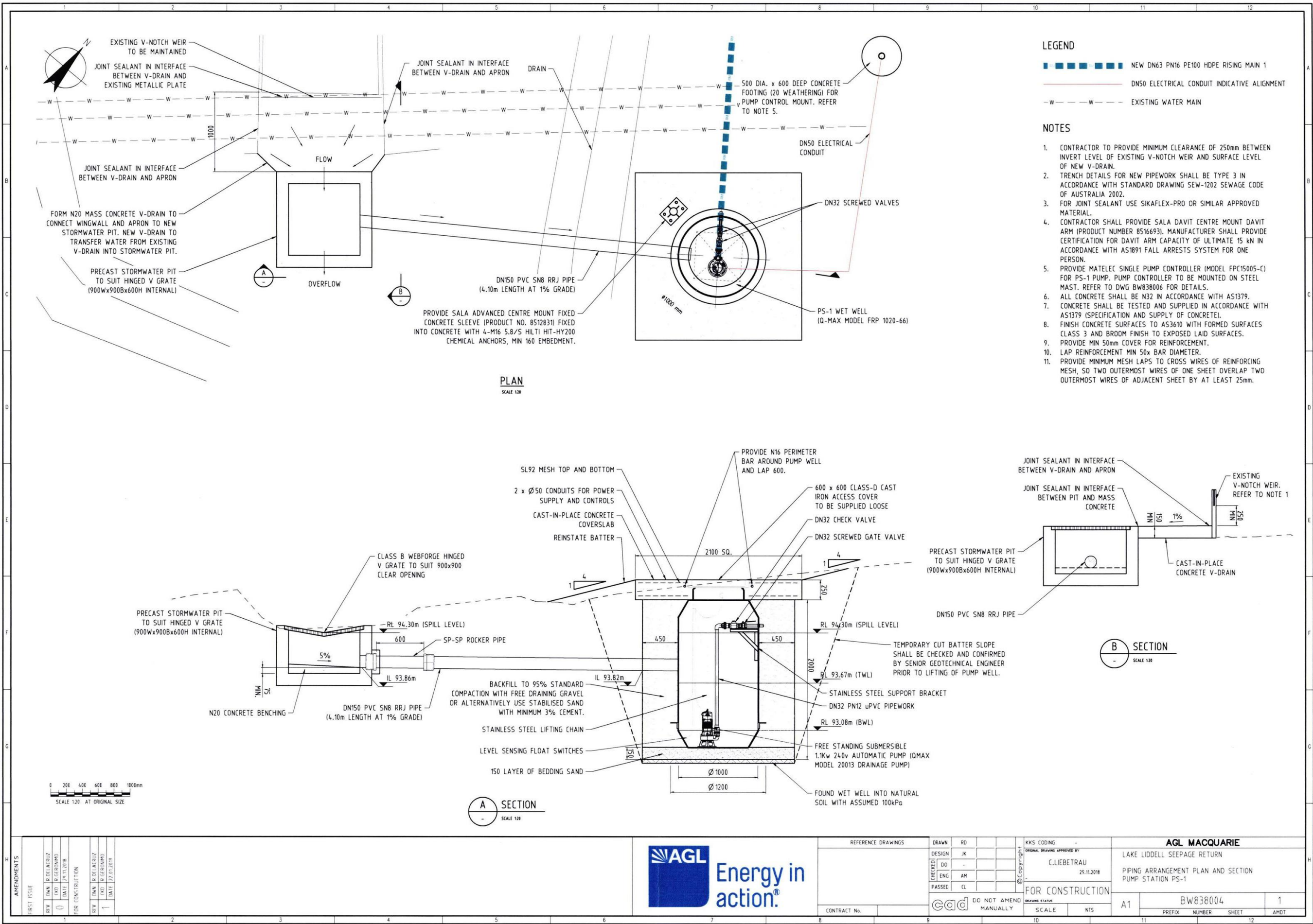




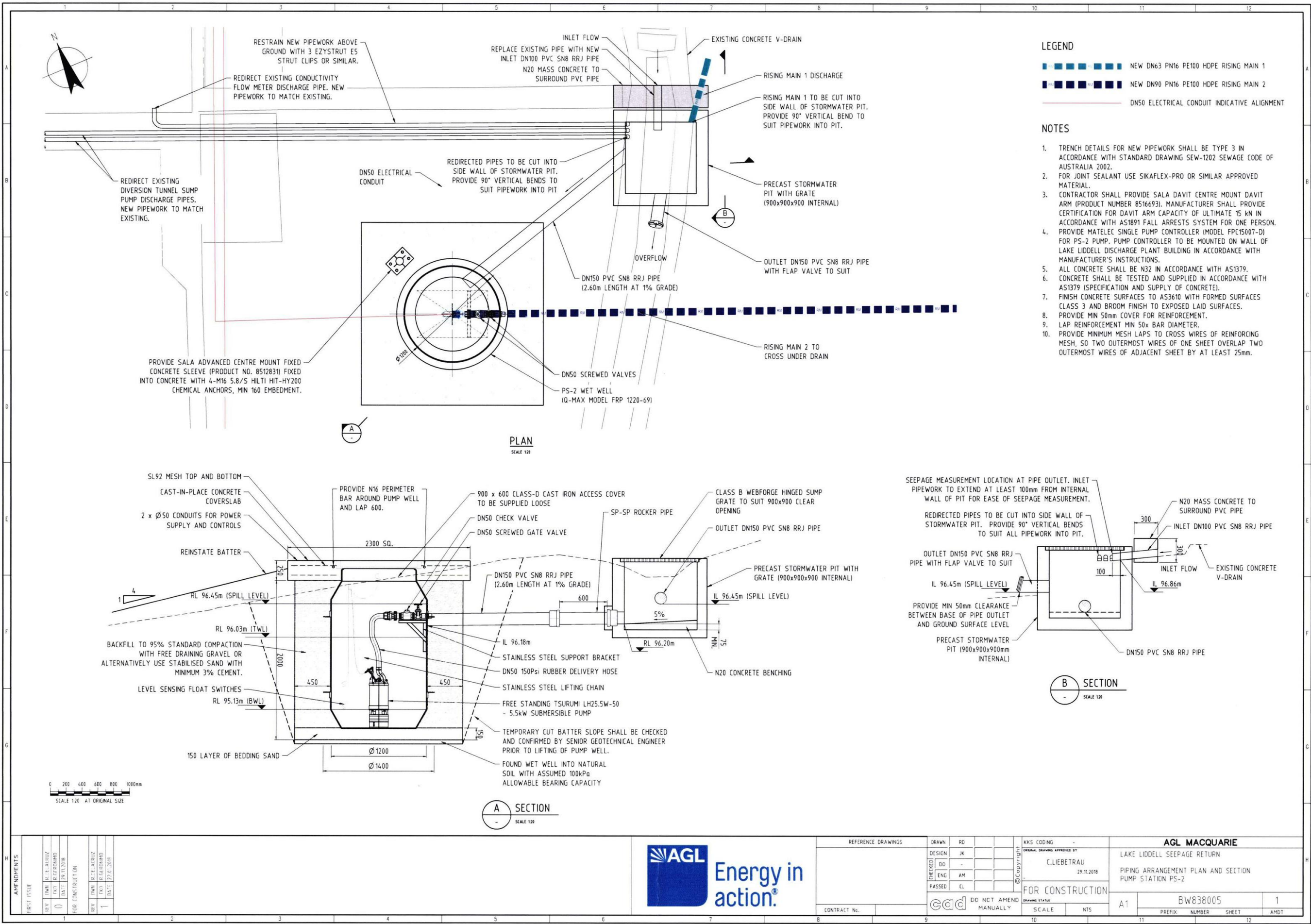


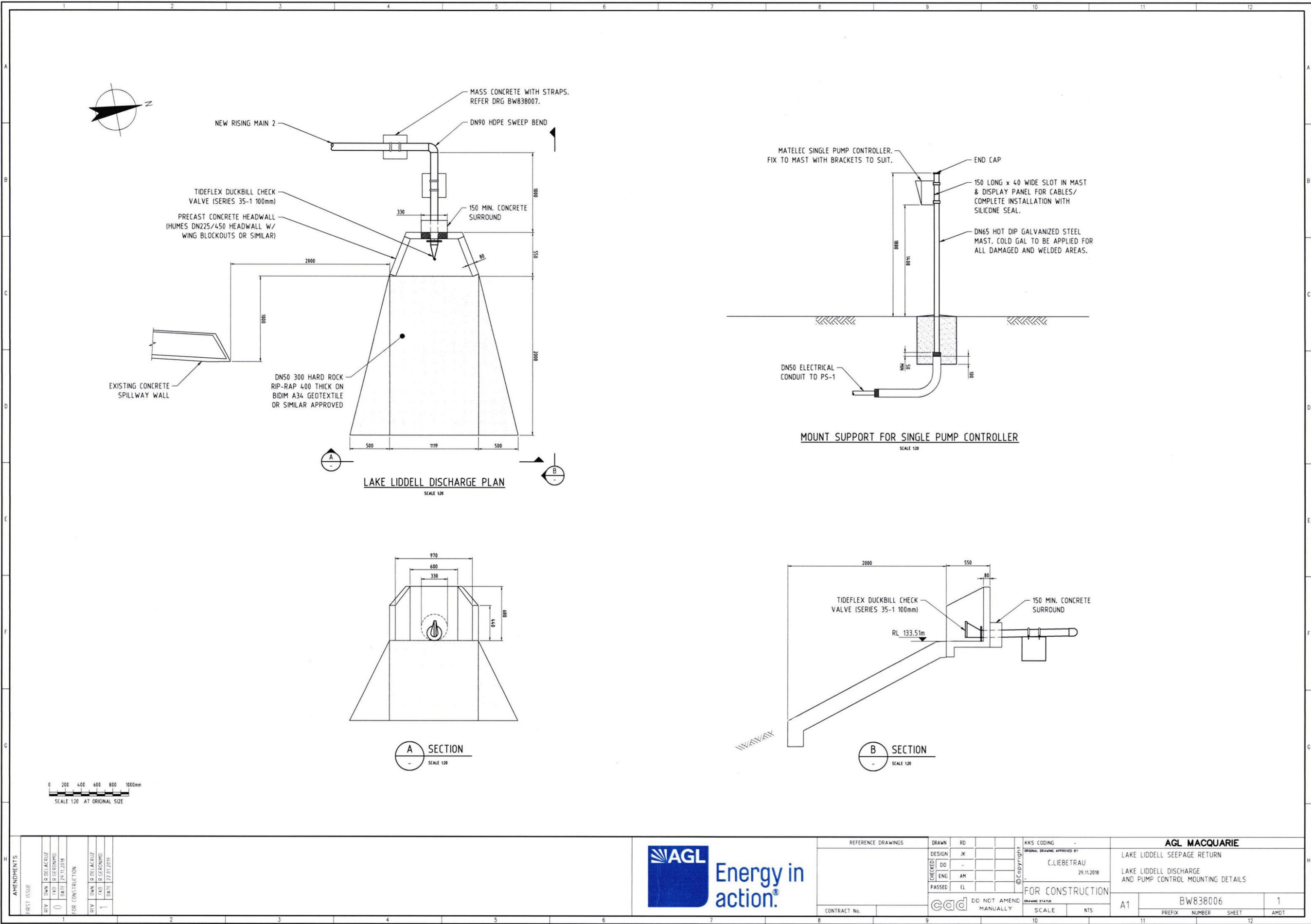








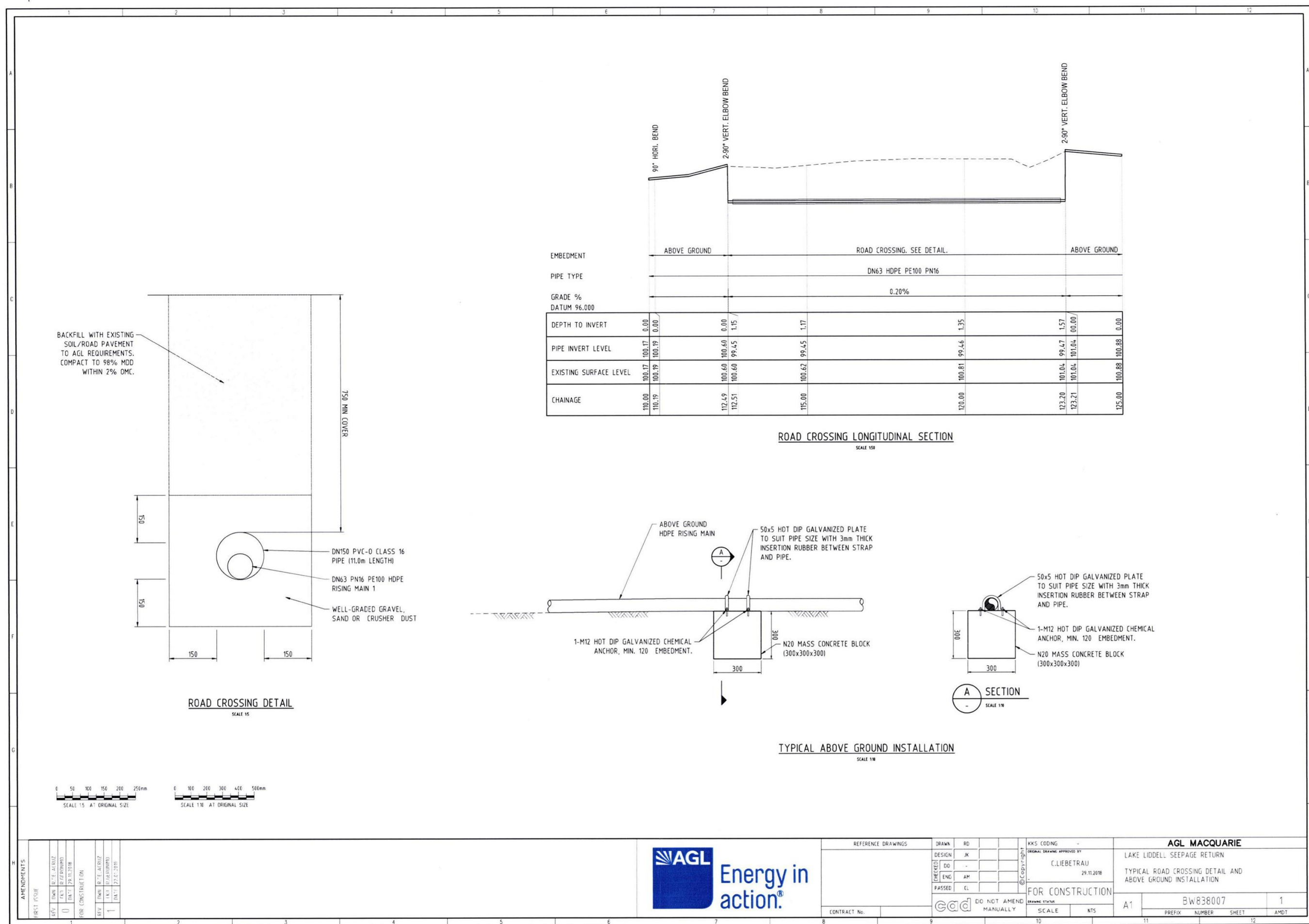


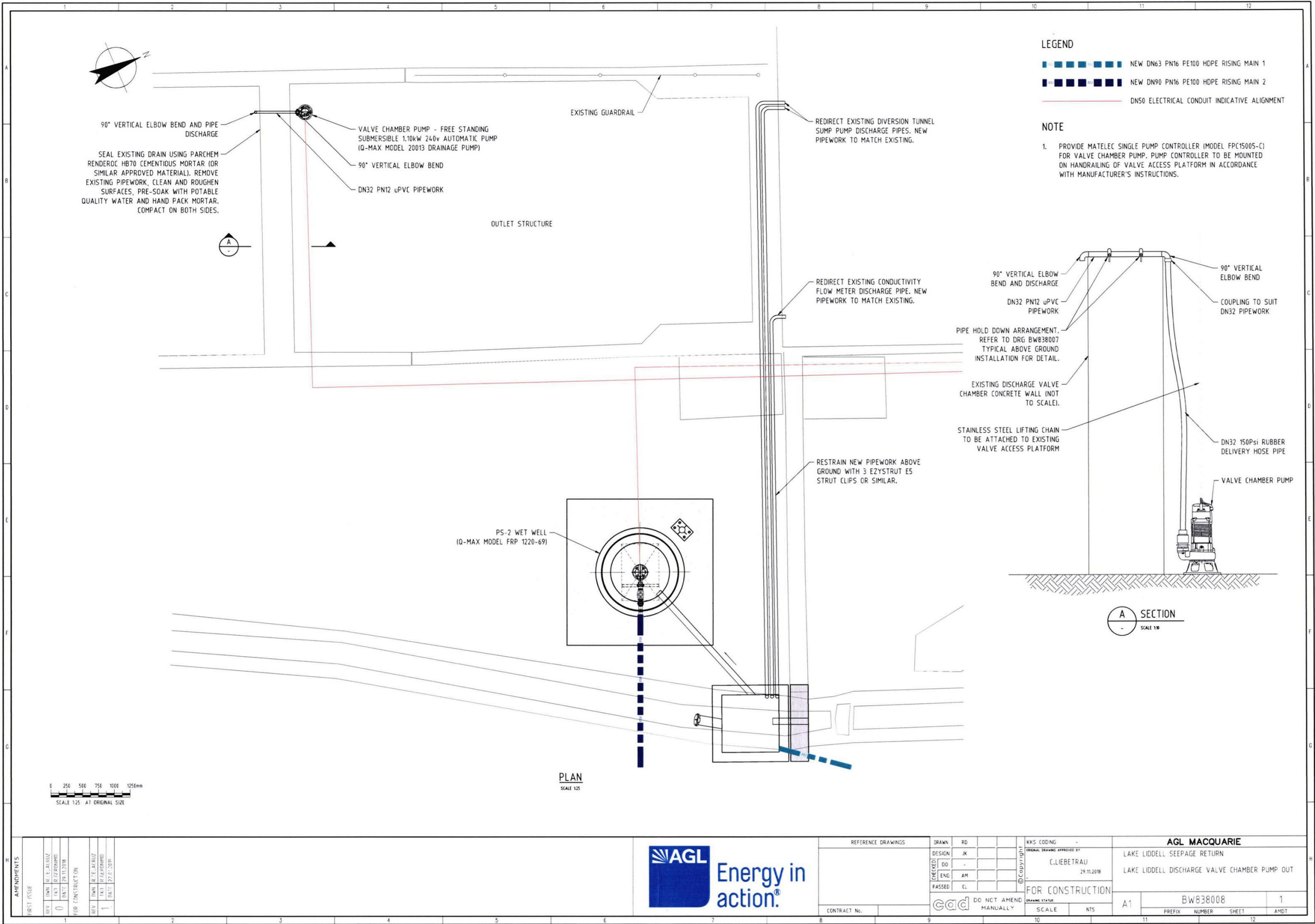


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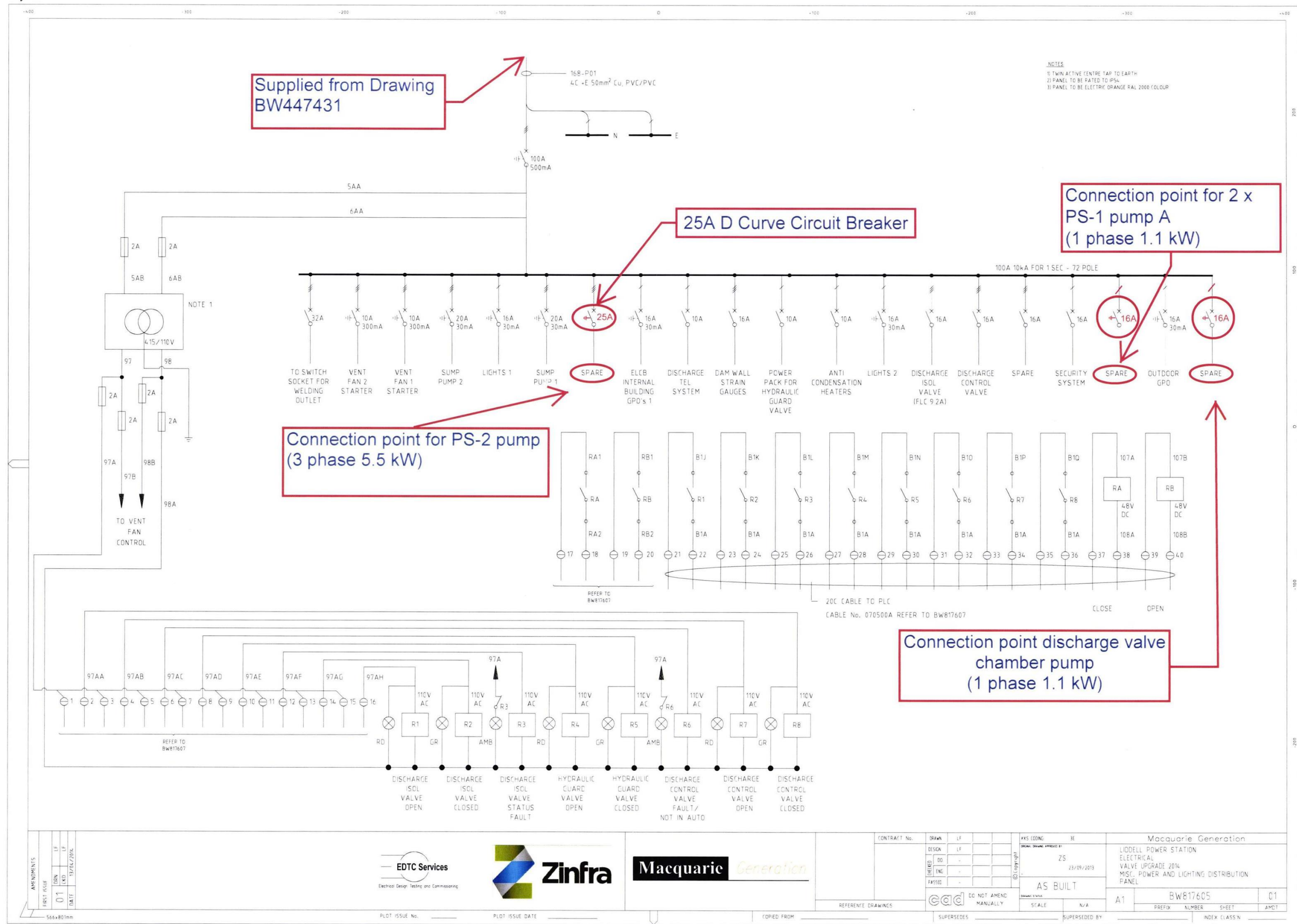




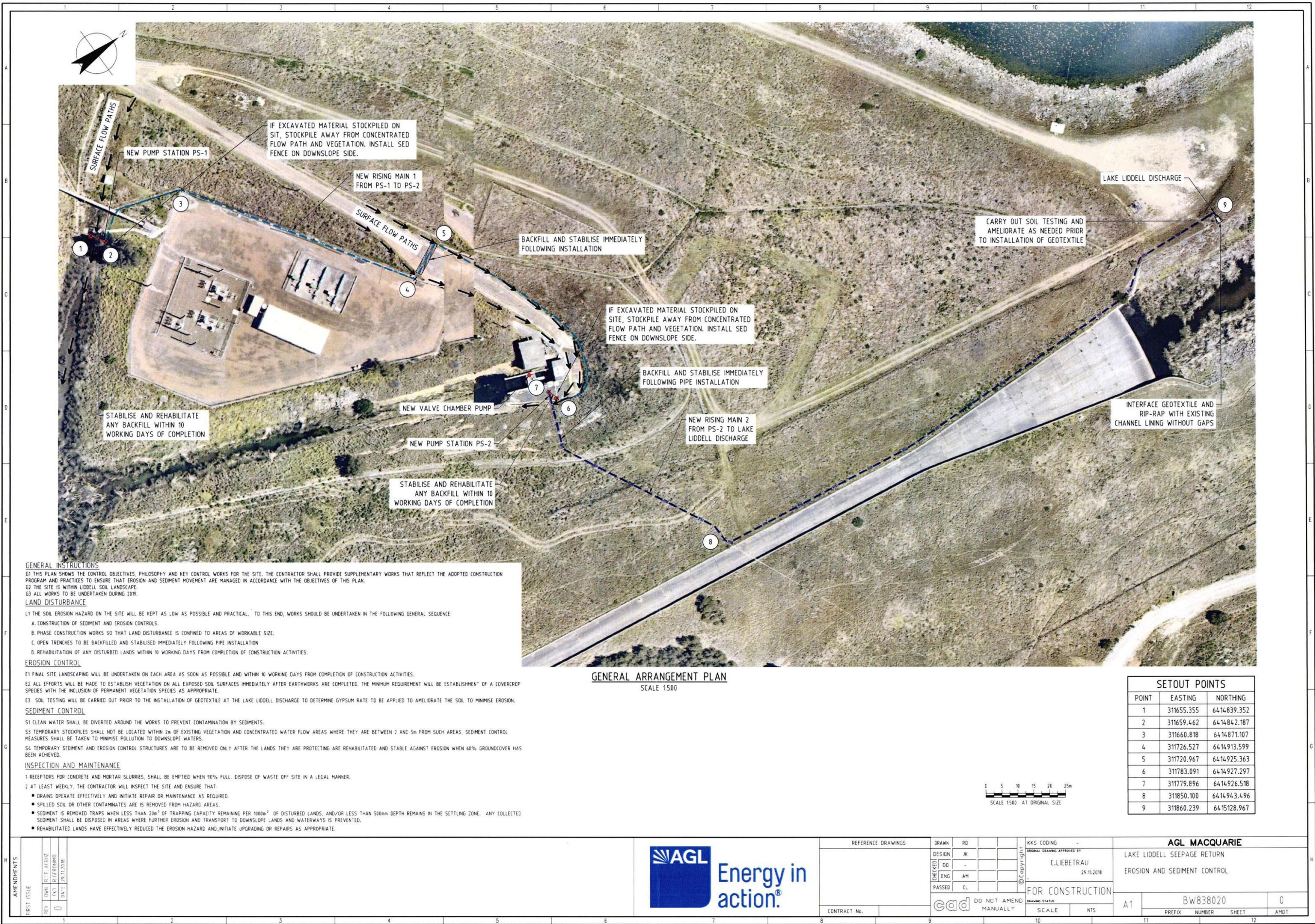
















**Treasurer  
Minister for  
Industrial Relations**

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

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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)

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

<b>Attachments:</b>	<b>A. Draft DCP Amendment for 9 Yarrowa Road, Denman</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Sharon Pope - Assistant Director - Environment &amp; Community Services</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i></b>

### PURPOSE

Clause 6.3 of *Muswellbrook LEP 2009 (MLEP 2009)* applies to land identified as being in an urban release area in the Shire. Clause 6.3 aims to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, and in accordance with specific controls, identified in clause 6.3, added to *Muswellbrook DCP 2009 (DCP 2009)*.

Council has received two subdivision applications, for land in two separate urban release areas, where the requirement for a new section in *DCP 2009*, before the subdivisions are determined, is either impractical or unnecessary.

The purpose of this report is to assist the Development Assessment Committee in making a decision about whether to commence preparation of amendments to *DCP 2009* before determining either subdivision application.

### OFFICER'S RECOMMENDATION

**That the Development Assessment Committee:**

- 1) Declines to amend Muswellbrook Development Control Plan 2009 to incorporate a section for the Urban Release Area identified as 9027 New England Highway, Muswellbrook; and**
- 2) Resolves to prepare an amendment to Muswellbrook Development Control Plan 2009, to incorporate a section for the Urban Release Area identified 9 Yarrowa Rd, Denman, following determination of a subdivision application for the site.**

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

### BACKGROUND

Clause 6.3 is a standard clause from the Standard LEP template, which applies to any urban release area in NSW. It was principally intended to establish a framework for the subdivision of greenfield urban zoned land in large urban release areas, or release areas with multiple land owners, where it was important to establish a logical development pattern that provided road, pedestrian and cycleway connections between the different parcels despite them being developed at different times.

In rural and regional areas this same need is not always present, and there are sites when it is more practical to finalise a site-specific section in the DCP following the in depth analysis of a Subdivision Application. Council is currently in receipt of two subdivision applications where this is the case. Detail on the background to the two subdivisions follows:

### 9 Yarrawa Rd, Denman (DA 90/2019)

The site is legally described as Lot 1 DP 323945 (known as 9 Yarrawa Rd, Denman). This land was rezoned from RU1 Primary Production to R5 Large Lot Residential on 24 March 2016.

The other results of the amendment were:

- Changes to the *Lot Size Map* to reflect minimum lot size as 4000m<sup>2</sup>
- Changes to the *Height of Buildings Map* to reflect a maximum height of 8.5m
- Inclusion of the site on the *Urban Release Area Map*
- Inclusion of the site in *Clause 6.1 Arrangements for designated State public infrastructure*

When the rezoning was undertaken it was envisaged that the land would be subdivided into 60-70 lots with a minimum area of 4000m<sup>2</sup>. Changes to the property market, along with the results of more detailed investigations into servicing costs, stormwater management and heritage issues, has resulted in the Proponent now revising the proposal down to 20 lots with areas ranging from 18,000m<sup>2</sup> to 21,250m<sup>2</sup>, as shown in the plan below.



The Proponent has prepared a draft amendment to DCP 2009 based on the larger lot sizes (see Attachment A).

### 9027 New England Highway, Muswellbrook (DA 53/2019)



The site is Lot 12 DP 1162012 (known as 9027 New England Highway, Muswellbrook) and Lot 8 DP 1181346 (known as 8 Day Street, Muswellbrook) and has a total area of approximately 6.945 hectares (see Figure 2).

The site is zoned R1 General Residential under the *MLEP 2009*. An urban zone was first applied to this site under the Muswellbrook LEP 1985.



Figure 2 Site Context

In April 2009, Council approved DA 267/2008 for a 91 lot subdivision at Black Hill. The subject site was part of that of 91 lot subdivision. Black Hill is also anecdotally referred to as 'the hotel site'.

Subsequent to the approval of DA 267/2008, separate applications were lodged and approved for subdivisions known as Stages 11A, 11C and 11D. The remaining parcel, referred to as Stage 11B comprised 75 lots. The approvals for Stages 11A, 11C and 11D were acted upon and the lots created under these approvals have been registered. The approval for Stage 11B has lapsed.

The current subdivision proposal would result in the creation of 75 residential lots ranging in size from 600.5m<sup>2</sup> to 1,881m<sup>2</sup> as per the plan prepared by Acor Consultants (Figure 3).



Figure 3 Lot Layout and sizes

Staff are currently assessing the two subdivision applications for compliance with *MLEP 2009*, *DCP 2009*, *Auspec*, *Austrorads* and other Engineering guidelines.

This report was considered by Council at the Ordinary meeting held on 17 December 2019. Council **RESOLVED** on the motion of Crs Rush and Woodruff that Council delegate the determination of this item to the Development Assessment Committee.

## CONSULTATION

The two subdivision applications have been notified to adjoining landowners and in the local newspapers. There has been no consultation regarding the amendment of *DCP 2009*.

## CONSULTATION WITH COUNCILLOR SPOKESPERSON

There has been no consultation.

## REPORT

Council has received two subdivision applications where the land is identified as being in an Urban Release Area. Clause 6.3 of Muswellbrook LEP 2009 states that:

- (2) *Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*
- (3) *The development control plan must provide for all of the following—*

- (a) *a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,*
- (b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
- (c) *an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
- (d) *a network of passive and active recreational areas,*
- (e) *stormwater and water quality management controls,*
- (f) *amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
- (g) *detailed urban design controls for significant development sites,*
- (h) *measures to encourage higher density living around transport, open space and service nodes,*
- (i) *measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- (j) *suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

The requirements of clause 6.3 would normally be dealt with by inserting a new Section in the DCP that supplements the other sections in *DCP 2009*. Two examples in *DCP 2009* are *Section 27 – West Denman Urban Release Area* and *Section 28 – Muswellbrook Showground*. Most of the controls applying to subdivision would still be retained in other sections of the DCP. A range of other Council plans, policies and strategies also apply to the Release Area, as may a range of State Government plans, policies and strategies.

Section 3.44 of the EP&A Act provides a path forward when it is not logical to prepare an amendment to the DCP before a subdivision application in an Urban Release Area is assessed.

**3.44 Development control plans required or authorised by environmental planning instruments**

- (1) *An environmental planning instrument may require or permit a development control plan to be prepared before any particular development or kind of development may be carried out (and make provision with respect to the preparation and content of any such plan).*
- (2) *Any such development control plan may outline the development of all the land to which it applies.*
- (3) *Any such development control plan may be prepared (and submitted to the relevant planning authority) by the owners of the land to which it applies or by such percentage of those owners as the environmental planning instrument concerned allows. A person authorised by those owners may act on their behalf for the purposes of this subsection.*

- (4) *The relevant planning authority may make a development control plan submitted to it under this section, including with such changes as it thinks fit.*
- (5) *If the relevant planning authority refuses to make a development control plan submitted to it under this section (or delays by more than 60 days to make a decision on whether to make the plan)—*
- (a) *the owners may make a development application despite the requirement of the environmental planning instrument concerned for the preparation of a development control plan, or*
  - (b) *the Minister may act in the place of the relevant planning authority to make the plan (with or without modification), but only if the environmental planning instrument concerned authorises the Minister to do so.*
- (6) *The regulations may extend the period of 60 days referred to in subsection (5) in connection with any failure by the owners to provide further information required by the relevant planning authority for the purposes of making the plan.*

**Note.**

*Section 4.23 provides that a concept development application may be made for development requiring consent under Part 4 as an alternative to a development control plan required by an environmental planning instrument.*

**9 Yarrawa Rd, Denman**

. As:

- Most of the matters identified in clause 6.3 of *MLEP 2009* do not readily apply to this site,
- This site is in single ownership, and does not directly adjoin other zoned but undeveloped urban land,
- The issues identified as part of the detailed investigations to prepare the subdivision proposal are reflected in the DCP amendment, but may not be relevant to an alternative subdivision proposal, and
- The DCP amendment would mainly apply to subsequent dwellings,

it is considered more appropriate to proceed with the amendment to the DCP following Council's determination of the subdivision application. Staff are currently assessing the subdivision application for compliance with *MLEP 2009*, *DCP 2009*, *Auspec*, *Austrroads* and other Engineering guidelines. The outcomes will provide direction on whether the draft DCP amendment for 9 Yarrawa Road is suitable or will require change.

**9027 New England Highway, Muswellbrook**

As:

- Most of the matters identified in clause 6.3 of *MLEP 2009* do not readily apply to this site,
- This site is in single ownership,
- The issues identified as part of the detailed investigations to prepare the subdivision proposal can be adequately dealt with using the current provisions in *MLEP 2009*, *DCP 2009*, *Auspec*, *Austrroads* and other Engineering guidelines, and
- Subsequent dwellings will be able to be constructed on the lots created, under the provisions of the Code SEPP, which turns off any need to consider provisions in the DCP,

it is considered that an amendment to the DCP to insert site-specific provisions for this lot is unnecessary.

### OPTIONS

- 1) Council declines to prepare an amendment to *DCP 2009* to incorporate a section for the Urban Release Area identified as 9027 New England Highway, Muswellbrook, and resolves to prepare an amendment to *DCP 2009* to incorporate a section for the Urban Release Area identified 9 Yarrowa Rd, Denman, following determination of a subdivision application for the whole site.
- 2) Council declines to amend *DCP 2009* to incorporate a section for the Urban Release Area identified as 9027 New England Highway, Muswellbrook, and for the Urban Release Area identified 9 Yarrowa Rd, Denman.
- 3) Council resolves to prepare an amendment to *DCP 2009* to incorporate a section for the Urban Release Area identified as 9027 New England Highway, Muswellbrook, and for the Urban Release Area identified 9 Yarrowa Rd, Denman, following determination of a subdivision application for the whole site.

### CONCLUSION

*Muswellbrook LEP 2009, Muswellbrook DCP 2009, Auspec, Austroads* and other Engineering guidelines provide guidance on how the subdivision of the land should proceed. Despite the requirement of clause 6.3 of MLEP 2009 for a site-specific section in the DCP to manage the subdivision of these two sites , it is considered that:

it is unnecessary to prepare an amendment to *DCP 2009* to insert site-specific provisions for 9027 New England Highway, Muswellbrook.

it is considered more appropriate to proceed with the amendment to *DCP 2009*, to insert site-specific provisions for 9 Yarrowa Rd, Denman, following Council's determination of the subdivision application.

### SOCIAL IMPLICATIONS

Not Applicable

### FINANCIAL IMPLICATIONS

Not Applicable

### POLICY IMPLICATIONS

Not Applicable

### STATUTORY IMPLICATIONS

Not Applicable

### LEGAL IMPLICATIONS

The purpose of this report is to demonstrate that Council has given consideration to preparing DCP amendments, to include site-specific provisions for these two sites, before the determining subdivision applications that have been lodged, and determined not to proceed. This would satisfy the requirements of s 3.44 of the *Environmental Planning and Assessment Act, 1979*.

**OPERATIONAL PLAN IMPLICATIONS**

Not Applicable

**RISK MANAGEMENT IMPLICATIONS**

Not Applicable



Muswellbrook Shire Development Control Plan  
Section 28  
South Denman Urban Release Area

## SECTION 28 – SOUTH DENMAN URBAN RELEASE AREA

### Overview

The South Denman Urban Release Area comprises approximately 41 hectares of land which is zoned R5 – Large Lot Residential under *Muswellbrook Local Environment Plan 2009* (MLEP2009). The land within the Release Area land was rezoned in 2016 for rural residential style housing on the edge of Denman Village.

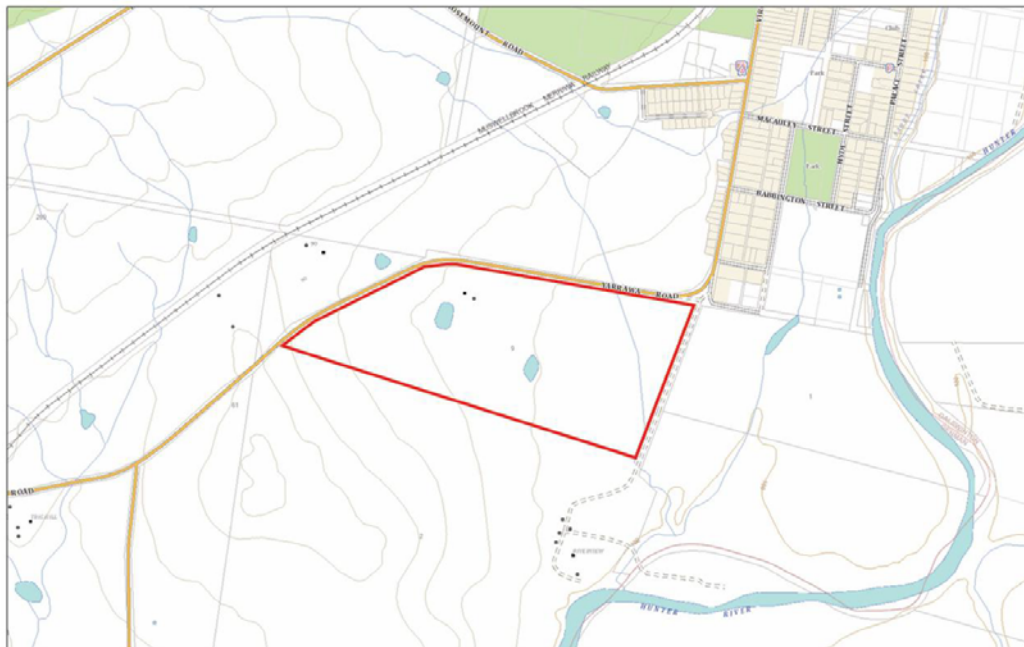
The Release Area is located to the south of the existing town of Denman, approximately 1.8 kilometres from the village centre. The Release Area adjoins the Two Rivers Vineyard and Cellar Door to the south and east. The Release Area has sweeping views of the vineyards to the south, rural river flats to the east, and of the steep rugged wooded escarpment to the north and west. This provides a very picturesque setting for the large lot residential development.

The land is mapped as containing a minimum lot size of 4000m<sup>2</sup>. However, following a preliminary investigation into the environmental constraints, viability of servicing and proximity to adjoining vineyard it has been determined that the land would be better suited to a larger lot size. An amendment to Muswellbrook Local Environmental Plan 2009 to modify the Minimum Lot Size map to reflect a minimum lot size of 18,000m<sup>2</sup> will be undertaken in the future as part of a Council initiated housekeeping amendment.

The Release Area has capacity for 20 lots ranging from a minimum lot size of 18554m<sup>2</sup> to a maximum lot size of 21305m<sup>2</sup>. The future subdivision will be developed in two stages. The Release Area is in single ownership and its relatively limited yield means it can be developed in a coordinated and staged manner to meet the demand for rural residential housing in the Denman area.

The South Denman Urban Release Area is shown **Figure 1**.

**Figure 1: South Denman Urban Release Area**



Muswellbrook Shire Development Control Plan  
Section 28  
South Denman Urban Release Area

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## INTRODUCTION

### Application

This Section applies to all land within the South Denman Urban Release Area, as shown outlined with a thick blue line on the map in **Figure 1**.

### Relationship to other Plans and chapters of the Development Control Plan

This Section supplements the provisions of the Muswellbrook Local Environmental Plan 2009, and the other chapters of the Muswellbrook Development Control Plan. Of particular relevance are the provisions of Chapter 5 Subdivision and Chapter 6 - Residential Development of the Muswellbrook Development Control Plan.

**For many developments, this Chapter will provide an overview and/or supplementary controls, with most of the controls applying to the development being contained in other chapters of the Muswellbrook Development Control Plan.**

Where there is an inconsistency between provisions of this Chapter and those of other Chapters of the Muswellbrook Development Control Plan, this Chapter prevails.

A range of other Council plans, policies and strategies also apply to the Release Area, as may a range of State Government plans, policies and strategies.

Council officers should be consulted if there is doubt as to the applicability of a specific policy, plan, strategy or provision to the Release Area.

Development proponents are advised to seek professional advice regarding the requirements that may apply to their proposal.

### Purpose

The purpose of this Chapter is to provide detailed controls to guide development in the South Denman Urban Release Area

### Aim

The aim of this Chapter is to:

- a) Ensure that new development maintains a rural residential character compatible with the adjoining Two Rivers vineyard.
- b) Provide a built form consistent with that of a rural residential area.
- c) Ensure that the scenic quality and local character of the area is maintained.
- d) Ensure the new development is adequately serviced.
- e) Ensure the release area develops in a coherent well co-ordinated manner.
- f) Ensure that development of the land is efficient and cost effective.
- g) Locate dwellings where the impact of the adjoining vineyard operations is minimised
- h) Located dwellings to ensure cultural heritage is protected and avoid impact on identified Aboriginal artefacts



Muswellbrook Shire Development Control Plan  
Section 28  
South Denman Urban Release Area

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## 28.1 STAGING PLAN

The Staging Plan at **Figure 2** shows the preferred staging for development of this site.

Figure 2: Staging Plan



**Muswellbrook Shire Development Control Plan**  
**Section 28**  
**South Denman Urban Release Area**

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Objectives:

- a) To ensure that development of the land is efficient and cost effective.
- b) To facilitate the logical expansion of urban infrastructure.
- c) To ensure residents have access to urban infrastructure and services
- d) To provide a mechanism for flexibility in the staging of development where this is justified and the timing impacts are mitigated.

Controls:

- i. Consent will not be granted for development which is not generally consistent with the Staging Plan at **Figure 2**.
- ii. Development of land inconsistent with the Staging Plan can occur if the proposed sequence is justified by a supporting study, to the satisfaction of the consent authority. The supporting study must be lodged prior to or with the relevant development application.
- iii. At a minimum, the issues to be addressed in a supporting study to vary the staging sequence include:
  - Impacts on the availability of urban services and infrastructure
  - Impacts on the development of other land/development stages
  - Servicing strategy.
  - Cost impacts on other parties, including servicing authorities.
- iv. Any offsite easements and infrastructure required to enable runoff from any Stage of the Urban Release Area to be conveyed to waterways in a managed fashion are to be registered and the infrastructure connected prior to the release of Linen Plan for that Stage.

**28.2 SERVICING STRATEGY**Objectives:

- a) To ensure services are available in a cost effective manner.
- b) To ensure the rural residential lots are connected to utilities and reticulated water supply.

Controls:

- i. All lots created for the purpose of release are to be supplied with connection to telecommunication services and mains electricity supply in accordance with the requirements of applicable servicing authorities and Council.
- ii. All lots created are to be connected to reticulated water supply

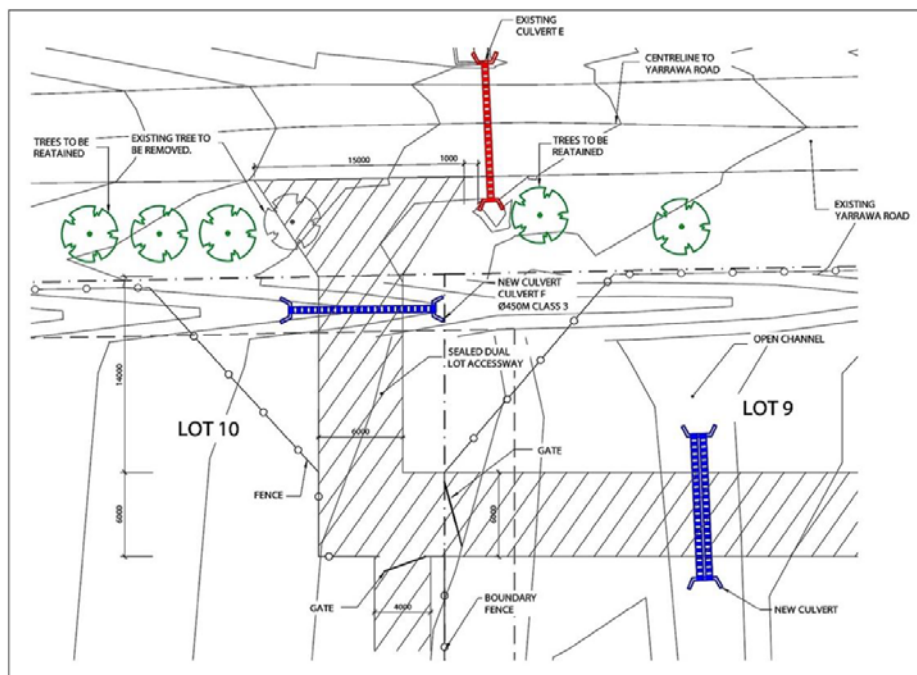
**28.3 TRANSPORT**Objectives:

- a) To ensure that the road design reflects the function of the road and the needs of the road user.
- b) To achieve a simple and safe shared movement system for private vehicles, public transport, pedestrians and cyclists
- c) To ensure a high quality, functional, safe, legible and visually attractive public domain.

**Muswellbrook Shire Development Control Plan**  
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Controls:

- i. The road layout for the estate is to be designed generally in accordance with the Staging Plan included in **Figure 2**. A modified arrangement can be considered if it is supported by a servicing strategy which is approved by Council.
- ii. The layout of the street should endeavour to integrate with the natural topography and features of the land. Disturbance of vegetation is to be minimised wherever possible.
- iii. Direct vehicle access to Yarrowa Road is permitted for the existing dwelling (no change) and one additional access point which shall be designed as a shared entrance point servicing a maximum of two lots as detailed in **Figure 3**.

**Figure 3: Typical Common Rural Access off Yarrowa Road****28.4 LANDSCAPING**Objectives:

- a) Existing native vegetation is retained and enhanced where possible
- b) The scenic quality and local character of the area is maintained.
- c) Plant species selection is to be compatible to the soil characteristic on site

Controls:

- i. Consent shall not be granted for the subdivision of land unless a landscape plan has been lodged to the satisfaction of the consent authority.
- ii. Where appropriate zinc tolerant plant species are to be included in the landscape plan.



**Muswellbrook Shire Development Control Plan**  
**Section 28**  
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## 28.5 STORMWATER MANAGEMENT

### Objectives:

- a) To provide an effective stormwater management system that is sustainable and requires minimal maintenance.
- b) To promote implementation of the principles of water sensitive design.
- c) To ensure suitable measures are implemented to protect stormwater infrastructure

### Controls:

- i. Consent will not be granted for the subdivision of land unless a Water Management (stormwater) Strategy has been lodged to the satisfaction of the consent authority.
- ii. The quality and quantity of runoff of each stage of development is to be equivalent to the pre development state.
- iii. Development is to comply with the provisions of Section 25 (Stormwater Management) of the Muswellbrook Development Control Plan.
- iv. Easements may need to be created in circumstances where water management infrastructure, such as detention basins, are located on land not included in that development. Easements are to be negotiated between adjoining landowners as required prior to the approval of the construction certificate of the development.

## 28.6 ON SITE SEWER MANAGEMENT FOR NEW DWELLINGS

### Objectives:

- a) To ensure future dwellings are adequately serviced on site sewer management system accredited by NSW Health
- b) To ensure sufficient consideration is given to the cumulative impact of future on site sewer management systems within the South Denman Urban Release Area.
- c) To ensure sufficient consideration is given to the future installation and ongoing maintenance obligations associated with the operation of on site sewer management system within the Release Area.
- d) To ensure lots are of a suitable size to accommodate a safe and compliant on site sewer management system.

### Controls:

- i. Any new on site sewer management system installed on site is to comply with the following requirements:
  - The system shall be a NSW Health accredited Aerated Wastewater Treatment Systems (AWTS) with a disinfection unit;
  - Effluent disposal shall be via surface irrigation only
  - The minimum area for on site disposal is 435m<sup>2</sup> with an additional 435m<sup>2</sup> to be allowed for future use. Total area 870m<sup>2</sup>
  - All disposal areas to be treated with Gypsum at a rate of 435kg per 435m<sup>2</sup>, that is 1kg per m<sup>2</sup>.
  - Gypsum will need to be re-applied on a four (4) year rotation basis to ensure optimum performance.
  - Disposal area should run parallel to contours
  - The following minimum offsets apply:
    - To Dwelling: 15 metres.
    - To Boundary 6 metres
    - To swimming pool: 6 metres
    - To open drainage swales/channels: 40metres.
  - A service contract that inspects both the irrigation system and AWTS is required.

Muswellbrook Shire Development Control Plan  
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- ii Any lot containing an on site sewer management system shall have a minimum lot size of 18,000m<sup>2</sup>.

## 28.7 SIGNIFICANT DEVELOPMENT SITES

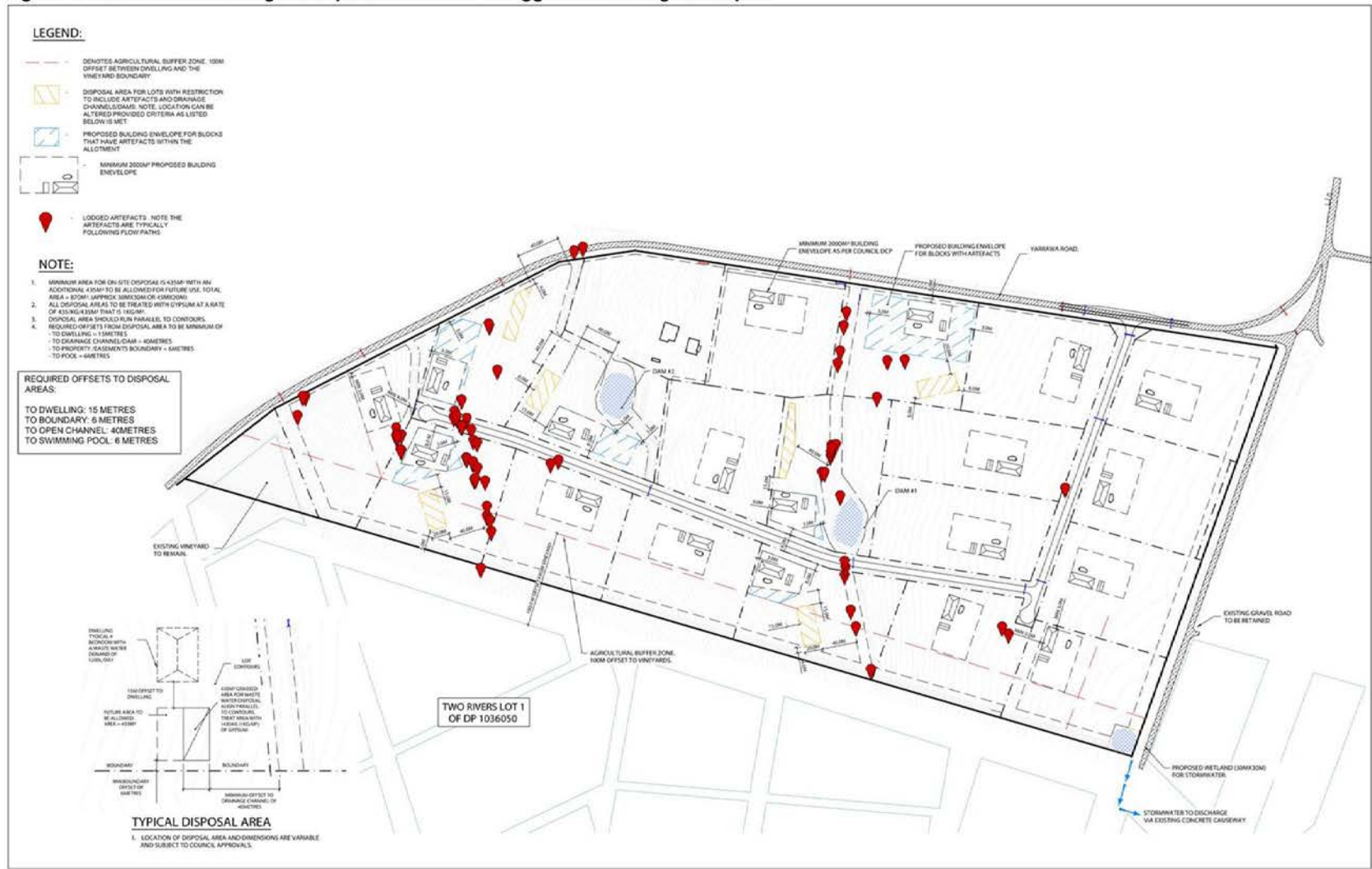
### Objectives:

- a) To identify significant development sites which require special consideration and controls

### Controls:

- i. When designing development proposals and assessing applications to develop the estate, special consideration is to be given to the impacts that development will have on Aboriginal heritage items/places which may exist across the site.
- ii. **Figure 4** shows the location of significant development sites where studies have identified Aboriginal items of cultural heritage which will be retained and protected. Dwelling envelopes have been identified on these lots and all buildings and OSSM irrigation areas are to be contained within the nominated envelope unless otherwise approved by Council. Areas on the affected lots outside the nominated envelope shall be retained in their current state.

Figure 4: On-site waste management plan easements & suggested building envelopes



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## 28.8 VINEYARD BUFFER

Objectives:

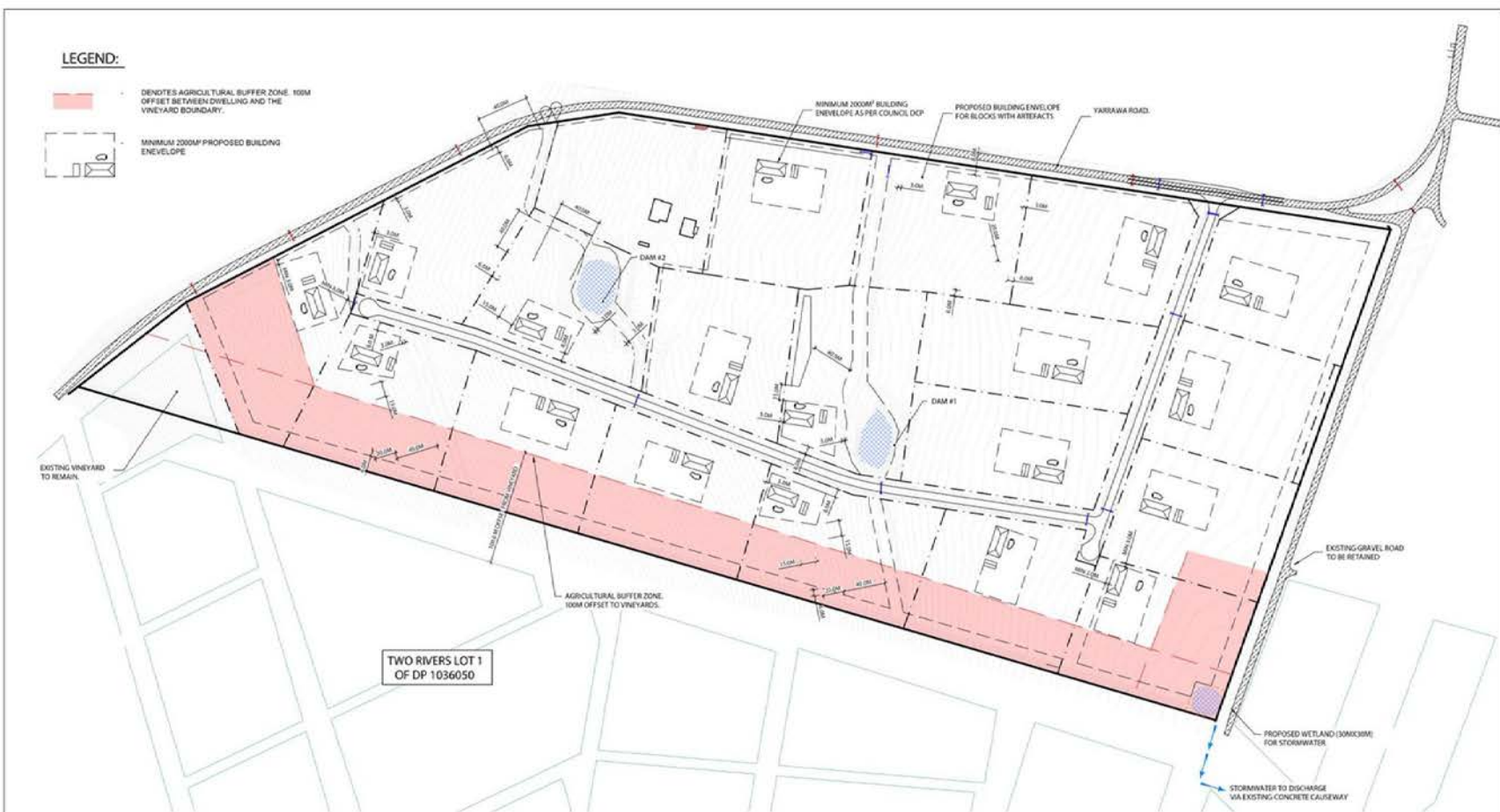
- a) To mitigate the potential impacts of viticulture on residential accommodation,
- b) to protect the viability of viticulture by implementing measures to reduce potential land use conflicts,

Controls:

- i. Development consent should not be granted to erect a building for the purpose of residential accommodation less than 100m from commercial vines as shown on **Figure 5 - Vineyard Buffer**.



Figure 5: Vineyard buffer plan



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## 28.9 ANCILLARY STRUCTURES

Objectives:

- a) To ensure ancillary structures do not result in adverse visual impacts within South Denman Urban Release Area.

Controls:

- i. Ancillary residential structures (garaging detached from the dwelling, shed) of a scale suitable with the lot size are permitted provided they are designed and positioned to minimise visual impact to the street and adjoining neighbours.
- ii. Ancillary structures shall not exceed a maximum Gross Floor Area (GFA) of 200m<sup>2</sup> and a height of 5.5 metres. This maximum GFA and height may only be permitted where the consent authority is satisfied that appropriate landscape screen planting is provided to minimise visual impacts to the street and adjoining neighbours.

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

<b>Attachments:</b>	<b>A. DA 2019/89 - Section 4.15 Assessment Report</b> <b>B. DA 2019/89 - Recommended Conditions of Consent</b> <b>C. DA 2019/89 - Proposed Plans</b> <b>D. Denman Tourist and Rec Park Style Guide</b>
<b>Responsible Officer:</b>	<b>Sharon Pope - Assistant Director - Environment &amp; Community Services</b>
<b>Author:</b>	<b>Hamish McTaggart - Co-Ordinator - Development</b>
<b>Community Plan Issue:</b>	<b><i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i></b>

#### **PURPOSE**

This report has been prepared to inform the Committee in determining Development Application (DA) 2019/89. This Development Application has been assessed by Council Officers. A copy the Section 4.15 Assessment Report and recommended conditions of consent are attached for Council's information.

Delegations issued to the General Manager include a limitation on the General Manager's determining matters under the Environmental Planning and Assessment Act 1979 which *are for or in any way related to works alongside or adjoining a waterway in the urban areas of Muswellbrook, Denman and Sandy Hollow.*

The land subject to this development application includes a number of waterways and is zoned RE1 Public Recreation. As the land contains a waterway and is considered to be within the Denman urban area the determination of this development application is considered to be outside the function delegated to Council Officers.

The determination of development application's related to land which includes a waterway in the Denman urban area is within the function delegated to the Development Assessment Committee.

#### **OFFICER'S RECOMMENDATION**

**The Development Assessment Committee grant consent to DA 2019/89, involving the construction of a storage shed for the Denman Golf Club, at the Denman Recreation Reserve, Turner Street Denman (Part Lot 231 DP 729996), subject to the recommended conditions of consent contained in Attachment B.**

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

#### **DESCRIPTION OF THE PROPOSED DEVELOPMENT**

The proposed development involves the construction of a storage shed at the Denman Recreational Reserve to be used by the Denman Golf Club for the storage of machinery and equipment related to the upkeep, maintenance and operation of the Denman Golf Course.

- an internal access road,
- an existing shed used by the Denman Golf Club,
- the Denman Golf Club clubhouse, and
- the northern portion of the golf course.

The proposed shed would be located approximately 190m from the nearest public road (Turner Street) and a greater distance from any adjoining residential building.

The diagram is a detailed architectural floor plan of a five-bay bridge deck. The deck is rectangular, with a total width of 15.7m and a total length of 4.02m (max). The deck is divided into five bays, numbered 1 to 5 from left to right. The bay widths are 3.2m, 3m, 3.5m, 3.5m, and 2.5m respectively. The plan shows the location of the bridge piers (dark rectangles) and the approach roads (light yellow areas). The approach roads are labeled 'Left End' and 'Right End'. The side width of the deck is 3.5m. The plan also shows the location of the bridge piers (dark rectangles) and the approach roads (light yellow areas).

## ASSESSMENT SUMMARY

- The land subject to this development application is zoned RE1 Public Recreation. The proposed development is a type of development permissible with consent under *Muswellbrook Local Environmental Plan 2009 (MLEP 2009)* as it is a development ancillary to the use of the land for a recreation area.
  - 1.
- The proposed *development is in accordance with other relevant development assessment provisions of the MLEP 2009.*
  - 2.
- 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.

3.

- The proposed development was considered against the requirements of the *Muswellbrook Development Control Plan 2009 (DCP)* and is in accordance with the requirements of the *DCP*.

4.

- The proposed development will not directly impact on a waterway.

5.

- In considering the likely environmental impacts of the proposed development Council Officers have given some consideration to the visual impacts of the proposed development and reviewed the proposed development against the *Denman Tourist and Recreational Park – Style Guide (27 September 2018)* provided as Attachment D. The design of the proposed development is not compatible with the Style Guide as it is not to be constructed of brick or weatherboard or with a steeply pitched roof. The building is proposed to be a pale colour, which meets the Style Guide, but in this instance a more recessive colour that matches the native vegetation in the area, such as Woodland Gray, would be more appropriate. The function of the proposed development, as a utility building not intended for access by the public, and the restricted visibility from public roads has also been considered. Council's Property and Building Team, as the manager of the Denman Recreation Reserve, have raised no issue with the location and design of the proposed development.

6.

## COMMUNITY CONSULTATION

The proposed development was advertised in accordance with the provisions of the Muswellbrook DCP between the 9 October 2019 and the 24 October 2019. No submissions were received.

## OPTIONS

Council Officers have completed an assessment of the proposed development against the relevant provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. This assessment concludes that the proposed development would be in accordance with the relevant provisions of Section 4.15 and recommends the approval of the development application subject to the conditions contained in Attachment B.

The Development Assessment Committee may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development subject to amended conditions of consent, 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 2019/89 is being reported to the Development Assessment Committee for determination as it is outside the function delegated to the General Manager.

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 2019/89 subject to conditions of consent outlined in Attachment B.

## DEVELOPMENT ASSESSMENT REPORT

<b>ADDRESS:</b>	PRT Lot: 231 DP: 729996 REF: FIELD Turner Street DENMAN			
<b>APPLICATION No:</b>	89/2019			
<b>PROPOSAL:</b>	Storage and Machinery Shed			
<b>PLANS REF:</b>	Drawings no.	Drawn by	Date	Received
	Site Plan	Applicant	Not dated	27 September 2019
	Elevations	Unknown	Not dated	27 September 2019
<b>OWNER:</b>	Muswellbrook Shire Council			
<b>APPLICANT:</b>	Denman Golf Club Po Box 103 DENMAN NSW 2328			
<b>AUTHOR:</b>	Mr T Bhuiya			
<b>REVIEWED BY:</b>	Mr H McTaggart			
<b>DATE LODGED:</b>	26/09/2019			
<b>AMENDED:</b>	NA			
<b>ADD. INFO REC'D:</b>	NA			
<b>DATE OF REPORT:</b>	16 January 2020			

## SUMMARY

**SUBMISSIONS:** Nil

**RECOMMENDATION:** Approval subject to conditions



## 1.0 SITE AND LOCALITY DESCRIPTION

The proposed development is relates to Part Lot 231 231 DP 729996. The street address is 1 Turner Street, Denman. The location is also known as the Denman Recreational Area.

The land is zoned RE1 Public Recreation and comprises an area of approximately 50ha. The land comprises a number of sporting fields and public buildings that service the local community. These sporting fields include the Denman Golf Club, which the proposed development directly relates to. The development application seeks consent for the installation of a new shed to support the operation of the golf club.

A search of Council records identified 9 development applications lodged in relation to the land for a range of site improvements since 2000. None of these development applications were considered to have any significant implications for the development proposed under this development application.

The portion of the land holding that relates to this proposed development is located, is southwest of the Denman Swimming pool, indoor sports centre and child care centre and west of the Denman tennis courts. The site is considerably setback from adjoining property boundaries and at its closest is approximately 190m from Turner Street.

An aerial image of the property has been included below



## 2.0 DESCRIPTION OF PROPOSAL

The proposed development involves the construction of a shed for the storage of machinery and equipment related to the golf course.

The proposed shed would have a length of 15.5m, width of 6m and a mono-pitched roof with a maximum height of 4.02m.

## 3.0 Internal Referrals

### Community Infrastructure – Recreation and Property

The proposed development was referred to Recreation and Property Office on 14 November



2019 for review and comment.

On 15 November 2019 Council's Assessing Officer received an email raising no objection with the construction of the proposed shed at the site.

#### **4.0 External Referrals**

The proposed development was not referred to any external Government Agencies as this was not required.

#### **5.0 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 RE1 Public Recreation pursuant to *MLEP 2009*. The proposed development relates to the use of the site as a 'recreation area' as it would support the operation and maintenance of the Denman Golf Course.

Under the land use zoning table for the RE1 Public Recreation development for the purpose of recreation areas is permissible with consent. As the proposed development is ancillary to this use of the land it is considered to be permissible with consent.

##### **Objectives of the RE1 Public Recreation Zone**

Clause 2.3(2) of the *MLEP 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 RE1 Public Recreation are as follows:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To encourage the development of public open spaces in a way that addresses the community's diverse recreation needs.
- To identify land that is suitable for future public recreation use and that can be brought into public ownership as a consequence of development contributions.
- To provide linked open space for ecosystem continuity, local community recreation, off-road transport and waterway protection.
- To provide space for integrated stormwater treatment devices for flow and water quality management, whilst enhancing urban and rural amenity.

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 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	The proposed development is a permissible development under the RE1 land use table as expressed above and in accordance with the relevant to the land use zone objectives. <b>Complies</b>
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.3 Height of buildings</i>	MLEP 2009 specifies a maximum building height of 12m in relation to the land. The maximum height of the proposed developments is approximately 4.02m. <b>Complies</b>
<i>4.4 Floor space ratio</i>	The floor space ratio map does not identify a maximum floor space ratio for the land subject to this application. <b>Not relevant</b>
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	The land subject to this development application is not identified as biodiversity by the <i>MLEP 2009</i> terrestrial biodiversity map. Accordingly, the provisions of this clause do not require further consideration in relation to this development application. <b>Not relevant</b>
<i>7.6 Earthworks</i>	<p>This development application would involve the carrying out of earthworks associated with the establishment of foundations for the proposed storage shed.</p> <p>Council Officers are satisfied that the proposed earthworks would have a negligible environmental impact where carried out in accordance with recommended construction, sediment and erosion control conditions. <b>Complies</b></p>

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

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

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

Council Officers have carried out a desktop assessment and inspection of the site to determine the likelihood of the land being subject to any contamination requiring remediation. This investigation did not identify any records which suggest the land may be contaminated and there were no visual signs of contamination observed. Under the proposed development the use of the land would not significantly alter and that the land would continue to be used for the purpose of supporting an established recreation area.

Accordingly, Council Officers are satisfied that the subject site is unlikely to be affected by contamination requiring remediation in accordance with the SEPP. The proposed development may therefore proceed without the need of further consideration of the provisions of this SEPP. **Complies**

**3. State Environmental Planning Policy No. 44 Koala Habitat**

Council Officers have inspected the site and have not identified any vegetation which would identify the development as a potential or core koala habitat within the meaning of the SEPP. As the proposed development is unlikely to comprise a potential koala habitat Council Officers are satisfied that the proposed development can be supported without further consideration of the SEPP or the preparation of a detailed flora and fauna assessment in relation to the site and SEPP requirements.

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

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

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 9 October 2019 to 24 October 2019.

No submissions were received during the notification period.

Section 24 – Waste Management

A waste minimisation management plan has not been prepared in relation to the proposed development. It is recommended that a Waste Management Minimisation Plan be required through the imposition of a condition for the minimisation and management of waste associated with the development.

Section 7.11 (Previous Section 94) Contributions Plan 2001

Not Applicable

Section 7.12 (Previous Section 94A) Contributions Plan 2009

Estimated cost of the development is \$37,250.00. A Section 7.12 contribution would not be applicable given the value of the proposed development would be less than \$100,000.

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

The likely environmental impacts of the proposed development have been considered throughout the assessment of the proposed development. The proposed development is considered to be in accordance with the relevant requirements of the *MLEP 2009* and DCP. Accordingly, it is anticipated that the proposal is unlikely to result in any substantive environmental impacts. A potential environmental impact is the visual impacts of the proposed development. This issue has been considered in greater detail due to the relationship of the proposed development with the *Denman Tourist and Rec Park Style Guide*. This issue has been considered and commented on under the sub-heading below.

Visual Impact

The building design, roof form, and materials of the proposed storage shed do not comply with the Denman Tourist and Recreational Park Style Guide.

Council Officers have weighted the consideration given to this issue against the location and intended function of the proposed development and determined that in view of these considerations, and the development assessment criteria of the Environmental Planning and Assessment Act 1979, the extent of the visual impact of the proposed development may not be sufficient to substantiate a decision to refuse the proposed development.

In relation to this matter it is observed that the proposed storage shed will not be community building or structure accessible to the general public. The proposed building will be a storage/utility building for the storage of equipment and machinery associated with the Denman Golf Club. The design of this building has been informed by its intended function and purpose.

The visual impact of the development is further off-set by the location of the structure within the recreation reserve. The proposed development would be located at a portion of the site that is significantly setback from neighbouring properties and public roads and is in the immediate vicinity of other structures associated with the recreational uses on the Reserve. These structures were built prior to the Style Guide. Steel frame colorbond clad sheds have been constructed in other areas of the Denman Recreation Reserve to provide storage for the cricket ground, rugby league field and pony club. The proposed development has also been referred to, and considered by, Council's Property and Building Team as the Manager of the Denman Recreational Reserve. Comments received in response to this referral raised no issue with the proposed development.

The building is proposed to be a pale cream colour, which meets the Style Guide, but in this instance a more recessive colour that matches the native vegetation in the area, such as Woodland Gray, would be more appropriate.

**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.

There are a number of intermittent waterways on the site. The proposed shed will not have a direct impact on any of these waterways.

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

No submission was received during the notification period:

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

The proposed development would be in accordance with the *MLEP 2009*, Muswellbrook

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

## **5      CONCLUSION**

The application has been assessed in accordance with the legislation listed at the beginning of the report. The 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:



Taraqual Bhuiya  
Graduate Building Surveyor

Date: 27 November 2019

Reviewed by



Hamish McTaggart  
Development Coordinator

16 January 2019

DA 2019/89 Recommended Conditions of Consent:

**IDENTIFICATION OF APPROVED PLANS****(1) Development in Accordance with Plans**

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
Site Plan	-	Applicant	Not Dated	27 September 2019
Aerial Plan	-	Applicant	Not Dated	27 September 2019
Elevation and Floor Plan	-	GVG	Not Dated	27 September 2019

**OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION****(2) Building Code of Australia**

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

**ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE****(3) Construction Certificate Requirement**

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

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

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT****(4) Sediment and Erosion Control**

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

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

**(5) Site Sign**

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

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

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

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

**(6) Materials**

In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the shed shall be constructed from non-reflective metal cladding, with a recessive colour that matches the native vegetation in the area, such as Woodland Gray. Zinalume or reflective white sheet metal cladding is not be used without the prior written approval from Council.

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

**(7) Construction Hours**

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



Monday to Friday (inclusive) between 8.00am and 5.00pm.

- (d) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

**(8) Prohibition on Use of Pavements**

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

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

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

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

**(10) Site Waste Minimisation**

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

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

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

**(11) Occupation**

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

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

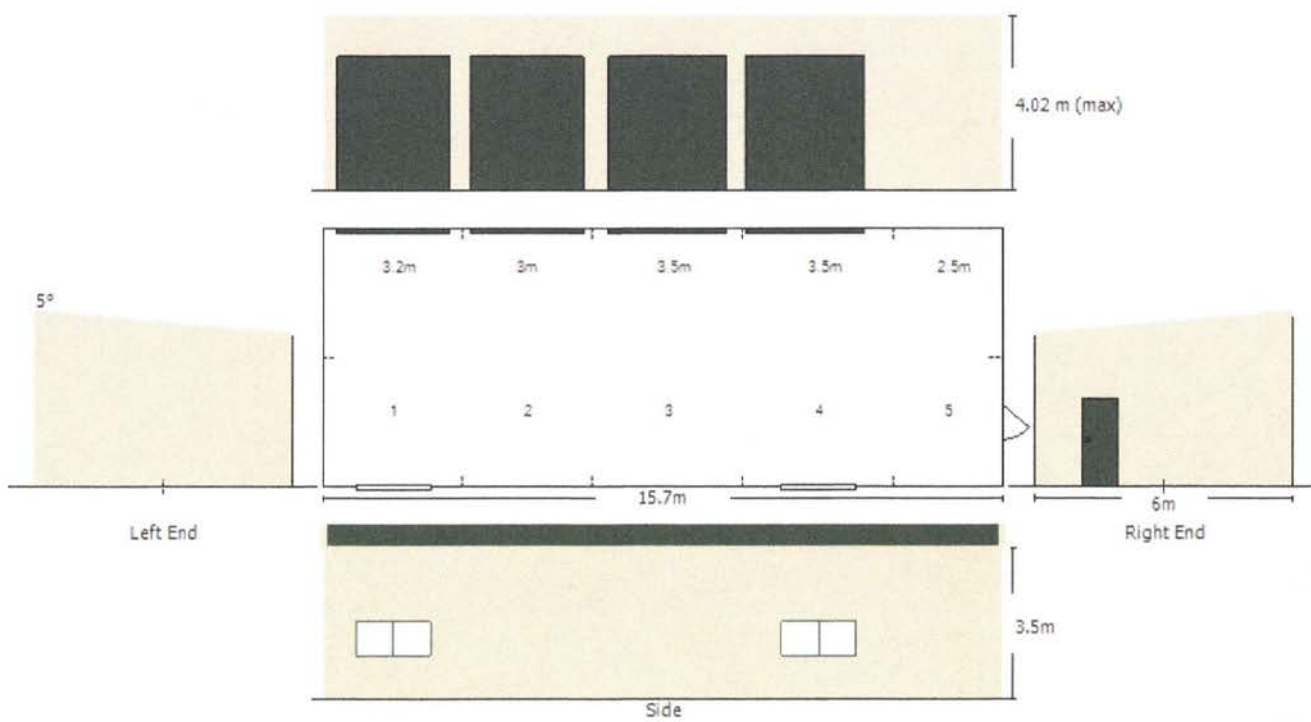
Unless otherwise directed by Council, stormwater from the development, including all hardstand areas and overflows from rainwater tanks, is to be collected and disposed of via the following:

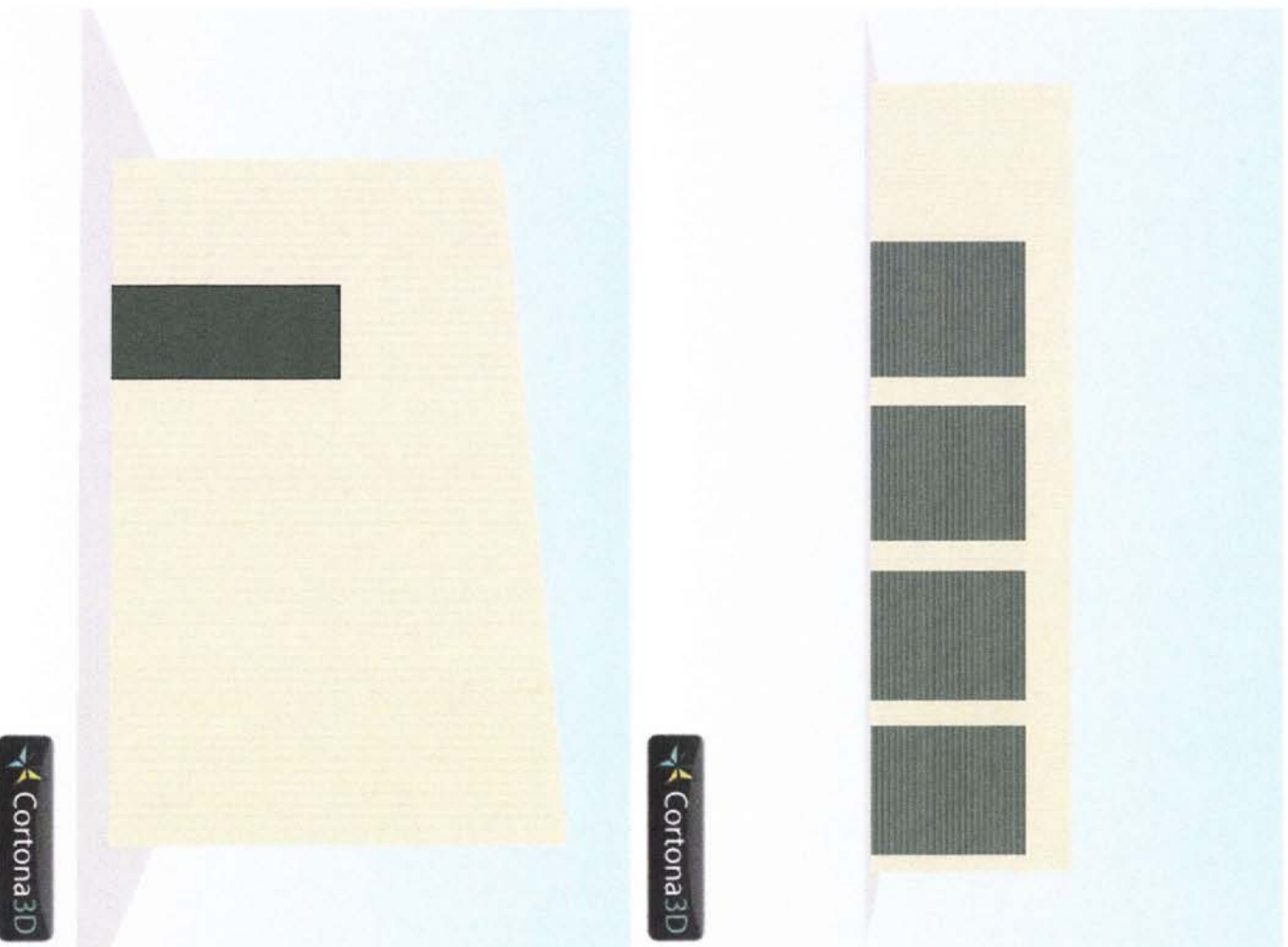
- a) Stormwater is to be collected by a water tank and managed through the re-application on-site. An overflow outlet is to be fitted to the water tank with a discharge point 6m clear of the proposed and adjoining buildings. Where the discharge point directs stormwater toward an existing water body a suitable gravel mattress is to be provided to control any erosion.

near Denman — New South Wales

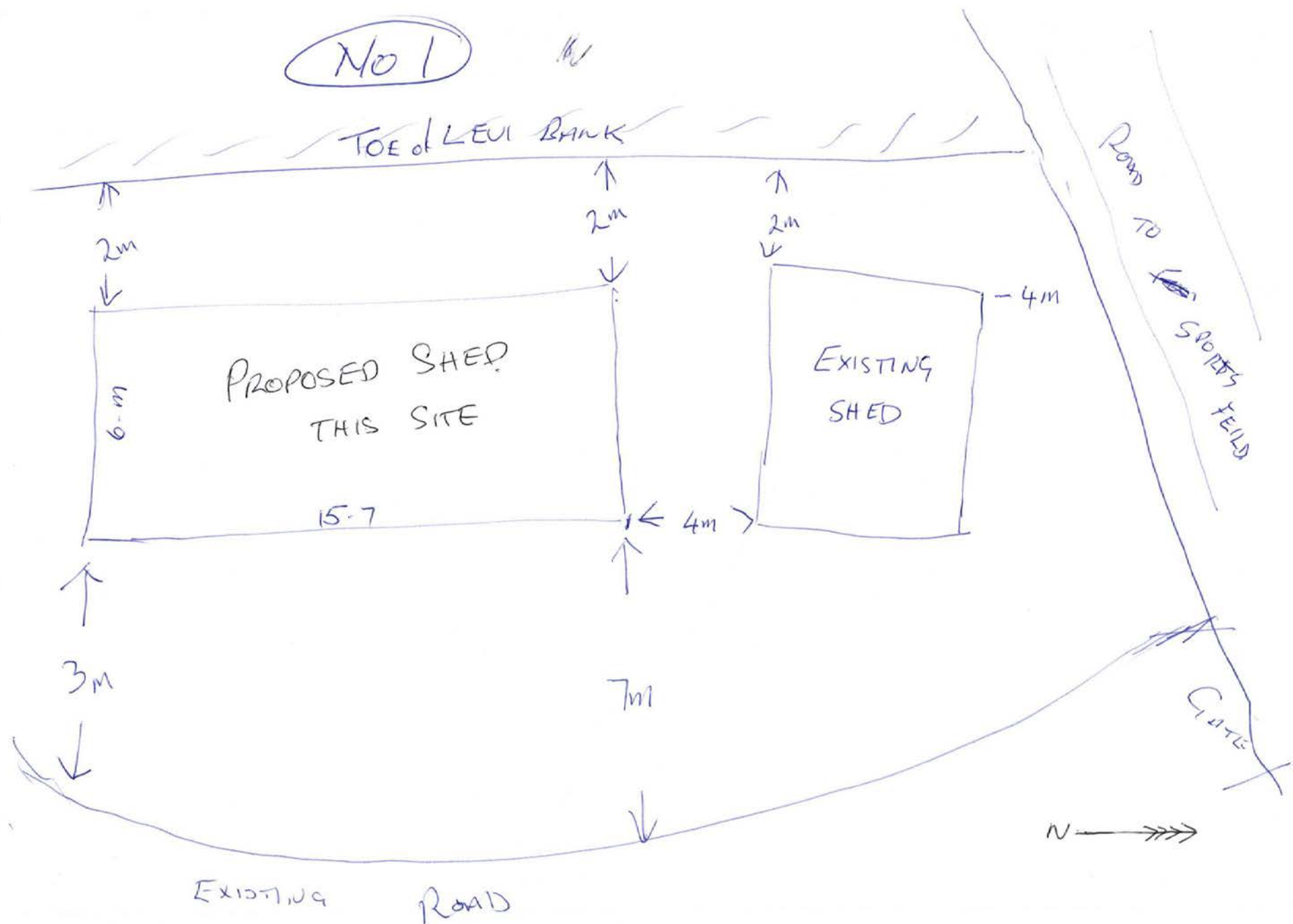


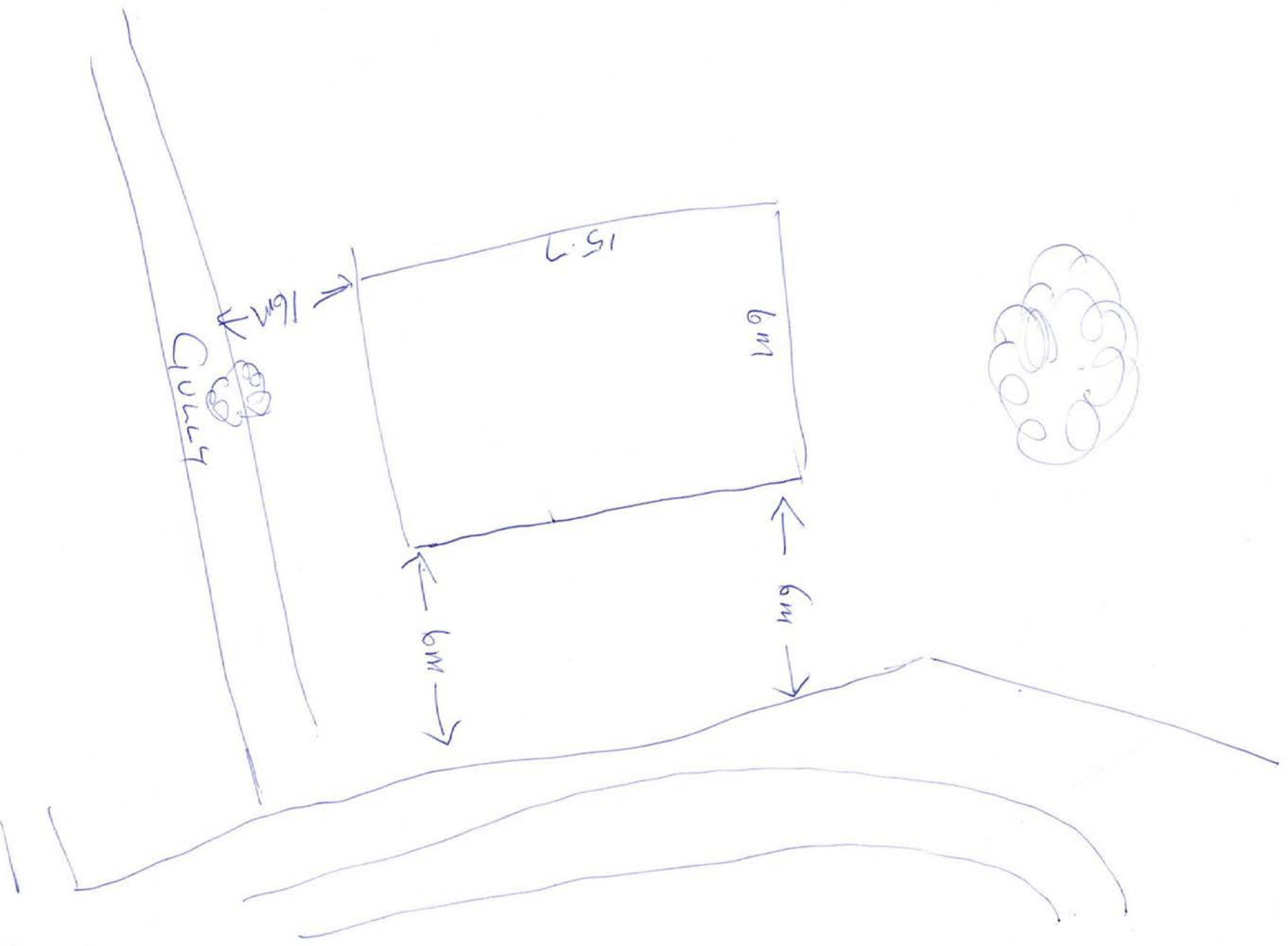
1 of 1















## Denman Tourist & Recreation Park - Style Guide

27th SEPTEMBER 2018



Moir Landscape Architecture Pty Ltd, Studio 1, 88 Fern Street, PO Box 111, Islington NSW 2296 admin@moirla.com.au  
Ph.(02) 4965 3500 Fax.(02) 4965 3555 www.moirla.com.au ACN: 097 558 908 ABN: 48 097 558 908



# Denman Tourist & Recreation Park - Style Guide



## Introduction

Moir Landscape Architecture were engaged in by Muswellbrook Shire Council to prepare a Style Guide which provides direction to future development within the Denman Tourist and Recreation Park area.

The following guide was undertaken as part of the Denman Tourist and Recreation Park Masterplan, and attempts to guide future built form and design to help:

- Tie into the existing character of Denman's broader landscape.
- Visually connect the Denman Tourist and Recreation Park to the main street of Denman through its architecture, form and colour.
- Recognise and exhibit the heritage of Denman and the broader context of the Upper Hunter Valley.

The Style Guide will provide direction through a:

- Comprehensive review of Muswellbrook Shire Councils existing Denman Tourist and Recreation Park Masterplan, Heritage Reports, as well as best practice guidelines,
- Analysis of Denman's township and characteristics,
- Review of precedents and examples, and the;
- Provision of a checklist to follow throughout the building design process.



# Denman Analysis

1.0



**Denman Pubs - The Royal Hotel (Left), The Grapevine Motel (Right)**  
Located at Ogilvie's eastern end, these large buildings serve as major landmarks for Denman, defining the eastern end of Ogilvie Street



**Ogilvie Street Built Forms - Edward Higgins Parkinson Real Estate (Left), Triple J's Generals (Middle), Denman Newsagency (Right)**  
Denman features a majority of weatherboard buildings, with simple forms and awnings with minimal ornamental flourishes.



**Denman Rooflines -Denman Newsagency & Cafe (Left), Denman Petrol Station (Middle), Denman Dapios (Right)**  
Denman's main street has a consistent use of stepped and angled parapets which give the town a unique visual character. These elements are generally of timber construction in keeping with the commonly used weatherboard materials.

Set amongst golden rolling hills and next to the meandering Hunter River, Denman is a gateway to the Wollemi and Goulburn River National Parks, and is centrally located within the upper Hunter Wine region.

Denman has a rich and diverse past. The traditional owners of the land, the Wanaruah and the Kamilaroi peoples covered the Muswellbrook Shire area. Since European settlement, the area has been associated with equines, viniculture and postoral farming.

Denman serves as a tourism destination due to its central location within the Hunter Valley and as a gateway to regional NSW. Denman has a potential for a variety of tourism groups, including families, schools/youth groups and Grey Nomads.

## Overview of Denman Architecture

Denman is highly regarded for its interesting character, visually interesting streetscapes and rich mix of building typologies. Denman town has a historic rural character, which is evident throughout the variety of prominent buildings and beautiful facades along the main streets.

The township of Denman features a variety of Architectural styles, most commonly Simple Federation residential homes. These residences are typically single and two-storey freestanding buildings, with modest set backs from the street to allow for front yard gardening. The distinctive characteristics of these buildings is the cantilevered balconies and verandahs common to Federation houses, the use of timber weatherboard and simple ornate details.

Denman's main street, Ogilvie Street features two large hotels/pubs. These large weatherboard structures feature gable roof lines, with simplistic ornamental finishes around the dormers, chimneys and awnings. Ballustrade elements are simplistic timber/cast iron elements, with only minor detailing.

Shop fronts on Ogilvie Street feature parapets using a variety of hip and gable forms to create a unique recurring built form along the street. All built forms feature light and vibrant colours, ranging from whites, creams, light blues and some red. Buildings are generally timber constructions, however larger buildings feature clay brickwork, which is often left natural or painted in similarly light colours.

The unique historical styles of architecture common in Denman serves as a major visual characteristic which should be emulated in future developments within the Denman Tourist and Recreation Park.



# Built Form Guidelines

1.0

## Key Design Features

The town character of Denman is heavily influenced by its architectural form. The existing architecture, as previously described, should inform the future developments within the Denman Tourist and Recreation Park.

Building considerations should include:

- Materials commonly found within Denman, such as clay brick or timber used for weatherboard structures.
- Colours that are generally light (such as whites, yellows and sky blue), as to not absorb light and heat and to follow the palette of Denman.
- Built form with a clear roofline, which may be achieved through symmetrical design or the use of stepped parapets commonly seen in Denman's retail shop fronts.
- Roofing made of corrugated steel or terracotta tiles.
- Limited detailing and fretwork that attempts to keep in tying with the simple Federation style of housing most commonly found in Denman. Intricate designs should be minor as to not detract from the building and Denman's existing character
- Signage elements which are clear and simple to ensure legibility. Larger fonts are to be located high above the eye's line of sight. Signage at eye level is to be of a suitable smaller scale. Flourishes, such as serif fonts, banners and art are to be confirmed on an individual basis.
- Awnings are promoted, as they provide shade and protection from the weather to visitors and help to break large building forms.

The following recommendations provide a holistic approach to the various aspects of built form. These suggestions of materials, shape, scale attempt to recognise and tie in with the existing architectural landscape of Denman to ensure there is a congruent character across the township.

The images and descriptions provide a provisional list of promoted ways to approach built form within the Denman Tourist and Recreation Park. These images attempt to show examples of built form which suit the architectural styles found within Denman.

These images and descriptions also suggest examples of elements which should be discouraged. These examples show poor design outcomes which either do not suit the character of Denman, detract from the sense of place, or do not align the visual themes of the town.

## Materials

Poor quality materials, such as corrugated iron or fibrous cement sheet should be limited, or broken up with material changes, doors and windows to limit their expanse. Use of timber or brick and light colour palettes commonly found within Denman's architecture (such as white or yellow) is promoted.



**Henry Lawson Centre,**  
Use of bright, light colour palettes and timbers provide an inviting appearance.



**Hill End Heritage Centre,**  
While appearing rustic, the use of large expanses of corrugated iron has a cold and monotonous appearance not common within Denman.

## Roof Form

Gable style roofing is commonly found on a variety of houses in Denman These can be both symmetrical or asymmetrical. Large structures may consider using hip roofing combined with stepped parapets. Flat or skillion roofs should not be used.



**Federation Style Home,**  
Gable style roofing visually ties in with the styles commonly found in Denman



**Modern House with Skillion Style Roof,**  
Skillion roofing does not blend with the characteristic style of federation homes commonly found in Denman.

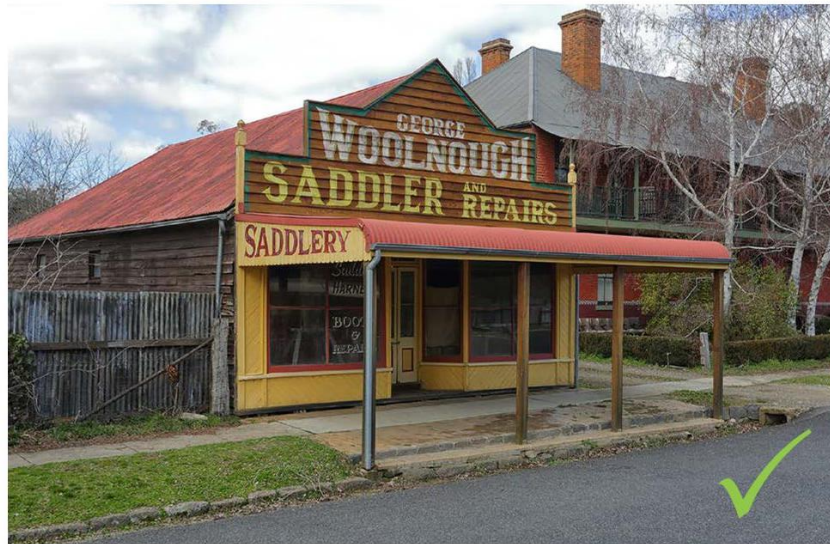


# Built Form Guidelines

1.0

## Awnings

Awning elements should be used around walkways and external storage to help rationalise larger built forms, and create refuge to visitors. Verandah elements should be open and inviting. Post spacing should be wide, with minimal obstructions such as balustrades, screens or excessive fretwork.



**George Woolnough Saddler Store, Carcoar**

Simple awning, with limited ornate flourishes suit the existing character of Denman.

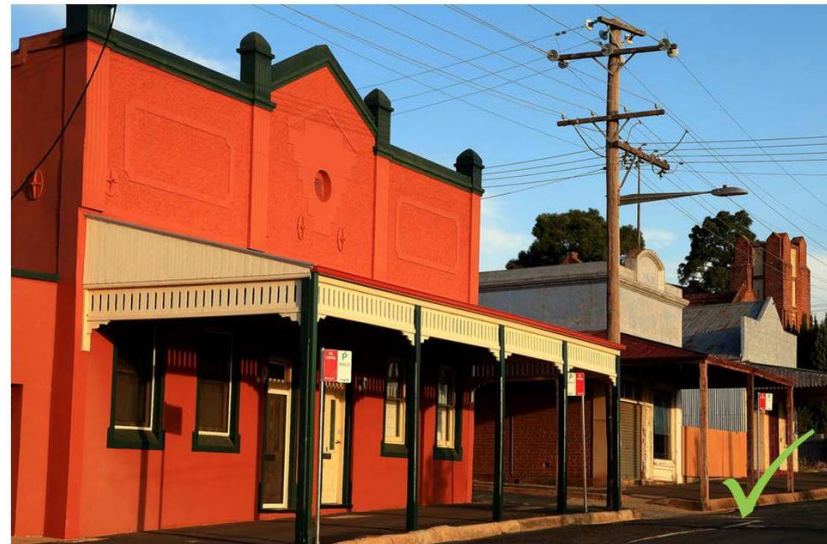


**Residential House,**

Awnings should be free of screens, fencing or balustrades where possible to ensure clear lines of visibility.

## Frontage

Frontages are to have inviting entrances and windows at ground level. Wide expanses of walls with unchanging materials are to be avoided. Garage doors are to be located away from major pedestrian access points where possible. Using stepped and angular parapets, as commonly found in Ogilvie Street, are highly recommended to create a congruent visual form.



**Building on Forbes Street, Grenfell**

The use of parapets, pilasters and angles create a unique building roofline which is common in Denman.



**Shed,**

Simplistic built forms and large extents of monotonous materials create an uninviting entrance. Large garage doors and windows out of eye sight further repel visitors.

## Decoration

Decorative elements on dormers, cornices or frieze panels should be kept minimal and simplistic to suit that of the Denman township. If valance, fretwork and filligree elements are to be used, they should be of a simplistic design which is free of intricate elements.



**Residential Weatherboard House,**

The use of decoration should be limited to simplistic timber frieze panels as to not detract from built form.



**Former Crone's Building, St Arnaud,**

Highly detailed frieze panels, balustrades and posts are too intricate for Denman's existing built form character.



# Built Form Guidelines

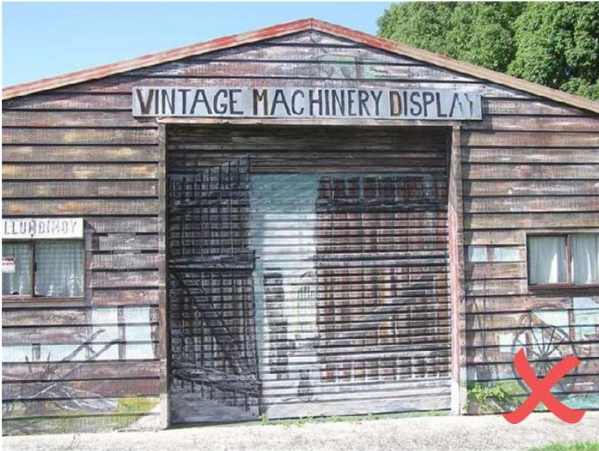
1.0

## Signage

Signage should be bold and legible at a distance. Bold painting and the use of lettering which projects from the building are acceptable. Small fonts and inverted text (such as laser cut steel panels) should be discouraged, as visibility can be difficult. The inclusion of hanging signs are suitable, but should be located with consideration of pedestrian safety.



**Northumberland Network, Cessnock,**  
Large bold, extruded signage is located on buildings upper levels. Smaller fonts are used in colours which contrast awning colours.



**Brunswick Valley Historical Museum,**  
Inverted cut steel signage requires clean materials, and sharp bold fonts in order to be legible and advertising.

## Scale and Proportion

Ensure that all elements are of a scale relative to each other. Excessive large garage doors or signage should be located in such a way as to not dominate the building's presence.



**Barmah Forest Heritage and Education Centre,**  
While being a large structure, this building provides an inviting entrance by breaking scale up with the use of a verandah, and the inclusion of large glass windows and doors.



**Booringa Heritage Museum,**  
This large shed focuses on truck and vehicle entrance rather than pedestrian. The large scale garage doors detract from the building by creating a dominant, overshadowing entrance.



# Guidelines Checklist

1.0



## Checklist

When preparing to build any structure within the Denman Tourist and Recreation Park, refer to the below checklist to ensure that the key visual characteristics have been met.

Does the building design incorporate the following:

- ☐ Materials commonly found within Denman, such as clay brick or timber used for weatherboard structures.
- ☐ Colours that are generally light or vibrant, such as whites, yellows and sky blue.
- ☐ A clearly defined roofline made of corrugated iron or tiles, using gable or stepped parapets.
- ☐ Simplistic detailing and fretwork.
- ☐ Clear and simple, legible signage elements.
- ☐ Inviting entrances which are suitable for pedestrian access.



**6.4 OUTSTANDING DEVELOPMENT APPLICATIONS**

<b>Attachments:</b>	<b>A. Outstanding Development Applications 16 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 16/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2020.00000003.001	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	6	DA Acknowledgement
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	10	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	10	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	37	Notify Adjoining Owners
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	38	DA Acknowledgement
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	44	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	48	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	50	DA Acknowledgement



## Development Assessment Committee - Outstanding DAs as at 16/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000102.001	Electricity Generating Works (Solar Farm)	1333 Merriwa RD DENMAN LOT: 12 DP: 1042612	Vernon Trust C/- Andrew King	\$6,114,757	19/11/2019	58	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	63	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	65	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	69	Notify Adjoining Owners
005.2019.00000093.001	Change of use to Retail Outlet, Alterations to front of building and Signage	19 Bridge ST MUSWELLBROOK LOT: 60 DP: 847718	Casson Planning and Development Services	\$20,000	24/10/2019	84	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	91	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	100	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	108	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	112	Advertisement - Proposal

## Development Assessment Committee - Outstanding DAs as at 16/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000087.001	Replacement Dwelling	Bureen RD DENMAN LOT: 413 DP: 1251003	Casson Planning and Development Services	\$200,000	20/09/2019	118	Notify Adjoining Owners
005.2019.00000086.001	Industrial Shed	LOT: 11 ALT: DP: 1119843 REF:	Mr H Singh	\$164,200	19/09/2019	119	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	153	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	202	Additional Info Required
005.2019.00000053.001	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England HWY MUSWELLBROOK LOT: 12 DP: 1162012 Day ST MUSWELLBROOK LOT: 8 DP: 1181346	WZ Capital Holdings Pty Ltd	\$4,875,600	27/06/2019	203	Notify Adjoining Owners

## Development Assessment Committee - Outstanding DAs as at 16/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2019.00000041.001	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	252	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	275	Advertisement - Proposal
005.2019.00000036.001	Installation of a 120m Tall Wind Monitoring Mast	Sandy Creek RD MCCULLYS GAP LOT: 197 DP: 752444 Sandy Creek RD MCCULLYS GAP LOT: 199 DP: 752444	Epuron Projects Pty Ltd	\$150,000	16/04/2019	275	Additional Info Required
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	335	Additional Info Required



## Development Assessment Committee - Outstanding DAs as at 16/01/2020

<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	336	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	367	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	391	Additional Info Required

## Development Assessment Committee - Outstanding DAs as at 16/01/2020

<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 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	Muswellbrook Shire Council	\$3,556,300	15/06/2018	580	Additional Info Required

## Development Assessment Committee - Outstanding DAs as at 16/01/2020

<u>Account</u>		<u>Property</u>	<u>Applicant</u>	<u>Value</u>	<u>Received</u>	<u>Days</u>	<u>Current Status</u>
005.2017.00000058.002	S96 (1A) Modification - Modify Condition 8	Jerdan ST DENMAN LOT: 1 DP: 151236	Ms M J Melville	\$0	19/02/2018	696	Advertisement - Proposal
005.2017.00000060.001	Change of Use - Building Materials Recycling Depot	7 Glen Munro RD MUSWELLBROOK LOT: 5 DP: 1018378	Mr L McWhirter	\$0	23/06/2017	937	Additional Info Required
005.2000.00000212.006	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	Denman PH COUNTY BRISBANE LOT: 1 DP: 221400 2449 Denman RD MUSWELLBROOK LOT: 12 DP: 1027580	Cardno (NSW/ACT) Pty Ltd	\$0	29/05/2017	962	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	1374	Additional Info Required
<b>DAs Outstanding:</b>	<b>34</b>						



**7 DATE OF NEXT MEETING**

10 February 2020

**8 CLOSURE**